

112TH CONGRESS
1ST SESSION

H. R. 2829

To promote transparency, accountability, and reform within the United Nations system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 30, 2011

Ms. ROS-LEHTINEN (for herself, Mrs. McMORRIS RODGERS, Mr. PENCE, Mr. MCCOTTER, Mr. KING of New York, Mr. DANIEL E. LUNGREN of California, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. MANZULLO, Mr. CHABOT, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BROUN of Georgia, Ms. BUERKLE, Mr. BURGESS, Mr. CALVERT, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. DOLD, Mrs. ELLMERS, Mr. FLEMING, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GARRETT, Mr. GRIFFIN of Arkansas, Mr. GRIMM, Mr. HUELSKAMP, Mr. HULTGREN, Mr. HURT, Mr. JOHNSON of Ohio, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. LAMBORN, Mr. LANCE, Mr. LATTA, Mr. LONG, Mr. MARINO, Mr. MCCAUL, Mr. MCHENRY, Mr. MCKINLEY, Mrs. MILLER of Michigan, Mr. NUNNELEE, Mr. OLSON, Mr. PALAZZO, Mr. POMPEO, Mr. POSEY, Mr. RENACCI, Mr. RIVERA, Mr. ROGERS of Alabama, Mr. ROSS of Florida, Mrs. SCHMIDT, Mr. AUSTIN SCOTT of Georgia, Mr. SIMPSON, Mr. THOMPSON of Pennsylvania, Mr. TURNER, Mr. WALSH of Illinois, Mr. WEST, and Mr. WEST-MORELAND) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To promote transparency, accountability, and reform within the United Nations system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “United Nations Transparency, Accountability, and Re-
 4 form Act of 2011”.

5 (b) **TABLE OF CONTENTS.**—The table of contents is
 6 as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—FUNDING OF THE UNITED NATIONS

Sec. 101. Findings.

Sec. 102. Apportionment of the United Nations regular budget on a voluntary basis.

Sec. 103. Budget justification for United States contributions to the regular budget of the United Nations.

Sec. 104. Report on United Nations reform.

TITLE II—TRANSPARENCY AND ACCOUNTABILITY FOR UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS

Sec. 201. Findings.

Sec. 202. Definitions.

Sec. 203. Independent and objective conduct of audits and investigations relating to United States contributions to the United Nations system.

Sec. 204. Transparency for United States contributions.

Sec. 205. Integrity for United States contributions.

Sec. 206. Refund of monies owed by the United Nations to the United States.

Sec. 207. Annual reports on United States contributions to the United Nations.

TITLE III—UNITED STATES POLICY AT THE UNITED NATIONS

Sec. 301. Annual publication.

Sec. 302. Annual financial disclosure.

Sec. 303. Policy with respect to expansion of the security council.

Sec. 304. Access to reports and audits.

Sec. 305. Waiver of immunity.

Sec. 306. Terrorism and the United Nations.

Sec. 307. Report on United Nations personnel.

Sec. 308. United Nations treaty bodies.

Sec. 309. Equality at the United Nations.

Sec. 310. Anti-Semitism and the United Nations.

Sec. 311. Regional group inclusion of Israel.

TITLE IV—STATUS OF PALESTINIAN ENTITIES AT THE UNITED NATIONS

Sec. 401. Findings.

Sec. 402. Statement of policy.

Sec. 403. Implementation.

TITLE V—UNITED NATIONS HUMAN RIGHTS COUNCIL

Sec. 501. Findings.

Sec. 502. Human rights council membership and funding.

TITLE VI—GOLDSTONE REPORT

Sec. 601. Findings.

Sec. 602. Statement of policy.

Sec. 603. Withholding of funds; refund of United States taxpayer dollars.

TITLE VII—DURBAN PROCESS

Sec. 701. Findings.

Sec. 702. Sense of congress; statement of policy.

Sec. 703. Non-participation in the Durban process.

Sec. 704. Withholding of funds; refund of United States taxpayer dollars.

TITLE VIII—UNRWA

Sec. 801. Findings.

Sec. 802. United States contributions to UNRWA.

Sec. 803. Sense of Congress.

TITLE IX—INTERNATIONAL ATOMIC ENERGY AGENCY

Sec. 901. Technical cooperation program.

Sec. 902. United States policy at the IAEA.

Sec. 903. Sense of Congress regarding the nuclear security action plan of the IAEA.

TITLE X—PEACEKEEPING

Sec. 1001. Reform of United Nations peacekeeping operations.

Sec. 1002. Policy relating to reform of United Nations peacekeeping operations.

Sec. 1003. Certification.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **EMPLOYEE.**—The term “employee” means
 4 an individual who is employed in the general serv-
 5 ices, professional staff, or senior management of the
 6 United Nations, including consultants, contractors,
 7 and subcontractors.

1 (2) GENERAL ASSEMBLY.—The term “General
2 Assembly” means the General Assembly of the
3 United Nations.

4 (3) MEMBER STATE.—The term “Member
5 State” means a Member State of the United Na-
6 tions. Such term is synonymous with the term
7 “country”.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of State.

10 (5) SECRETARY GENERAL.—The term “Sec-
11 retary General” means the Secretary General of the
12 United Nations.

13 (6) SECURITY COUNCIL.—The term “Security
14 Council” means the Security Council of the United
15 Nations.

16 (7) UN.—The term “UN” means the United
17 Nations.

18 (8) UNITED NATIONS ENTITY.—The term
19 “United Nations Entity” means any United Nations
20 agency, commission, conference, council, court, de-
21 partment, forum, fund, institute, office, organiza-
22 tion, partnership, program, subsidiary body, tri-
23 bunal, trust, university or academic body, related or-
24 ganization or subsidiary body, wherever located, that
25 flies the United Nations flag or is authorized to use

1 the United Nations logo, including but not limited to
2 those United Nations affiliated agencies and bodies
3 identified as recipients of United States contribu-
4 tions under section 1225(b)(3)(E) of the John War-
5 ner National Defense Authorization Act for Fiscal
6 Year 2007 (Public Law 109–364).

7 (9) UNITED NATIONS SYSTEM.—The term
8 “United Nations System” means the aggregation of
9 all United Nations Entities, as defined in paragraph
10 (1).

11 (10) UNITED STATES CONTRIBUTION.—The
12 term “United States Contribution” means an as-
13 sessed or voluntary contribution, whether financial,
14 in-kind, or otherwise, from the United States Fed-
15 eral Government to a United Nations Entity, includ-
16 ing contributions passed through other entities for
17 ultimate use by a United Nations Entity. United
18 States Contributions include, but are not limited to,
19 those contributions identified pursuant to section
20 1225(b)(3)(E) of the John Warner National Defense
21 Authorization Act for Fiscal Year 2007 (Public Law
22 109–364).

23 (11) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committees on Foreign Affairs,
2 Appropriations, and Oversight and Government
3 Reform of the House; and

4 (B) the Committees on Foreign Relations,
5 Appropriations, and Homeland Security and
6 Governmental Affairs of the Senate.

7 **TITLE I—FUNDING OF THE**
8 **UNITED NATIONS**

9 **SEC. 101. FINDINGS.**

10 The Congress makes the following findings:

11 (1) The United States pays billions of dollars
12 into the United Nations system every year (almost
13 \$7.7 billion in 2010, according to the White House
14 Office of Management and Budget), significantly
15 more than any other nation.

16 (2) Under current rules and contribution levels,
17 it is possible to assemble the two-thirds majority
18 needed for important United Nations budget votes
19 with a group of countries that, taken together, pay
20 less than 1 percent of the total United Nations reg-
21 ular budget.

22 (3) The disconnect between contribution levels
23 and management control creates significant perverse
24 incentives in terms of United Nations spending,
25 transparency, and accountability.

1 (4) The United Nations system suffers from
2 unacceptably high levels of waste, fraud, and abuse,
3 which seriously impair its ability to fulfill the lofty
4 ideals of its founding.

5 (5) Amidst the continuing financial, corruption,
6 and sexual abuse scandals of the past several years,
7 American public disapproval of United Nations has
8 reached all-time highs. A 2011 Gallup poll revealed
9 that 62 percent of Americans believe that the United
10 Nations is doing a poor job, a negative assessment
11 shared by a majority of respondents from both polit-
12 ical parties. Research polling by another firm in late
13 2006 found that 71 percent of Americans think that
14 the United Nations is “no longer effective” and
15 needs to be significantly reformed, while 75 percent
16 think that the United Nations “needs to be held
17 more accountable”.

18 (6) Significant improvements in United Nations
19 transparency and accountability are necessary for
20 improving public perceptions of and American sup-
21 port for United Nations operations.

22 (7) Because of their need to justify future con-
23 tributions from donors, voluntarily funded organiza-
24 tions have more incentive to be responsive and effi-
25 cient in their operations than organizations funded

1 by compulsory contributions that are not tied to per-
2 formance.

3 (8) Catherine Bertini, the former UN Under-
4 Secretary General for Management and director of
5 the World Food Program (WFP), has stated that
6 “Voluntary funding creates an entirely different at-
7 mosphere at WFP than at the UN. At WFP, every
8 staff member knows that we have to be as efficient,
9 accountable, transparent, and results-oriented as
10 possible. If we are not, donor governments can take
11 their funding elsewhere in a very competitive world
12 among UN agencies, NGOs, and bilateral govern-
13 ments.”.

14 (9) Article XVII of the Charter of the United
15 Nations, which states that “[t]he expenses of the
16 Organization shall be borne by the Members as ap-
17 portioned by the General Assembly”, leaves to the
18 discretion of the General Assembly the basis of ap-
19 portionment, which could be done on the basis of
20 voluntary pledges by Member States.

21 (10) Unlike United States assessed contribu-
22 tions to the United Nations regular budget, which
23 are statutorily capped at 22 percent of the total,
24 there is no cap on voluntary contributions.

1 (11) The United States, which contributes gen-
2 erously to international organizations whose activi-
3 ties it recognizes as credible, worthwhile, and effi-
4 cient, contributes more than 22 percent of the budg-
5 et of certain voluntarily funded United Nations Spe-
6 cialized Agencies.

7 **SEC. 102. APPORTIONMENT OF THE UNITED NATIONS REG-**
8 **ULAR BUDGET ON A VOLUNTARY BASIS.**

9 (a) UNITED STATES POLICY.—(1) It is the policy of
10 the United States to seek to shift the funding mechanism
11 for the regular budget of the United Nations from an as-
12 sessed to a voluntary basis.

13 (2) The President shall direct the United States Per-
14 manent Representative to the United Nations to use the
15 voice, vote, and influence of the United States at the
16 United Nations to shift the funding mechanism for the
17 regular budget of the United Nations to a voluntary basis,
18 and to make it a priority to build support for such a trans-
19 formational change among Member States, particularly
20 key United Nations donors.

21 (b) CERTIFICATION OF PREDOMINANTLY VOL-
22 UNTARY UN REGULAR BUDGET FINDING.—A certifi-
23 cation described in this section is a certification by the
24 Secretary of State to the Appropriate Congressional Com-
25 mittees that at least 80 percent of the total regular budget

1 (not including extra-budgetary contributions) of the
2 United Nations is apportioned on a voluntary basis. Each
3 such certification shall be shall be effective for a period
4 of no more than 1 year, and shall be promptly revoked
5 by the Secretary, with notice to the Appropriate Congres-
6 sional Committees, if the underlying circumstances change
7 so as not to warrant such certification.

8 (c) WITHHOLDING OF NONVOLUNTARY CONTRIBU-
9 TIONS.—(1) Beginning 2 years after the effective date of
10 this Act and notwithstanding any other provision of law,
11 no funds may be obligated or expended for a United States
12 assessed contribution to the regular budget of the United
13 Nations in an amount greater than 50 percent of the
14 United States share of assessed contributions for the reg-
15 ular budget of the United Nations unless there is in effect
16 a certification by the Secretary, as described in subsection
17 (b).

18 (2) For a period of 1 year after appropriation, funds
19 appropriated for use as a United States contribution to
20 the regular budget of the United Nations but withheld
21 from obligation and expenditure pursuant to paragraph
22 (1) may be obligated and expended for that purpose upon
23 the certification described in subsection (b). After 1 year,
24 in the absence of such certification, those funds shall re-
25 vert to the United States Treasury.

1 **SEC. 103. BUDGET JUSTIFICATION FOR UNITED STATES**
2 **CONTRIBUTIONS TO THE REGULAR BUDGET**
3 **OF THE UNITED NATIONS.**

4 (a) DETAILED ITEMIZATION.—The annual congres-
5 sional budget justification shall include a detailed itemized
6 request in support of the contribution of the United States
7 to the regular budget of the United Nations.

8 (b) CONTENTS OF DETAILED ITEMIZATION.—The
9 detailed itemization required under subsection (a) shall—

10 (1) contain information relating to the amounts
11 requested in support of each of the various sections
12 and titles of the regular budget of the United Na-
13 tions; and

14 (2) compare the amounts requested for the cur-
15 rent year with the actual or estimated amounts con-
16 tributed by the United States in previous fiscal years
17 for the same sections and titles.

18 (c) ADJUSTMENTS AND NOTIFICATION.—If the
19 United Nations proposes an adjustment to its regular as-
20 sessed budget, the Secretary of State shall, at the time
21 such adjustment is presented to the Advisory Committee
22 on Administrative and Budgetary Questions (ACABQ),
23 notify and consult with the appropriate congressional com-
24 mittees.

1 **SEC. 104. REPORT ON UNITED NATIONS REFORM.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of the enactment of this Act, and annually thereafter,
4 the Secretary shall submit to the appropriate congres-
5 sional committees a report on United Nations reform.

6 (b) CONTENTS.—The report required under sub-
7 section (a) shall describe—

8 (1) progress toward the goal of shifting the
9 funding for the United Nations Regular Budget to
10 a voluntary basis as identified in section 102, and a
11 detailed description of efforts and activities by
12 United States diplomats and officials toward that
13 end;

14 (2) progress toward each of the policy goals
15 identified in the prior sections of this title, and a de-
16 tailed, goal-specific description of efforts and activi-
17 ties by United States diplomats and officials toward
18 those ends;

19 (3) the status of the implementation of manage-
20 ment reforms within the United Nations and its spe-
21 cialized agencies;

22 (4) the number of outputs, reports, or other
23 mandates generated by General Assembly resolutions
24 that have been eliminated;

25 (5) the progress of the General Assembly to
26 modernize and streamline the committee structure

1 and its specific recommendations on oversight and
2 committee outputs, consistent with the March 2005
3 report of the Secretary General entitled “In larger
4 freedom: towards development, security and human
5 rights for all”;

6 (6) the status of the review by the General As-
7 sembly of all mandates older than 5 years and how
8 resources have been redirected to new challenges,
9 consistent with such March 2005 report of the Sec-
10 retary General;

11 (7) the continued utility and relevance of the
12 Economic and Financial Committee and the Social,
13 Humanitarian, and Cultural Committee, in light of
14 the duplicative agendas of those committees and the
15 Economic and Social Council; and

16 (8) whether the United Nations or any of its
17 specialized agencies has contracted with any party
18 included on the Lists of Parties Excluded from Fed-
19 eral Procurement and Nonprocurement Programs.

1 **TITLE II—TRANSPARENCY AND**
2 **ACCOUNTABILITY FOR**
3 **UNITED STATES CONTRIBU-**
4 **TIONS TO THE UNITED NA-**
5 **TIONS**

6 **SEC. 201. FINDINGS.**

7 The Congress makes the following findings:

8 (1) As underscored by continuing revelations of
9 waste, fraud, and abuse, oversight and account-
10 ability mechanisms within the United Nations sys-
11 tem remain significantly deficient, despite decades of
12 reform attempts, including those initiated by Secre-
13 taries General of the United Nations.

14 (2) Notwithstanding the personal intentions of
15 any Secretary General of the United Nations to pro-
16 mote institutional transparency and accountability
17 within the United Nations System, the Secretary
18 General lacks the power to impose far reaching man-
19 agement reforms without the concurrence of the
20 General Assembly.

21 (3) Groupings of Member States whose voting
22 power in the General Assembly significantly out-
23 paces their proportional contributions to the United
24 Nations system have repeatedly and successfully de-
25 feated, delayed, and diluted various reform proposals

1 that would have enabled more detailed oversight and
2 scrutiny of United Nations system operations and
3 expenditures.

4 (4) To an unacceptable degree, major donor
5 states, including the United States, lack access to
6 reasonably detailed, reliable information that would
7 allow them to determine how their contributions
8 have been spent by various United Nations system
9 entities, further contributing to the lack of account-
10 ability within the United Nations system.

11 **SEC. 202. DEFINITIONS.**

12 In this title:

13 (1) **TRANSPARENCY CERTIFICATION.**—The term
14 “Transparency Certification” means an annual,
15 written affirmation by the head or authorized des-
16 ignee of a United Nations Entity to the Comptroller
17 General of the United States that the Entity will co-
18 operate with the Comptroller General and the Con-
19 gress, including by providing the Comptroller Gen-
20 eral, the Government Accountability Office, and the
21 Congress, upon request, with full, complete, and un-
22 fettered access to Oversight Information as defined
23 in this title.

24 (2) **OVERSIGHT INFORMATION.**—The term
25 “Oversight Information” includes—

1 (A) internally and externally commissioned
2 audits, investigatory reports, program reviews,
3 performance reports, and evaluations;

4 (B) financial statements, records, and bill-
5 ing systems;

6 (C) program budgets and program budget
7 implications, including revised estimates and re-
8 ports produced by or provided to the Secretary
9 General and the Secretary General's agents on
10 budget related matters;

11 (D) operational plans, budgets, and budg-
12 etary analyses for peacekeeping operations;

13 (E) analyses and reports regarding the
14 scale of assessments;

15 (F) databases and other data systems con-
16 taining financial or programmatic information;

17 (G) documents or other records alleging or
18 involving improper use of resources, mis-
19 conduct, mismanagement, or other violations of
20 rules and regulations applicable to the United
21 Nations Entity; and

22 (H) other documentation relevant to the
23 audit and investigative work of the Comptroller
24 General of the United States with respect to

1 United States contributions to the United Na-
2 tions system.

3 (3) ACCOUNTABILITY CERTIFICATION.—The
4 term “Accountability Certification” means an an-
5 nual, written affirmation by the head or authorized
6 designee of a United Nations Entity to the Comp-
7 troller General of the United States that the Enti-
8 ty—

9 (A) provides the public with full, complete,
10 and unfettered access to all relevant docu-
11 mentation relating to operations and activities,
12 including budget and procurement activities;

13 (B) implements and upholds policies and
14 procedures to protect whistleblowers;

15 (C) implements and upholds policies and
16 procedures to require the filing of individual an-
17 nual financial disclosure forms by each of its
18 employees at the P-5 level and above and to re-
19 quire that such forms be made available to the
20 Office of Internal Oversight Services, to Mem-
21 ber States, and to the public;

22 (D) has established an effective ethics of-
23 fice;

1 (E) has established a fully independent,
2 autonomous, and effective internal oversight
3 body;

4 (F) has adopted and implemented, and is
5 in full compliance with, International Public
6 Sector Accounting Standards; and

7 (G) has established a cap on its adminis-
8 trative overhead costs.

9 **SEC. 203. INDEPENDENT AND OBJECTIVE CONDUCT OF AU-**
10 **DITS AND INVESTIGATIONS RELATING TO**
11 **UNITED STATES CONTRIBUTIONS TO THE**
12 **UNITED NATIONS SYSTEM.**

13 (a) PURPOSE.—The purpose of this section is to
14 make possible the independent and objective conduct of
15 audits and investigations relating to United States Con-
16 tributions to the United Nations System and the use of
17 those contributions by United Nations Entities, in an ef-
18 fort to eliminate and deter waste, fraud, and abuse in the
19 use of those contributions, and thereby to contribute to
20 the development of greater transparency, accountability,
21 and internal controls throughout the United Nations Sys-
22 tem.

23 (b) THE COMPTROLLER GENERAL.—

1 (1) DUTIES.—(A) The Comptroller General of
2 the United States shall conduct, supervise, and co-
3 ordinate audits and investigations of—

4 (i) the treatment, handling, expenditure,
5 and use of United States Contributions by and
6 to United Nations Entities; and

7 (ii) the adequacy of accounting, oversight,
8 and internal control mechanisms at United Na-
9 tions Entities that receive United States Con-
10 tributions.

11 (B) The Comptroller General shall collect and
12 maintain current records regarding Transparency
13 Certifications and Accountability Certifications by
14 all United Nations Entities that receive United
15 States Contributions.

16 (C) The Comptroller General shall keep the Ap-
17 propriate Congressional Committees fully and
18 promptly informed of how United Nations Entities
19 are spending United States Contributions by means
20 of reports, testimony, and briefings.

21 (2) REFERRALS.—(A) The Comptroller General
22 shall promptly report to the United States Attorney
23 General and to the Appropriate Congressional Com-
24 mittees when the Comptroller General has reason-
25 able grounds to believe a United States Federal

1 criminal law has been violated by a United Nations
2 Entity or one of its employees, contractors, or rep-
3 resentatives.

4 (B) The Comptroller General shall promptly re-
5 port, when appropriate, to the Appropriate Congres-
6 sional Committees, and to the Secretary General or
7 to the head of the appropriate United Nations Enti-
8 ty, cases where the Comptroller General reasonably
9 believes that mismanagement, misfeasance, or mal-
10 feasance is likely to have taken place within a
11 United Nations Entity and disciplinary proceedings
12 are likely justified.

13 (3) COOPERATION BY UNITED STATES GOVERN-
14 MENT ENTITIES.—(A) In carrying out the duties, re-
15 sponsibilities, and authorities of the Comptroller
16 General under this section, the Comptroller shall re-
17 ceive the cooperation of other Federal Government
18 agencies.

19 (B) Upon request of the Comptroller General
20 for information or assistance from any department,
21 agency, or other entity of the Federal Government,
22 the head of such entity shall, insofar as is prac-
23 ticable and not in contravention of any existing law,
24 furnish such information or assistance to the Comp-
25 troller General, or an authorized designee.

1 (C) Whenever information or assistance re-
2 quested by the Comptroller General is, in the judg-
3 ment of the Comptroller General, unreasonably re-
4 fused or not provided, the Comptroller General shall
5 report the circumstances to the Appropriate Con-
6 gressional Committees without delay.

7 (4) CONFIRMATION OF TRANSPARENCY BY
8 UNITED NATIONS ENTITIES.—

9 (A) PROMPT NOTICE BY COMPTROLLER
10 GENERAL.—Whenever information or assistance
11 requested from a United Nations Entity by the
12 Comptroller General pursuant to a Trans-
13 parency Certification is, in the opinion of the
14 Comptroller General, unreasonably refused or
15 not provided in a timely manner, the Comp-
16 troller General shall notify the Appropriate
17 Congressional Committees, the head of that
18 particular United Nations Entity, and the Sec-
19 retary General of the circumstances in writing,
20 without delay.

21 (B) NOTICE OF COMPLIANCE.—If and
22 when the information or assistance being
23 sought by the Comptroller General in connec-
24 tion with a notification pursuant to subpara-
25 graph (A) is provided to the satisfaction of the

1 Comptroller General, the Comptroller General
2 shall so notify in writing to the Appropriate
3 Congressional Committees and the head of that
4 particular United Nations Entity.

5 (C) NONCOMPLIANCE.—If the information
6 or assistance being sought by the Comptroller
7 General in connection with a notification pursu-
8 ant to subparagraph (A) is not provided to the
9 satisfaction of the Comptroller General within
10 90 days of that notification, then the United
11 Nations Entity that is the subject of the notifi-
12 cation is deemed to be noncompliant with its
13 Transparency Certification, and

14 (D) RESTORATION OF COMPLIANCE.—
15 After the situation has been resolved to the sat-
16 isfaction of the Comptroller General, the Comp-
17 troller General shall promptly provide prompt,
18 written notification of that fact and of the res-
19 toration of compliance, along with a description
20 of the basis for the Comptroller General’s deci-
21 sion, to the Appropriate Congressional Commit-
22 tees, the head of that United Nations Entity,
23 the Secretary General, and any office or agency
24 of the Federal Government that has provided

1 that United Nations Entity with any United
2 States Contribution during the prior 2 years.

3 (5) CONFIRMATION OF ACCOUNTABILITY BY
4 UNITED NATIONS ENTITIES.—

5 (A) PROMPT NOTICE BY COMPTROLLER
6 GENERAL.—Whenever a United Nations Entity
7 that has provided an Accountability Certifi-
8 cation is, in the opinion of the Comptroller Gen-
9 eral, not in full compliance with any or all of
10 the provisions of that certification, the Comp-
11 troller General shall notify the Appropriate
12 Congressional Committees, the head of that
13 particular United Nations Entity, and the Sec-
14 retary General of the circumstances in writing,
15 without delay.

16 (B) NOTICE OF COMPLIANCE.—If and
17 when the United Nations Entity resumes full
18 compliance with its Accountability Certification
19 following the provision of the notification pursu-
20 ant to subparagraph (A), the Comptroller Gen-
21 eral shall so notify in writing the Appropriate
22 Congressional Committees and the head of that
23 United Nations Entity.

24 (C) NONCOMPLIANCE.—If the United Na-
25 tions Entity named in the notification in sub-

1 paragraph (A) does not resume full compliance
2 with its Accountability Certification to the sat-
3 isfaction of the Comptroller General within 90
4 days of that notification, then the United Na-
5 tions Entity that is the subject of the notifica-
6 tion is deemed to be noncompliant with its Ac-
7 countability Certification, and the Comptroller
8 General shall provide prompt, written notifica-
9 tion of that fact to the Appropriate Congres-
10 sional Committees, the head of that United Na-
11 tions Entity, the Secretary General, and any of-
12 fice or agency of the Federal Government that
13 has provided that United Nations Entity with
14 any United States Contribution during the
15 prior 2 years.

16 (D) RESTORATION OF COMPLIANCE.—

17 After the situation has been resolved to the sat-
18 isfaction of the Comptroller General, the Comp-
19 troller General shall promptly provide prompt,
20 written notification of that fact and of the res-
21 toration of compliance, along with a description
22 of the basis for the Comptroller General's deci-
23 sion, to the Appropriate Congressional Commit-
24 tees, the head of that United Nations Entity,
25 the Secretary General, and any office or agency

1 of the Federal Government that has provided
2 that United Nations Entity with any United
3 States Contribution during the prior 2 years.

4 (6) REPORTS.—

5 (A) AUDIT AND INVESTIGATION RE-
6 PORTS.—Promptly upon completion, the Comp-
7 troller General shall provide copies of each
8 audit and investigation report completed pursu-
9 ant to paragraph (1) to the Appropriate Con-
10 gressional Committees, and, to the extent per-
11 missible under United States law, the head of
12 each United Nations Entity that is the subject
13 of that particular report.

14 (B) SEMIANNUAL REPORTS.—Not later
15 than May 30, 2010, and semiannually there-
16 after, the Comptroller General shall submit to
17 the Appropriate Congressional Committees a re-
18 port that, among other things, includes a list of
19 and detailed description of the circumstances
20 surrounding any notification of noncompliance
21 issued pursuant to paragraph (4)(C) or para-
22 graph (5)(C) during the covered timeframe, and
23 whether and when the Comptroller General has
24 reversed such finding of noncompliance.

1 (C) PROHIBITED DISCLOSURES.—Nothing
2 in this subsection shall be construed to author-
3 ize the public disclosure of information that
4 is—

5 (i) specifically prohibited from disclo-
6 sure by any other provision of law;

7 (ii) specifically required by Executive
8 Order to be protected from disclosure in
9 the interest of national defense or national
10 security or in the conduct of foreign af-
11 fairs; or

12 (iii) a part of an ongoing criminal in-
13 vestigation.

14 (D) PRIVACY PROTECTIONS.—The Comp-
15 troller General shall exempt from public disclo-
16 sure information received from a United Na-
17 tions Entity or developed during an audit or in-
18 vestigation that the Comptroller General be-
19 lieves—

20 (i) constitutes a trade secret or privi-
21 leged and confidential personal financial
22 information;

23 (ii) accuses a particular person of a
24 crime;

1 (iii) would, if publicly disclosed, con-
2 stitute a clearly unwarranted invasion of
3 personal privacy; and

4 (iv) would compromise an ongoing law
5 enforcement investigation or judicial trial
6 in the United States.

7 (E) PUBLICATION.—Subject only to the
8 exceptions detailed in subparagraphs (C) and
9 (D), the Comptroller General shall promptly
10 publish each report under this subsection on the
11 Web site of the Government Accountability Of-
12 fice.

13 **SEC. 204. TRANSPARENCY FOR UNITED STATES CONTRIBU-**
14 **TIONS.**

15 (a) FUNDING PREREQUISITES.—Notwithstanding
16 any other provision of law, no funds made available for
17 use as a United States Contribution to any United Na-
18 tions Entity may be obligated or expended if—

19 (1) the intended United Nations Entity recipi-
20 ent has not provided to the Comptroller General
21 within the preceding year a Transparency Certifi-
22 cation as defined in section 202(1);

23 (2) the intended United Nations Entity recipi-
24 ent is noncompliant with its Transparency Certifi-
25 cation as described in section 203(b)(4)(C);

1 (3) the intended United Nations Entity recipi-
2 ent has not provided to the Comptroller General
3 within the preceding year an Accountability Certifi-
4 cation as defined in section 202(3); or

5 (4) the intended United Nations Entity is non-
6 compliant with its Accountability Certification as de-
7 scribed in section 203(b)(5)(C).

8 (b) TREATMENT OF FUNDS WITHHELD FOR NON-
9 COMPLIANCE.—At the conclusion of each fiscal year, any
10 funds that had been appropriated for use as a United
11 States Contribution to a United Nations Entity during
12 that fiscal year, but could not be obligated or expended
13 because of the restrictions of subsection (a), shall be re-
14 turned to the United States Treasury, and are not subject
15 to reprogramming for any other use. Any such funds re-
16 turned to the Treasury shall not be considered arrears to
17 be repaid to any United Nations Entity.

18 (c) PRESIDENTIAL WAIVER.—The President may
19 waive the limitations of this subsection with respect to a
20 particular United States Contribution to a particular
21 United Nations Entity within a single fiscal year if the
22 President determines that failure to do so would pose an
23 extraordinary threat to the national security of the United
24 States and provides notification and explanation of that

1 determination to the Appropriate Congressional Commit-
2 tees.

3 **SEC. 205. INTEGRITY FOR UNITED STATES CONTRIBU-**
4 **TIONS.**

5 (a) LIMITATION.—(1) No funds made available for
6 use under the heading “Contributions to International Or-
7 ganizations” may be used for any purpose other than an
8 assessed United States contribution to a United Nations
9 Entity or other international organization.

10 (2) No funds made available for use under the head-
11 ing “International Organizations and Programs” may be
12 used for any purpose other than a voluntary United States
13 contribution to a United Nations Entity or other inter-
14 national organization.

15 (3) No funds made available for use under the head-
16 ing “Contributions to International Peacekeeping Activi-
17 ties” may be used for any purpose other than a United
18 States contribution to United Nations peacekeeping activi-
19 ties, to the International Criminal Tribunal for the former
20 Yugoslavia, or to the International Criminal Tribunal for
21 Rwanda.

22 (b) TREATMENT OF FUNDS WITHHELD FOR NON-
23 COMPLIANCE.—At the conclusion of each fiscal year, any
24 funds that had been appropriated for use as a United
25 States Contribution to a United Nations Entity during

1 that fiscal year, but could not be obligated or expended
2 because of the restrictions of subsection (a), shall be re-
3 turned to the United States Treasury, and are not subject
4 to reprogramming for any other use. Any such funds re-
5 turned to the Treasury shall not be considered arrears to
6 be repaid to any United Nations Entity.

7 **SEC. 206. REFUND OF MONIES OWED BY THE UNITED NA-**
8 **TIONS TO THE UNITED STATES.**

9 (a) FINDINGS.—The Congress makes the following
10 findings:

11 (1) United States taxpayer funds overpaid to
12 United Nations Entities and payable back to the
13 United States sometimes remain in the hands of the
14 United Nations because the United States has not
15 requested the return of those funds.

16 (2) Such funds have been paid into, among
17 other United Nations Entities, the United Nations
18 Tax Equalization Fund (TEF), which was estab-
19 lished under the provisions of United Nations Gen-
20 eral Assembly Resolution 973 (1955), and which is
21 used to reimburse United Nations staff members
22 subject to United States income taxes for the cost
23 of those taxes.

24 (3) In recent years, the TEF has taken in con-
25 siderably more money than it has paid out, with the

1 United States apparently overpaying into the TEF
2 by \$52.2 million in the 2008–2009 timeframe alone.

3 (4) According to the United Nations Financial
4 Report and Audited Financial Statements released
5 on July 29, 2010, “As of 31 December 2009, an
6 amount of \$179.0 million was payable to the United
7 States of America pending instructions as to its dis-
8 position.”.

9 (5) That balance was allowed to accrue notwith-
10 standing United Nations Financial Regulation 4.12,
11 which states that any such surpluses “shall be cred-
12 ited against the assessed contributions due from that
13 Member State the following year.”.

14 (6) Allowing the United Nations to regularly
15 overcharge the United States and to retain those
16 overpayments, or to spend them on wholly unrelated
17 activities, is a disservice to American taxpayers and
18 a subversion of the Congressional budget process.

19 (b) STATEMENT OF POLICY.—It is the policy of the
20 United States—

21 (1) to annually instruct the United Nations to
22 return to the United States any surplus assessed
23 contributions or other overpayments by the United
24 States to any United Nations Entity; and

1 (2) to use the voice and vote of the United
2 States to press the United Nations to reform its
3 TEF assessment procedures to reduce the repeated
4 discrepancies between TEF income and expendi-
5 tures.

6 (c) CERTIFICATION AND WITHHOLDING.—For each
7 and every fiscal year subsequent to the effective date of
8 this Act, until the Secretary of State submits to the appro-
9 priate congressional committees a certification that the
10 United Nations has returned to the United States any sur-
11 plus assessed contributions or other overpayments by the
12 United States to any United Nations Entity, the Secretary
13 of State shall withhold from the regular budget of the
14 United Nations an amount equal to the amount of the
15 funds that the United Nations has yet to return to the
16 United States.

17 **SEC. 207. ANNUAL REPORTS ON UNITED STATES CON-**
18 **TRIBUTIONS TO THE UNITED NATIONS.**

19 (a) ANNUAL REPORT.—Not later than 90 days after
20 the date of the enactment of this Act and annually there-
21 after, the Director of the Office of Management and Budg-
22 et shall submit to Congress a report listing all assessed
23 and voluntary contributions of the United States Govern-
24 ment for the preceding fiscal year to the United Nations
25 and United Nations affiliated agencies and related bodies.

1 (b) CONTENTS.—Each report required under sub-
2 section (a) shall set forth, for the fiscal year covered by
3 such report, the following:

4 (1) The total amount of all assessed and vol-
5 untary contributions of the United States Govern-
6 ment to the United Nations and United Nations af-
7 filiated agencies and related bodies.

8 (2) The approximate percentage of United
9 States Government contributions to each United Na-
10 tions affiliated agency or body in such fiscal year
11 when compared with all contributions to such agency
12 or body from any source in such fiscal year.

13 (3) For each such contribution—

14 (A) the amount of such contribution;

15 (B) a description of such contribution (in-
16 cluding whether assessed or voluntary);

17 (C) the department or agency of the
18 United States Government responsible for such
19 contribution;

20 (D) the purpose of such contribution; and

21 (E) the United Nations or United Nations
22 affiliated agency or related body receiving such
23 contribution.

1 **TITLE III—UNITED STATES POL-**
2 **ICY AT THE UNITED NATIONS**

3 **SEC. 301. ANNUAL PUBLICATION.**

4 The President shall direct the United States Perma-
5 nent Representative to the United Nations to use the
6 voice, vote, and influence of the United States at the
7 United Nations to ensure the United Nations publishes
8 annually, including on a publicly searchable internet Web
9 site, a list of all United Nations subsidiary bodies and
10 their functions, budgets, staff, and contributions, both vol-
11 untary and assessed, sorted by donor.

12 **SEC. 302. ANNUAL FINANCIAL DISCLOSURE.**

13 The President shall direct the United States Perma-
14 nent Representative to the United Nations to use the
15 voice, vote, and influence of the United States at the
16 United Nations to implement a system for the required
17 filing of individual annual financial disclosure forms by
18 each employee of the United Nations and its specialized
19 agencies, programs, and funds at the P-5 level and above,
20 which shall be made available to the Office of Internal
21 Oversight Services, to Member States, and to the public.

22 **SEC. 303. POLICY WITH RESPECT TO EXPANSION OF THE**
23 **SECURITY COUNCIL.**

24 It is the policy of the United States to use the voice,
25 vote, and influence of the United States at the United Na-

1 tions to oppose any proposals on expansion of the Security
2 Council if such expansion would—

3 (1) diminish the influence of the United States
4 on the Security Council; or

5 (2) include veto rights for any new members of
6 the Security Council.

7 **SEC. 304. ACCESS TO REPORTS AND AUDITS.**

8 The President shall direct the United States Perma-
9 nent Representative to the United Nations to use the
10 voice, vote, and influence of the United States at the
11 United Nations to ensure that Member States may, upon
12 request, have access to all reports and audits completed
13 by the Board of External Auditors.

14 **SEC. 305. WAIVER OF IMMUNITY.**

15 The President shall direct the United States Perma-
16 nent Representative to the United Nations to use the
17 voice, vote, and influence of the United States at the
18 United Nations to ensure that the Secretary General exer-
19 cises the right and duty of the Secretary General under
20 section 20 of the Convention on the Privileges and Immu-
21 nities of the United Nations to waive the immunity of any
22 United Nations official in any case in which such immu-
23 nity would impede the course of justice. In exercising such
24 waiver, the Secretary General is urged to interpret the in-
25 terests of the United Nations as favoring the investigation

1 or prosecution of a United Nations official who is credibly
2 under investigation for having committed a serious crimi-
3 nal offense or who is credibly charged with a serious crimi-
4 nal offense.

5 **SEC. 306. TERRORISM AND THE UNITED NATIONS.**

6 The President shall direct the United States Perma-
7 nent Representative to the United Nations to use the
8 voice, vote, and influence of the United States at the
9 United Nations to work toward adoption by the General
10 Assembly of—

11 (1) a definition of terrorism that—

12 (A) builds upon the recommendations of
13 the December 2004 report of the High-Level
14 Panel on Threats, Challenges, and Change;

15 (B) includes as an essential component of
16 such definition any action that is intended to
17 cause death or serious bodily harm to civilians
18 with the purpose of intimidating a population
19 or compelling a government or an international
20 organization to do, or abstain from doing, any
21 act; and

22 (C) does not propose a legal or moral
23 equivalence between an action described in
24 paragraph (1)(B) and measures taken by a gov-
25 ernment or international organization in self-de-

1 fense against an action described in paragraph
2 (1)(B); and
3 (2) a comprehensive convention on terrorism
4 that includes the definition described in paragraph
5 (1).

6 **SEC. 307. REPORT ON UNITED NATIONS PERSONNEL.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of the enactment of this Act, the Secretary of State
9 shall submit to the appropriate congressional committees
10 a report—

11 (1) concerning the progress of the General As-
12 sembly to modernize human resource practices, con-
13 sistent with the March 2005 report of the Secretary
14 General entitled “In larger freedom: towards devel-
15 opment, security and human rights for all”; and

16 (2) containing the information described in sub-
17 section (b).

18 (b) CONTENTS.—The report shall include—

19 (1) a comprehensive evaluation of human re-
20 sources reforms at the United Nations, including an
21 evaluation of—

22 (A) tenure;

23 (B) performance reviews;

24 (C) the promotion system;

1 (D) a merit-based hiring system and en-
2 hanced regulations concerning termination of
3 employment of employees; and

4 (E) the implementation of a code of con-
5 duct and ethics training;

6 (2) the implementation of a system of proce-
7 dures for filing complaints and protective measures
8 for work-place harassment, including sexual harass-
9 ment;

10 (3) policy recommendations relating to the es-
11 tablishment of a rotation requirement for non-
12 administrative positions;

13 (4) policy recommendations relating to the es-
14 tablishment of a prohibition preventing personnel
15 and officials assigned to the mission of a member
16 state to the United Nations from transferring to a
17 position within the United Nations Secretariat that
18 is compensated at the P-5 level and above;

19 (5) policy recommendations relating to a reduc-
20 tion in travel allowances and attendant oversight
21 with respect to accommodations and airline flights;
22 and

23 (6) an evaluation of the recommendations of the
24 Secretary General relating to greater flexibility for

1 the Secretary General in staffing decisions to accom-
2 modate changing priorities.

3 **SEC. 308. UNITED NATIONS TREATY BODIES.**

4 The United States shall withhold from United States
5 contributions to the regular assessed budget of the United
6 Nations for a biennial period amounts that are propor-
7 tional to the percentage of such budget that are expended
8 with respect to a United Nations human rights treaty
9 monitoring body or committee that was established by—

10 (1) a convention (without any protocols) or an
11 international covenant (without any protocols) to
12 which the United States is not party; or

13 (2) a convention, with a subsequent protocol, if
14 the United States is a party to neither.

15 **SEC. 309. EQUALITY AT THE UNITED NATIONS.**

16 (a) DEPARTMENT OF STATE REVIEW AND RE-
17 PORT.—

18 (1) IN GENERAL.—To avoid duplicative efforts
19 and funding with respect to Palestinian interests
20 and to ensure balance in the approach to Israeli-Pal-
21 estinian issues, the Secretary shall, not later than
22 180 days after the date of the enactment of this
23 Act—

24 (A) complete an audit of the functions of
25 the entities listed in paragraph (2); and

1 (B) submit to the appropriate congres-
2 sional committees a report containing audit
3 findings and conclusions, and recommendations
4 for the elimination of such duplicative entities
5 and efforts.

6 (2) ENTITIES.—The entities referred to in
7 paragraph (1)(A) are the following:

8 (A) The United Nations Division for Pales-
9 tinian Rights.

10 (B) The Committee on the Exercise of the
11 Inalienable Rights of the Palestinian People.

12 (C) The United Nations Special Coordi-
13 nator for the Middle East Peace Process and
14 Personal Representative to the Palestine Lib-
15 eration Organization and the Palestinian Au-
16 thority.

17 (D) The NGO Network on the Question of
18 Palestine.

19 (E) The Special Committee to Investigate
20 Israeli Practices Affecting the Human Rights of
21 the Palestinian People and Other Arabs of the
22 Occupied Territories.

23 (F) Any other entity the Secretary deter-
24 mines results in duplicative efforts or funding

1 or fails to ensure balance in the approach to
2 Israeli-Palestinian issues.

3 (b) IMPLEMENTATION BY PERMANENT REPRESENTA-
4 TIVE.—

5 (1) IN GENERAL.—The President shall direct
6 the United States Permanent Representative to the
7 United Nations to use the voice, vote, and influence
8 of the United States at the United Nations to seek
9 the implementation of the recommendations con-
10 tained in the report required under subsection
11 (a)(1)(B).

12 (2) WITHHOLDING OF FUNDS.—Until such rec-
13 ommendations have been implemented, the United
14 States shall withhold from United States contribu-
15 tions to the regular assessed budget of the United
16 Nations for a biennial period amounts that are pro-
17 portional to the percentage of such budget that are
18 expended for such entities.

19 (c) GAO AUDIT.—The Comptroller General of the
20 United States of the Government Accountability Office
21 shall conduct an audit of—

22 (1) the status of the implementation of the rec-
23 ommendations contained in the report required
24 under subsection (a)(1)(B); and

1 (2) United States actions and achievements
2 under subsection (b).

3 **SEC. 310. ANTI-SEMITISM AND THE UNITED NATIONS.**

4 The President shall direct the United States perma-
5 nent representative to the United Nations to use the voice,
6 vote, and influence of the United States at the United Na-
7 tions to make every effort to—

8 (1) ensure the issuance and implementation of
9 a directive by the Secretary General or the Secre-
10 tariat, as appropriate, that—

11 (A) requires all employees of the United
12 Nations and its specialized agencies to officially
13 and publicly condemn anti-Semitic statements
14 made at any session of the United Nations or
15 its specialized agencies, or at any other session
16 sponsored by the United Nations;

17 (B) requires employees of the United Na-
18 tions and its specialized agencies, programs,
19 and funds to be subject to punitive action, in-
20 cluding immediate dismissal, for making anti-
21 Semitic statements or references;

22 (C) proposes specific recommendations to
23 the General Assembly for the establishment of
24 mechanisms to hold accountable employees and
25 officials of the United Nations and its special-

1 ized agencies, programs, and funds, or Member
2 States, that make such anti-Semitic statements
3 or references in any forum of the United Na-
4 tions or of its specialized agencies;

5 (D) continues to develop and implements
6 education awareness programs about the Holo-
7 caust and anti-Semitism throughout the world,
8 as part of an effort to combat intolerance and
9 hatred; and

10 (E) requires the Office of the United Na-
11 tions High Commissioner for Human Rights
12 (OHCHR) to develop programming and other
13 measures that address anti-Semitism;

14 (2) secure the adoption of a resolution by the
15 General Assembly that establishes the mechanisms
16 described in paragraph (1)(C); and

17 (3) continue working toward further reduction
18 of anti-Semitic language and anti-Israel resolutions
19 in the United Nations and its specialized agencies,
20 programs, and funds.

21 **SEC. 311. REGIONAL GROUP INCLUSION OF ISRAEL.**

22 The President shall direct the United States Perma-
23 nent Representative to the United Nations to use the
24 voice, vote, and influence of the United States at the
25 United Nations to expand the Western European and Oth-

1 ers Group (WEOG) in the United Nations in Geneva to
2 include Israel as a permanent member with full rights and
3 privileges.

4 **TITLE IV—STATUS OF PALES-**
5 **TINIAN ENTITIES AT THE**
6 **UNITED NATIONS**

7 **SEC. 401. FINDINGS.**

8 The Congress makes the following findings:

9 (1) In 1989, the Palestine Liberation Organiza-
10 tion (PLO) launched an effort to evade direct nego-
11 tiations for peace with the State of Israel by instead
12 pursuing Palestinian membership in international
13 organizations, which could imply de facto recognition
14 of a Palestinian state by the United Nations.

15 (2) The Executive Branch, with significant sup-
16 port from Members of Congress, successfully
17 stopped the PLO's effort by credibly threatening, as
18 noted in a May 1, 1989 statement by then-Secretary
19 of State James A. Baker, "that the United States
20 [would] make no further contributions, voluntary or
21 assessed, to any international organization which
22 makes any change in the P.L.O.'s present status as
23 an observer organization."

24 (3) The United States success in this case dem-
25 onstrates that withholding contributions and placing

1 conditions on their payment can result in real re-
2 forms, stop counter-productive developments, and
3 advance United States interests at the United Na-
4 tions.

5 (4) The Palestinian leadership has recently re-
6 sumed its effort to evade direct negotiations for
7 peace with the State of Israel by seeking recognition
8 of a Palestinian state from foreign governments and
9 in international forums.

10 (5) Efforts to bypass negotiations and to unilat-
11 erally declare a Palestinian state, or to appeal to the
12 United Nations or other international forums or to
13 foreign governments for recognition of a Palestinian
14 state or membership or other upgraded status for
15 the Palestinian observer mission at those forums,
16 would violate the underlying principles of the Oslo
17 Accords, the Road Map, and other relevant Middle
18 East peace process efforts.

19 (6) On December 15, 2010, the House of Rep-
20 resentatives passed House Resolution 1765, in
21 which, inter alia, the House of Representatives:

22 (A) “reaffirms its strong opposition to any
23 attempt to establish or seek recognition of a
24 Palestinian state outside of an agreement nego-
25 tiated between Israel and the Palestinians”;

1 (B) “supports the Administration’s opposi-
2 tion to a unilateral declaration of a Palestinian
3 state”; and

4 (C) “calls upon the Administration to . . .
5 lead a diplomatic effort to persuade other na-
6 tions to oppose a unilateral declaration of a
7 Palestinian state and to oppose recognition of a
8 Palestinian state by other nations, within the
9 United Nations, and in other international fo-
10 rums prior to achievement of a final agreement
11 between Israel and the Palestinians.”.

12 (7) Ambassador Rosemary DiCarlo, United
13 States Deputy Permanent Representative to the
14 United Nations, stated on July 26, 2011, “Let there
15 be no doubt: symbolic actions to isolate Israel at the
16 United Nations in September will not create an
17 independent Palestinian state . . . The United
18 States will not support unilateral campaigns at the
19 United Nations in September or any other time.”.

20 **SEC. 402. STATEMENT OF POLICY.**

21 It is the policy of the United States to oppose the
22 recognition of a Palestinian state by any United Nations
23 Entity, or any upgrade, including but not limited to full
24 membership or non-member-state observer status, in the
25 status of the Palestinian observer mission at the United

1 Nations, the Palestine Liberation Organization, the Pales-
2 tinian Authority, or any other Palestinian administrative
3 organization or governing entity, at any United Nations
4 Entity, prior to the achievement of a final peace agree-
5 ment negotiated between and agreed to by Israel and the
6 Palestinians.

7 **SEC. 403. IMPLEMENTATION.**

8 (a) IN GENERAL.—The President shall direct the
9 United States Permanent Representative to the United
10 Nations to use the voice, vote, and influence of the United
11 States at the United Nations to advance the policy stated
12 in section 402.

13 (b) WITHHOLDING OF FUNDS.—The Secretary of
14 State shall withhold United States contributions from any
15 United Nations Entity that recognizes a Palestinian state
16 or upgrades in any way, including but not limited to full
17 membership or non-member-state observer status, the sta-
18 tus of the Palestinian observer mission at the United Na-
19 tions, the Palestine Liberation Organization, the Pales-
20 tinian Authority, or any other Palestinian administrative
21 organization or governing entity, at that United Nations
22 Entity, prior to the achievement of complete and final
23 peace agreement negotiated between and agreed to by
24 Israel and the Palestinians. Funds appropriated for use
25 as a United States contribution to the United Nations but

1 withheld from obligation and expenditure pursuant to this
2 section shall immediately revert to the United States
3 Treasury and shall not be considered arrears to be repaid
4 to any United Nations Entity.

5 **TITLE V—UNITED NATIONS**
6 **HUMAN RIGHTS COUNCIL**

7 **SEC. 501. FINDINGS.**

8 The Congress makes the following findings:

9 (1) Since its establishment in 2006, the United
10 Nations Human Rights Council has failed to mean-
11 ingfully promote the protection of internationally
12 recognized human rights, and has proven to be even
13 more problematic than the United Nations Human
14 Rights Commission that it was created to replace.

15 (2) The United Nations Human Rights Council
16 suffers from fundamental and severe structural
17 flaws present since its establishment by the United
18 Nations General Assembly, such as the fact that it
19 draws its members from the General Assembly with-
20 out any substantive membership criteria, with the
21 perverse result that a number of the world’s worst
22 human rights abusers are members of the council.

23 (3) For example, the majority of members of
24 the United Nations Human Rights Council are rated
25 “Not Free” or only “Partly Free” by Freedom

1 House. Only a minority of members were rated
2 “Free”.

3 (4) The structure and composition of the
4 United Nations Human Rights Council have made it
5 subject to gross political manipulation, with the re-
6 sult that, during its almost five years of operation,
7 the Council has passed over 40 resolutions censuring
8 the democratic, Jewish State of Israel, as compared
9 to only a handful censuring the dictatorships in
10 Burma and North Korea, just one addressing the se-
11 vere, ongoing human rights abuses in Libya, Iran,
12 Syria, and Belarus, and none addressing the severe,
13 ongoing human rights abuses in China, Cuba, Rus-
14 sia, Zimbabwe, Venezuela, and elsewhere.

15 (5) The United Nations Human Rights Coun-
16 cil’s agenda contains a permanent item for criticism
17 of the democratic, Jewish State of Israel, but no
18 permanent items criticizing any other state.

19 (6) The United Nations Human Rights Council
20 has established, or preserved the existence of, a
21 number of “Special Procedures” mechanisms to ad-
22 dress country-specific situations or thematic issues.
23 These mechanisms include a number of “special
24 rapporteurs” whose expenses and staff support are
25 paid for by contributions to the United Nations.

1 (7) The United Nations Human Rights Council
2 has also established an “Advisory Committee” whose
3 expenses and staff support are paid for by contribu-
4 tions to the United Nations.

5 (8) Some of these special rapporteurs and mem-
6 bers of the Advisory Committee have displayed con-
7 sistent bias against the United States, Israel, and
8 the Jewish people, while providing support to human
9 rights abusers.

10 (9) Richard Falk, the United Nations “Special
11 Rapporteur on the situation of human rights in Pal-
12 estinian territories occupied since 1967”, has com-
13 pared Israel’s treatment of the Palestinians to the
14 Holocaust, questioned the veracity of the events of
15 September 11, 2001, and posted a cartoon on his
16 blog depicting Americans and Jews as bloodthirsty
17 dogs.

18 (10) Jean Ziegler, a member of the United Na-
19 tions Human Rights Council Advisory Committee
20 and former United Nations “Special Rapporteur on
21 the Right to Food”, has accused former President
22 George W. Bush and former Israeli Prime Minister
23 Ariel Sharon of committing “state terrorism”, has
24 called for an investigation of Israel by the Inter-
25 national Criminal Court for “war crimes” following

1 Israel's war against Hezbollah in 2006, has visited
2 Cuba and praised the Cuban regime's provision of
3 food to the Cuban people, and has stated that
4 Zimbabwean dictator Robert Mugabe "has history
5 and morality with him". Ziegler was also involved in
6 the establishment of the "Al-Gaddafi International
7 Prize for Human Rights", a prize established by,
8 funded by, and named after Libyan dictator Muam-
9 mar al-Gaddafi, and awarded in the past to Fidel
10 Castro, Hugo Chavez, Louis Farrakhan, and Roger
11 Garaudy, who has denied the Holocaust, questioned
12 the veracity of the events of September 11, 2001,
13 and supported Iranian leader Mahmoud
14 Ahmadinejad's call for Israel to be "wiped off the
15 map".

16 (11) Miguel D'Escoto Brockmann, a member of
17 the United Nations Human Rights Council Advisory
18 Committee who has previously served as President of
19 the United Nations General Assembly and as foreign
20 minister for the Sandinista regime in Nicaragua, has
21 implicitly accused the United States of "terrorism",
22 has called former President Ronald Reagan a
23 "butcher", has called for a international boycott of
24 Israel, has stated that the Palestinians were being
25 "crucified" by Israel, has called Israel's defensive

1 Operation Cast Lead in the Gaza Strip a “mon-
2 strosity” and “genocide”, has urged the United Na-
3 tions to use the term “apartheid” in discussing
4 Israeli treatment of Palestinians, has embraced Ira-
5 nian leader Mahmoud Ahmadinejad after
6 Ahmadinejad delivered an anti-American, anti-Israel
7 address to the United Nations General Assembly,
8 has stated that charges of genocide against Suda-
9 nese dictator Omar Hassan al Bashir are “racist”,
10 and has declared Fidel Castro “World Hero of Soli-
11 darity”, stating that Castro “embod[ied] virtues and
12 values worth emulation by all of us”.

13 (12) Halima Warzazi, a member of the United
14 Nations Human Rights Council Advisory Committee,
15 has compared Israel to Nazi Germany, and used her
16 previous membership in a United Nations apparatus
17 to shield Saddam Hussein from censure for gassing
18 Iraqi Kurds in Halabja.

19 (13) The ongoing five-year review of the United
20 Nations Human Rights Council concluded on June
21 17, 2011, and failed make any significant reforms to
22 its fundamental and severe structural flaws, includ-
23 ing its absence of substantive membership criteria,
24 or to remove the permanent agenda item on Israel.

1 (14) On June 17, 2011, John F, Sammis,
2 United States Deputy Representative to the Eco-
3 nomic and Social Council, stated that “The Geneva
4 process [of the five-year review] failed to yield even
5 minimally positive results, forcing us to dissociate
6 from the outcome . . . the final resolution [for the
7 five-year review] also fails to address the core prob-
8 lems that still plague the Human Rights Council
9 . . . The United States has therefore voted ‘no’ on
10 the resolution . . . the Council’s effectiveness and
11 legitimacy will always be compromised so long as
12 one country in all the world is unfairly and uniquely
13 singled out while others, including chronic human
14 rights abusers, escape scrutiny . . . The resolution
15 before us today does nothing to address the Coun-
16 cil’s failures nor move it any closer to the founding
17 values of the UN Charter and the Universal Dec-
18 laration of Human Rights.”.

19 (15) U.S. membership in the Human Rights
20 Council has not led to reform of its fundamental
21 flaws diminished the Council’s virulently anti-Israel
22 behavior. The Council has passed fourteen resolu-
23 tions criticizing Israel since the U.S. joined in 2009.

1 **SEC. 502. HUMAN RIGHTS COUNCIL MEMBERSHIP AND**
2 **FUNDING.**

3 (a) **IN GENERAL.**—For each and every fiscal year
4 subsequent to the effective date of this Act, until the Sec-
5 retary of State submits to Congress a certification that
6 the requirements described in subsection (b) have been
7 satisfied—

8 (1) the Secretary of State shall withhold from
9 a United States contribution each fiscal year to a
10 regular budget of the United Nations an amount
11 that is equal to the percentage of such contribution
12 that the Secretary determines would be allocated by
13 the United Nations to support the United Nations
14 Human Rights Council;

15 (2) the Secretary of State shall not make a vol-
16 untary contribution to the United Nations Human
17 Rights Council; and

18 (3) the United States shall not run for a seat
19 on the United Nations Human Rights Council.

20 (b) **CERTIFICATION.**—The annual certification re-
21 ferred to in subsection (a) is a certification made by the
22 Secretary to Congress that—

23 (1) the United Nations Human Rights Coun-
24 cil’s mandate from the United Nations General As-
25 sembly explicitly and effectively prohibits candidacy

1 for Human Rights Council membership of a United
2 Nations Member State—

3 (A) subject to sanctions by the Security
4 Council; and

5 (B) under a Security Council-mandated in-
6 vestigation for human rights abuses;

7 (2) the United Nations Human Rights Council
8 does not include a United Nations Member State—

9 (A) subject to sanctions by the Security
10 Council;

11 (B) under a Security Council-mandated in-
12 vestigation for human rights abuses;

13 (C) which the Secretary of State has deter-
14 mined, for purposes of section 6(j) of the Ex-
15 port Administration Act of 1979 (as continued
16 in effect pursuant to the International Emer-
17 gency Economic Powers Act), section 40 of the
18 Arms Export Control Act, section 620A of the
19 Foreign Assistance Act of 1961, or other provi-
20 sion of law, is a government that has repeatedly
21 provided support for acts of international ter-
22 rorism; or

23 (D) which the President has designated as
24 a country of particular concern for religious

1 freedom under section 402(b) of the Inter-
2 national Religious Freedom Act of 1998; and

3 (3) the United Nations Human Rights Coun-
4 cil's agenda or programme of work does not include
5 a permanent item with regard to the State of Israel.

6 (c) SPECIAL PROCEDURES.—The Secretary of State
7 shall withhold from a United States contribution each year
8 to a regular budget of the United Nations an amount that
9 is equal to the percentage of such contribution that the
10 Secretary determines would be allocated by the United
11 Nations to support the United Nations “Special
12 Rapporteur on the situation of human rights in Pales-
13 tinian territories occupied since 1967”, and any other
14 United Nations Human Rights Council “Special Proce-
15 dures” used to display bias against the United States or
16 the State of Israel or to provide support for the govern-
17 ment of any United Nations Member State—

18 (1) subject to sanctions by the Security Council;

19 (2) under a Security Council-mandated inves-
20 tigation for human rights abuses;

21 (3) which the Secretary of State has deter-
22 mined, for purposes of section 6(j) of the Export Ad-
23 ministration Act of 1979 (as continued in effect pur-
24 suant to the International Emergency Economic
25 Powers Act), section 40 of the Arms Export Control

1 Act, section 620A of the Foreign Assistance Act of
2 1961, or other provision of law, is a government that
3 has repeatedly provided support for acts of inter-
4 national terrorism; or

5 (4) which the President has designated as a
6 country of particular concern for religious freedom
7 under section 402(b) of the International Religious
8 Freedom Act of 1998.

9 (d) REVERSION OF FUNDS.—Funds appropriated for
10 use as a United States contribution to the United Nations
11 but withheld from obligation and expenditure pursuant to
12 this section shall immediately revert to the United States
13 Treasury and shall not be considered arrears to be repaid
14 to any United Nations Entity.

15 **TITLE VI—GOLDSTONE REPORT**

16 **SEC. 601. FINDINGS.**

17 Congress finds the following:

18 (1) On January 12, 2009, the United Nations
19 Human Rights Council passed Resolution A/HRC/S-
20 9/L.1, which authorized a “fact-finding mission” re-
21 garding Israel’s conduct of Operation Cast Lead
22 against violent militants in the Gaza Strip between
23 December 27, 2008, and January 18, 2009.

24 (2) The resolution pre-judged the outcome of its
25 investigation by one-sidedly mandating the “fact-

1 finding mission” to “investigate all violations of
2 international human rights law and International
3 Humanitarian Law by . . . Israel, against the Pal-
4 estinian people . . . particularly in the occupied
5 Gaza Strip, due to the current aggression”.

6 (3) The mandate of the “fact-finding mission”
7 makes no mention of the relentless rocket and mor-
8 tar attacks, which numbered in the thousands and
9 spanned a period of eight years, by Hamas and
10 other violent militant groups in Gaza against civilian
11 targets in Israel, that necessitated Israel’s defensive
12 measures.

13 (4) The “fact-finding mission” included a mem-
14 ber who, before joining the mission, had already de-
15 clared Israel guilty of committing atrocities in Oper-
16 ation Cast Lead by signing a public letter on Janu-
17 ary 11, 2009, published in the Sunday Times, that
18 called Israel’s actions “war crimes”.

19 (5) The mission’s flawed and biased mandate
20 gave serious concern to many United Nations
21 Human Rights Council Member States which re-
22 fused to support it, including Bosnia and
23 Herzegovina, Cameroon, Canada, France, Germany,
24 Italy, Japan, the Netherlands, the Republic of
25 Korea, Slovakia, Slovenia, Switzerland, Ukraine, and

1 the United Kingdom of Great Britain and Northern
2 Ireland.

3 (6) The mission’s flawed and biased mandate
4 was never broadened or revised by any plenary meet-
5 ing of the United Nations Human Rights Council,
6 and troubled many distinguished individuals who re-
7 fused invitations to head the mission.

8 (7) On September 15, 2009, the “United Na-
9 tions Fact Finding Mission on the Gaza Conflict”
10 released its report, which is commonly referred to as
11 the “Goldstone Report”.

12 (8) The Goldstone Report repeatedly made
13 sweeping and unsubstantiated determinations that
14 the Israeli military had deliberately attacked civil-
15 ians during Operation Cast Lead.

16 (9) The authors of the Goldstone Report admit
17 that we did not deal with the issues . . . “regarding
18 the problems of conducting military operations in ci-
19 vilian areas and second-guessing decisions made by
20 soldiers and their commanding officers in the fog of
21 war”.

22 (10) In the October 16, 2009 edition of the
23 Jewish Daily Forward, Richard Goldstone, the head
24 of the “United Nations Fact Finding Mission on the
25 Gaza Conflict”, is quoted as saying, with respect to

1 the mission's evidence-collection methods, "If this
2 was a court of law, there would have been nothing
3 proven".

4 (11) The Goldstone Report, in effect, denied the
5 State of Israel the right to self-defense, and never
6 noted the fact that Israel had the right to defend its
7 citizens from the repeated violent attacks committed
8 against civilian targets in southern Israel by Hamas
9 and other Foreign Terrorist Organizations operating
10 from Gaza.

11 (12) The Goldstone Report largely ignored the
12 culpability of the Government of Iran and the Gov-
13 ernment of Syria, both of whom sponsor Hamas and
14 other Foreign Terrorist Organizations.

15 (13) The Goldstone Report usually considered
16 public statements made by Israeli officials not to be
17 credible, while frequently giving uncritical credence
18 to statements taken from what it called the "Gaza
19 authorities", i.e., the Gaza leadership of Hamas.

20 (14) Notwithstanding a great body of evidence
21 that Hamas and other violent Islamist groups com-
22 mitted war crimes by using civilians and civilian in-
23 stitutions, such as mosques, schools, and hospitals,
24 as shields, the Goldstone Report repeatedly
25 downplayed or cast doubt upon that claim.

1 (15) In one notable instance, the Goldstone Re-
2 port stated that it did not consider the admission of
3 a Hamas official that Hamas often “created a
4 human shield of women, children, the elderly and the
5 mujahideen, against [the Israeli military]” specifi-
6 cally to “constitute evidence that Hamas forced Pal-
7 estinian civilians to shield military objectives against
8 attack”.

9 (16) Hamas was able to significantly shape the
10 findings of the investigation mission’s Goldstone Re-
11 port by selecting and prescreening some of the wit-
12 nesses and intimidating others, as the Goldstone Re-
13 port acknowledges when it notes that “those inter-
14 viewed in Gaza appeared reluctant to speak about
15 the presence of or conduct of hostilities by the Pales-
16 tinian armed groups . . . from a fear of reprisals”.

17 (17) Even though Israel is a vibrant democracy
18 with a vigorous and free press, the Goldstone Report
19 erroneously asserts that “actions of the Israeli gov-
20 ernment . . . have contributed significantly to a po-
21 litical climate in which dissent with the government
22 and its actions . . . is not tolerated”.

23 (18) The Goldstone Report recommended that
24 the United Nations Human Rights Council endorse
25 its recommendations, implement them, review their

1 implementation, and refer the report to the United
2 Nations Security Council, the Prosecutor of the
3 International Criminal Court, and the United Na-
4 tions General Assembly for further action.

5 (19) The Goldstone Report recommended that
6 the United Nations Security Council—

7 (A) require the Government of Israel to
8 launch further investigations of its conduct dur-
9 ing Operation Cast Lead and report back to the
10 Security Council within six months;

11 (B) simultaneously appoint an “inde-
12 pendent committee of experts” to monitor and
13 report on any domestic legal or other pro-
14 ceedings undertaken by the Government of
15 Israel within that 6-month period; and

16 (C) refer the case to the Prosecutor of the
17 International Criminal Court after that 6-
18 month period.

19 (20) The Goldstone Report recommended that
20 the United Nations General Assembly consider fur-
21 ther action on the report and establish an escrow
22 fund, to be funded entirely by the State of Israel, to
23 “pay adequate compensation to Palestinians who
24 have suffered loss and damage” during Operation
25 Cast Lead.

1 (21) The Goldstone Report ignored the issue of
2 compensation to Israelis who have been killed or
3 wounded, or suffered other loss and damage, as a re-
4 sult of years of past and continuing rocket and mor-
5 tar attacks by Hamas and other violent militant
6 groups in Gaza against civilian targets in southern
7 Israel.

8 (22) The Goldstone Report recommended “that
9 States Parties to the Geneva Conventions of 1949
10 start criminal investigations [of Operation Cast
11 Lead] in national courts, using universal jurisdic-
12 tion” and that “following investigation, alleged per-
13 petrators should be arrested and prosecuted”.

14 (23) The concept of “universal jurisdiction” has
15 frequently been used in attempts to detain, charge,
16 and prosecute Israeli and United States officials and
17 former officials in connection with unfounded allega-
18 tions of war crimes and has often unfairly impeded
19 the travel of those individuals.

20 (24) On September 20, 2009, United Nations
21 High Commissioner for Human Rights Navanethem
22 Pillay wrote, “I lend my full support to Justice
23 Goldstone’s report and its recommendations”.

24 (25) The State of Israel, like many other free
25 democracies, has an independent judicial system

1 with a robust investigatory capacity and has already
2 launched numerous investigations, many of which re-
3 main ongoing, of Operation Cast Lead and indi-
4 vidual incidents therein.

5 (26) Several nations have indicated that they
6 intend to further pursue consideration of the
7 Goldstone Report and implementation of its rec-
8 ommendations by the United Nations Security Coun-
9 cil, the United Nations General Assembly, the
10 United Nations Human Rights Council, and other
11 multilateral fora.

12 (27) On September 30, 2009, Secretary of
13 State Hillary Clinton described the underlying man-
14 date for the Goldstone Report as “one-sided”.

15 (28) On September 17, 2009, Ambassador
16 Susan Rice, United States Permanent Representa-
17 tive to the United Nations, expressed the United
18 States’ “very serious concern with the mandate” un-
19 derlying the Goldstone Report and noted that the
20 United States views the mandate “as unbalanced,
21 one-sided and basically unacceptable”.

22 (29) Israeli President Shimon Peres has called
23 the Goldstone Report a “blood libel”.

1 (30) The Goldstone Report reflects the long-
2 standing, historic bias at the United Nations against
3 the democratic, Jewish State of Israel.

4 (31) The Goldstone Report is being exploited by
5 Israel’s enemies to excuse the actions of violent mili-
6 tant groups and their state sponsors, and to justify
7 isolation of and punitive measures against the demo-
8 cratic, Jewish State of Israel.

9 (32) On November 3, 2009, the House of Rep-
10 resentatives overwhelmingly adopted House Resolu-
11 tion 867, which stated that the House of Represent-
12 atives:

13 (A) “considers the [Goldstone Report] to
14 be irredeemably biased and unworthy of further
15 consideration or legitimacy”;

16 (B) “supports the Administration’s efforts
17 to combat anti-Israel bias at the United Na-
18 tions, its characterization of the [Goldstone Re-
19 port] as ‘unbalanced, one-sided and basically
20 unacceptable’, and its opposition to the resolu-
21 tion on the report”;

22 (C) “calls on the President and the Sec-
23 retary of State to continue to strongly and un-
24 equivocally oppose any endorsement of the
25 [Goldstone Report] in multilateral fora, includ-

1 ing through leading opposition to any United
2 Nations General Assembly resolution and
3 through vetoing, if necessary, any United Na-
4 tions Security Council resolution that endorses
5 the contents of this report, seeks to act upon
6 the recommendations contained in this report,
7 or calls on any other international body to take
8 further action regarding this report”;

9 (D) “calls on the President and the Sec-
10 retary of State to strongly and unequivocally
11 oppose any further consideration of the ‘Report
12 of the United Nations Fact Finding Mission on
13 the Gaza Conflict’ and any other measures
14 stemming from this report in multilateral fora”;
15 and

16 (E) “reaffirms its support for the demo-
17 cratic, Jewish State of Israel, for Israel’s secu-
18 rity and right to self-defense, and, specifically,
19 for Israel’s right to defend its citizens from vio-
20 lent militant groups and their state sponsors”.

21 (33) On October 16, 2009, the United Nations
22 Human Rights Council voted 25–6 (with 11 Member
23 States abstaining and 5 not voting, and with the
24 United States voting against) to adopt resolution A-
25 HRC-S-12-1, which endorsed the Goldstone Report

1 and condemned Israel, without mentioning Hamas,
2 other such violent militant groups, or their state
3 sponsors. The United States voted against the reso-
4 lution.

5 (34) On November 5, 2009, the United Nations
6 General Assembly voted 114–18 (with 44 Member
7 States abstaining, and with the United States voting
8 against) to adopt resolution A/RES/64/10, which,
9 among other things:

10 (A) endorsed the United Nations Human
11 Rights Council’s resolution A–HRC–S–12–1,
12 which endorsed the Goldstone Report and con-
13 demned Israel, without mentioning Hamas,
14 other such violent militant groups, or their
15 state sponsors;

16 (B) requested that the Secretary General
17 of the United Nations transmit the Goldstone
18 Report to the United Nations Security Council;

19 (C) expressed its “appreciation” to the
20 “United Nations Fact-Finding Mission on the
21 Gaza Conflict” for its “comprehensive report”;

22 (D) expressed grave concern regarding “re-
23 ports regarding serious human rights viola-
24 tions” during Operation Cast Lead, including
25 the findings in the Goldstone Report; and

1 (E) recommended “that the Government of
2 Switzerland, in its capacity as depositary of the
3 Geneva Convention relative to the Protection of
4 Civilian Persons in Time of War, undertake as
5 soon as possible the steps necessary to recon-
6 vene a Conference of High Contracting Parties
7 to the Fourth Geneva Convention on measures
8 to enforce the Convention” in the West Bank,
9 the Gaza Strip, and “East Jerusalem”.

10 (35) On February 26, 2010, the United Na-
11 tions General Assembly voted 98–7 (with 31 Mem-
12 ber States abstaining, and with the United States
13 voting against) to adopt resolution A/RES/64/254,
14 which built on the determinations of A/RES/64/10.

15 (36) On March 24, 2010, the United Nations
16 Human Rights Council voted 29–6 (with 11 Member
17 States abstaining and one not voting, and with the
18 United States voting against) to adopt resolution A/
19 HRC/13/L.30, which, among other things—

20 (A) called upon “all concerned parties, in-
21 cluding United Nations bodies, to ensure their
22 implementation of the recommendations con-
23 tained in the [Goldstone Report]”;

24 (B) requested that the United Nations
25 High Commissioner for Human Rights submit

1 a “progress report on the implementation of the
2 present resolution to the [Human Rights]
3 Council at its fourteenth session” in May and
4 June 2010; and

5 (C) decided to “follow up on the implemen-
6 tation of the present resolution at [the] fif-
7 teenth session” of the Human Rights Council in
8 September 2010.

9 (37) On March 25, 2011, the United Nations
10 Human Rights Council voted 27–3 (with 16 Member
11 States abstaining, and with the United States voting
12 against) to adopt resolution A/HRC/16/L.31, which,
13 among other things—

14 (A) called upon “all concerned parties, in-
15 cluding United Nations bodies, to ensure the
16 full and immediate implementation of the rec-
17 ommendations contained in the [Goldstone Re-
18 port]”;

19 (B) recommended that the United Nations
20 General Assembly again consider the Goldstone
21 Report at its sixty-sixth session, and urged the
22 General Assembly to submit the report to the
23 United Nations Security Council “for its con-
24 sideration and appropriate action,” including

1 referral to the prosecutor of the International
2 Criminal Court;

3 (C) requested that the United Nations
4 High Commissioner for Human Rights submit
5 a “progress report on the implementation of the
6 present resolution to the Human Rights Council
7 at its eighteenth session of September 2011”;
8 and

9 (D) decided to “follow up on the imple-
10 mentation of the present resolution at [the]
11 nineteenth session [of the Human Rights Coun-
12 cil] of March 2012”.

13 (38) On April 1, 2011, Richard Goldstone, the
14 head of the “United Nations Fact Finding Mission
15 on the Gaza Conflict” that authored the Goldstone
16 Report, wrote an op-ed in the Washington Post that
17 renounced the Goldstone Report’s claim that the
18 Israeli military deliberately attacked civilians during
19 Operation Cast Lead. Goldstone wrote that the
20 Israeli military’s investigations with respect to inci-
21 dents in Operation Cast Lead “indicate that civilians
22 were not intentionally targeted as a matter of pol-
23 icy”.

24 (39) Efforts to delegitimize the democratic
25 State of Israel and deny it the right to defend its

1 citizens and its existence can be used to delegitimize
2 other democracies and deny them the same right.

3 **SEC. 602. STATEMENT OF POLICY.**

4 It is the policy of the United States to—

5 (1) consider the Goldstone Report irredeemably
6 biased and unworthy of further consideration or le-
7 gitimacy;

8 (2) strongly and unequivocally oppose any con-
9 sideration, legitimization, or endorsement of the
10 Goldstone Report, or any other measures stemming
11 from this report, in multilateral fora;

12 (3) lead a high-level diplomatic campaign in
13 support of the revocation and repudiation, by the
14 United Nations General Assembly, of the Goldstone
15 Report and any United Nations resolutions stem-
16 ming from the report, including:

17 (A) United Nations General Assembly res-
18 olutions A/RES/64/10 and A/RES/64/254; and

19 (B) United Nations Human Rights Council
20 resolutions A-HRC-S-12-1, A/HRC/13/L.30,
21 and A/HRC/16/L.31; and

22 (4) lead a high-level diplomatic effort to encour-
23 age other responsible countries not to endorse, sup-
24 port, or legitimize the Goldstone Report or any other
25 measures stemming from the report.

1 **SEC. 603. WITHHOLDING OF FUNDS; REFUND OF UNITED**
2 **STATES TAXPAYER DOLLARS.**

3 (a) WITHHOLDING OF FUNDS.—The Secretary of
4 State shall withhold from the United States contribution
5 to the regular budget of the United Nations an amount
6 that is equal to the percentage of such contribution that
7 the Secretary determines would be or has been expended
8 by the United Nations for any part of the Goldstone Re-
9 port or its preparatory or follow-on activities.

10 (b) REFUND OF UNITED STATES TAXPAYER DOL-
11 LARS.—Funds appropriated for use as a United States
12 contribution to the regular budget of the United Nations
13 but withheld from obligation and expenditure pursuant to
14 subsection (a) shall immediately revert to the United
15 States Treasury and shall not be considered arrears to be
16 repaid to any United Nations Entity.

17 **TITLE VII—DURBAN PROCESS**

18 **SEC. 701. FINDINGS.**

19 The Congress makes the following findings:

20 (1) The United States is opposed to racism, ra-
21 cial discrimination, xenophobia, and related intoler-
22 ance, and has long been a party to the Convention
23 on the Elimination of Racial Discrimination.

24 (2) Expensive and politically skewed inter-
25 national conferences can disserve and undermine the

1 worthy goals that they are ostensibly convened to
2 support.

3 (3) The goals of the 2001 United Nations
4 World Conference Against Racism—held in Durban,
5 South Africa, and commonly referred to as “Durban
6 I”—were undermined by hateful, anti-Jewish rhet-
7 oric, and anti-Israel political agendas, prompting
8 both Israel and the United States to withdraw their
9 delegations from the Conference.

10 (4) The official government declaration adopted
11 by Durban I, the “Durban Declaration and Program
12 of Action”, focused on the “plight of the Palestinian
13 people under foreign occupation”, and thereby sin-
14 gled out one regional conflict for discussion and im-
15 plicitly launched a false accusation against Israel of
16 intolerance towards the Palestinians.

17 (5) On September 3, 2001, Secretary of State
18 Colin Powell explained the withdrawal of the United
19 States delegation from Durban I by stating that
20 “you do not combat racism by conferences that
21 produce declarations containing hateful language,
22 some of which is a throwback to the ‘days of Zion-
23 ism’ equals racism; or supports the idea that we
24 have made too much of the Holocaust; or suggests
25 that apartheid exists in Israel; or that singles out

1 only one country in the world—Israel—for censure
2 and abuse”.

3 (6) The late United States Representative Tom
4 Lantos, who participated as a member of the United
5 States delegation to the Durban Conference, sup-
6 ported that delegation’s withdrawal and wrote in
7 2002 that the conference “provided the world with
8 a glimpse into the abyss of international hate, dis-
9 crimination and, indeed, racism”.

10 (7) On December 19, 2006, the United Nations
11 General Assembly approved a resolution initiating
12 preparations for a Durban Review Conference (com-
13 monly referred to as “Durban II”), which was held
14 between April 20 and 24, 2009, in Geneva, Switzer-
15 land.

16 (8) The chair of the preparatory committee for
17 Durban II was Libya, and the co-chairs included
18 Iran and Cuba.

19 (9) Throughout the preparatory process for
20 Durban II, member states of the Organization of the
21 Islamic Conference urged that the conference again
22 focus criticism on Israel and single out the Israeli-
23 Palestinian conflict for discussion, and also urged
24 that the conference advocate global speech codes
25 that would impose restrictions contrary to funda-

1 mental freedoms recognized in the provisions of the
2 Universal Declaration of Human Rights.

3 (10) In testimony before the House of Rep-
4 resentatives on April 2, 2008, then-Assistant Sec-
5 retary of State for International Organizations
6 Kristen Silverberg stated that the United States had
7 decided against participating in preparatory activi-
8 ties for Durban II because “[there is] absolutely no
9 case to be made for participating in something that
10 is going to be a repeat of Durban I. We don’t have
11 any confidence that this will be any better than Dur-
12 ban I”.

13 (11) On September 23, 2008, the House of
14 Representatives passed House Resolution 1361,
15 which, among other things, called on the President
16 to “urge other heads of state to condition participa-
17 tion in the 2009 [Durban II] Conference on concrete
18 action by the United Nations and United Nations
19 Member States to ensure that it is not a forum to
20 demonize any group, or incite anti-Semitism, hatred,
21 or violence against members of any group or to call
22 into question the existence of any state” and urged
23 all United Nations Member States “not to support
24 a 2009 Durban Review Conference process that fails
25 to adhere to established human rights standards and

1 to reject an agenda that incites hatred against any
2 group in the guise of criticism of a particular gov-
3 ernment or that seeks to forge a global blasphemy
4 code”.

5 (12) The present United Nations High Com-
6 missioner for Human Rights, Dr. Navanethem
7 Pillay, who served as Secretary General of Durban
8 II, has repeatedly sought to downplay the level of
9 hateful, anti-Jewish rhetoric and anti-Israel political
10 agendas present at Durban I, describing it as merely
11 “the virulent anti-Semitic behavior of a few non-gov-
12 ernmental organizations on the sidelines” and prais-
13 ing the biased 2001 Durban Declaration and Pro-
14 gramme of Action as “[t]he legacy of this Con-
15 ference”, has repeatedly sought to downplay the level
16 of hateful, anti-Jewish rhetoric and anti-Israel polit-
17 ical agendas present at Durban II and its pre-
18 paratory activities, and has repeatedly praised and
19 urged the full implementation of the Durban Dec-
20 laration and Programme of Action.

21 (13) High Commissioner Pillay has repeatedly
22 and publicly criticized nations, including the United
23 States, which announced that they would not partici-
24 pate in Durban II, but has almost never publicly
25 criticized governments who succeeded in using the

1 conference and its preparatory activities to single
2 out Israel for criticism and to attempt to restrict
3 fundamental freedoms.

4 (14) A United Nations press release on Sep-
5 tember 8, 2008, regarding an address by High Com-
6 missioner Pillay, disturbingly dismissed objections
7 raised by non-governmental organizations to Durban
8 II as “ferocious, and often distorted, criticism by
9 certain lobby groups focused on single issues”.

10 (15) During February of 2009, the United
11 States actively participated in intergovernmental
12 consultations on Durban II’s “draft outcome docu-
13 ment” and engaged in high-level diplomatic efforts
14 to dramatically reverse the path of Durban II by di-
15 recting it towards meaningful efforts to combat in-
16 tolerance and bigotry and directing it away from ef-
17 forts to undermine the cause of fighting discrimina-
18 tion through singling out Israel for implicit criticism
19 and calling for restrictions on fundamental free-
20 doms.

21 (16) On February 27, 2009, a State Depart-
22 ment spokesman stated that, despite United States
23 efforts to redirect the path of Durban II, “the docu-
24 ment being negotiated has gone from bad to worse,
25 and the current text of the draft outcome document

1 is not salvageable . . . A conference based on this
2 text would be a missed opportunity to speak clearly
3 about the persistent problem of racism” and there-
4 fore, the United States would not participate in fur-
5 ther consultations and negotiations regarding the
6 “draft outcome document,” and would not partici-
7 pate in Durban II itself unless the “draft outcome
8 document” was radically shortened and revised to
9 eliminate objectionable material.

10 (17) On April 17, 2009, the third and final ses-
11 sion of the preparatory committee for Durban II
12 proposed a final “draft outcome document” that
13 contained a number of provisions advocating restric-
14 tions on freedom of expression, and that also implic-
15 itly singled out and criticized Israel for racism by re-
16 affirming, in its very first paragraph, the 2001 Dur-
17 ban Declaration and Programme of Action.

18 (18) On April 18, 2009, a State Department
19 spokesman announced that “the United States will
20 not join the [Durban II] conference”, noting that
21 “The current document . . . still contains language
22 that reaffirms in toto the Durban Declaration and
23 Programme of Action (DDPA) from 2001, which the
24 United States has long said it is unable to support
25 . . . The United States also has serious concerns

1 with relatively new additions to the text regarding
2 ‘incitement’, that run counter to the U.S. commit-
3 ment to unfettered free speech.”.

4 (19) On April 19, 2009, the President stated at
5 a press conference that “I would love to be involved
6 in a useful conference that addressed continuing
7 issues of racism and discrimination around the globe
8 . . . we expressed in the run-up to this conference
9 our concerns that if you incorporated—if you adopt-
10 ed all the language from 2001, that’s just not some-
11 thing we could sign up for . . . our participation
12 would have involved putting our imprimatur on
13 something that we just don’t believe . . . Hopefully
14 . . . we can partner with other countries on to actu-
15 ally reduce discrimination around the globe. But this
16 wasn’t an opportunity to do it.”.

17 (20) Canada, Israel, Italy, Germany, the Neth-
18 erlands, Poland, Australia, and New Zealand also
19 did not participate in Durban II, and the Czech Re-
20 public walked out of the Conference during its pro-
21 ceedings, never to return.

22 (21) Libya was the chair of the Main Com-
23 mittee of Durban II, and vice presidents of Durban
24 II included Libya, Iran, and Cuba.

1 (22) Speaking at Durban II on April 20, 2009,
2 Iranian leader Mahmoud Ahmadinejad called the
3 democratic State of Israel “totally racist” and “the
4 most cruel and repressive racist regime”, and called
5 for Israel’s destruction, stating that “Efforts must
6 be made to put an end to the abuse by Zionists . . .
7 Governments must be encouraged and supported in
8 their fights aimed at eradicating this barbaric rac-
9 ism”.

10 (23) In his speech at Durban II, Ahmadinejad
11 also propagated anti-Semitic conspiracy theories,
12 saying that “Those who control huge economic re-
13 sources and interests in the world . . . mobilize all
14 the resources, including their economic and political
15 influence and world media, to render support in vain
16 to the Zionist regime”.

17 (24) Disgusted by Ahmadinejad’s biased and
18 incendiary statements, delegates from about two
19 dozen nations walked out of the assembly hall in
20 protest, but most delegations remained, and a large
21 number of delegations and observers repeatedly ap-
22 plauded Ahmadinejad’s remarks.

23 (25) On April 21, 2009, governments partici-
24 pating in Durban II adopted by consensus an “out-
25 come document” that contained a number of provi-

1 sions advocating restrictions on freedom of expres-
2 sion, and that also implicitly singled out and criti-
3 cized Israel for racism by reaffirming, in its very
4 first paragraph, the 2001 Durban Declaration and
5 Program of Action.

6 (26) Throughout Durban II, many speakers
7 singled out Israel for criticism or called for restric-
8 tions on fundamental freedoms, including represent-
9 atives of Iran, Libya, Cuba, Sudan, Syria, Ven-
10 ezuela, Vietnam, Saudi Arabia, Pakistan, Indonesia,
11 Qatar, Algeria, the United Arab Emirates, Kuwait,
12 Egypt, Lebanon, Yemen, Bahrain, Tunisia, Ban-
13 gladesh, Switzerland, the Organization of the Islamic
14 Conference, the Arab League, the Palestine Libera-
15 tion Organization, and a number of other organiza-
16 tions and countries.

17 (27) During Durban II, several speakers who
18 sought to draw attention to genuine instances of rac-
19 ism, racial discrimination, xenophobia, related intol-
20 erance, and human rights violations by the govern-
21 ments of Iran, Libya, and China were repeatedly in-
22 terrupted by the delegations from those governments
23 and instructed by the conference's chair to not refer
24 specifically to those governments.

1 (28) On December 18, 2009, the United Na-
2 tions General Assembly approved Resolution A/RES/
3 64/148, which urged the “full and effective imple-
4 mentation of the Durban Declaration and Pro-
5 gramme of Action” and called for a “one-day ple-
6 nary event to commemorate the ten-year anniversary
7 [of Durban I] during the high-level segment of the
8 General Assembly to be devoted to racism, racial dis-
9 crimination, xenophobia, and related intolerance dur-
10 ing its sixty-fifth session, in 2011”. The United
11 States, joined by 12 other nations, voted against this
12 resolution.

13 (29) On December 24, 2010, the United Na-
14 tions General Assembly adopted Resolution A/RES/
15 65/240, authorizing the holding of a “one-day high-
16 level meeting of the General Assembly to commemo-
17 rate the tenth anniversary of the adoption of the
18 Durban Declaration and Programme of Action, at
19 the level of Heads of State and Government, on the
20 second day of the general debate of the sixty-sixth
21 session” in September of 2011. The resolution also
22 states that the meeting (commonly referred to as
23 “Durban III”) will adopt a “political declaration
24 aimed at mobilizing political will at the national, re-
25 gional, and international levels for the full and effec-

1 tive implementation of the Durban Declaration and
2 Programme of Action and its follow-up processes.”.
3 The resolution also requests that the United Nations
4 Secretary General “establish a programme of out-
5 reach, with the involvement of Member States and
6 United Nations funds and programmes as well as
7 civil society, including non-governmental organiza-
8 tions, to appropriately commemorate the tenth anni-
9 versary of the adoption of the Durban Declaration
10 and Programme of Action.” The resolution also re-
11 quests that “the Office of the United Nations High
12 Commissioner for Human Rights and the Depart-
13 ment of Public Information of the Secretariat . . .
14 launch a public information campaign for the com-
15 memoration of the tenth anniversary of the adoption
16 of the Durban Declaration and Programme of Ac-
17 tion”. The United States, joined by 21 other na-
18 tions, voted against this resolution.

19 (30) The Government of Canada has announced
20 that it will not participate in the Durban III meet-
21 ing. Canadian Minister of Citizenship, Immigration,
22 and Multiculturalism Jason Kenney stated that
23 “Our government has lost faith in the entire tainted
24 Durban process. Canada will not participate in this
25 charade any longer. We will not lend our country’s

1 good name to a commemoration of what has widely
2 been characterized as a hatefest . . . Canada is
3 clearly committed to the fight against racism, but
4 the Durban process commemorates an agenda that
5 actually promotes racism rather than combats it.”.

6 (31) The Government of Israel has announced
7 that it will not participate in the Durban III meet-
8 ing, stating that “Israel is part of the international
9 struggle against racism. The Jewish people was
10 itself a victim of racism throughout history. Israel
11 regrets that a resolution on an important subject—
12 elimination of racism—has been diverted and politi-
13 cized by the automatic majority at the UN, by link-
14 ing it to the Durban Declaration and Programme of
15 Action (2001) that many states would prefer to for-
16 get. The Durban Conference of 2001, with its
17 antisemitic undertones and displays of hatred for
18 Israel and the Jewish World, left us with scars that
19 will not heal quickly . . . Under the present cir-
20 cumstances, as long as the [Durban III] meeting is
21 defined as part of the infamous ‘Durban process’,
22 Israel will not participate . . .”.

23 (32) On June 2, 2011, the United States pub-
24 licly announced that it would not participate in the
25 Durban III meeting. U.S. State Department deputy

1 spokesman stated that the “Durban process includes
2 displays of intolerance and anti-Semitism, and we
3 don’t want to see that commemorated. In our con-
4 versations about this commemoration, we’ve not seen
5 the kind of progress that we think is indicative. We
6 remain unconvinced that the conference is moving in
7 a new direction.”.

8 (33) The Governments of the Czech Republic,
9 the Netherlands, and Italy have announced that they
10 will not participate in the Durban III meeting.

11 (34) The Durban I and Durban II Conferences,
12 and the preparatory and follow-on activities for both,
13 have made little or no demonstrable contribution to
14 combating racism, racial discrimination, xenophobia,
15 and related intolerance.

16 (35) To date, several million dollars from the
17 United Nations regular budget has been expended
18 on Durban I, Durban II, and their preparatory and
19 follow-on activities.

20 (36) The United States is the largest contrib-
21 utor to the United Nations system, and is assessed
22 for a full 22 percent of the United Nations regular
23 budget, which is funded by assessed contributions
24 from Member States.

1 (37) Funding for Durban I, Durban II, and
2 their preparatory and follow-on activities through
3 the United Nations regular budget has resulted in
4 United States taxpayer dollars being used for those
5 purposes.

6 (38) The United States Congress, through its
7 adoption of the Consolidated Appropriations Act,
8 2008 (Public Law 110–161) withheld from the
9 United States assessed contribution for fiscal year
10 2008 to the United Nations regular budget an
11 amount equivalent to the United States share of the
12 United Nations Human Rights Council budget, in-
13 cluding its share of the Council-administered pre-
14 paratory process for Durban II.

15 **SEC. 702. SENSE OF CONGRESS; STATEMENT OF POLICY.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) the Durban I and Durban II conferences,
19 and their preparatory and follow-on activities, were
20 subverted by members of the Organization of the Is-
21 lamic Conference and irredeemably distorted into a
22 forum for anti-Israel, anti-Semitic, and anti-freedom
23 activity;

24 (2) by walking out of the Durban I conference,
25 not participating in the Durban II conference, and

1 announcing that it would not participate in the Dur-
2 ban III meeting, the United States Government
3 upheld and reaffirmed the fundamental commitment
4 of the United States to combating racism, racial dis-
5 crimination, xenophobia, and related intolerance;

6 (3) the Governments of Canada, Israel, Italy,
7 Germany, the Netherlands, Poland, Australia, New
8 Zealand, and the Czech Republic should be com-
9 mended for their decision to not participate or cease
10 participation in the Durban II conference.

11 (4) the Governments of Canada, Israel, the
12 Czech Republic, the Netherlands, Italy, and any
13 other government that decides not to participate in
14 the Durban III meeting, should be commended for
15 that decision; and

16 (5) the Administration should expeditiously and
17 unequivocally announce that it will not participate
18 in, support, or legitimize any part of the Durban
19 process.

20 (b) STATEMENT OF POLICY.—It shall be the policy
21 of the United States to—

22 (1) lead a high-level diplomatic effort to encour-
23 age other responsible countries—

24 (A) not to participate in, support, legiti-
25 mize, or fund any portion of the Durban III

1 meeting, its preparatory or follow-on activities,
2 or any other part of the Durban process, and

3 (B) to withhold from their respective con-
4 tributions to the regularly assessed biennial
5 budget of the United Nations an amount that
6 is equal to the percentage of such respective
7 contributions that they determine would be or
8 has been allocated by the United Nations for
9 any part of the Durban III meeting or its pre-
10 paratory or follow-on activities, or for any other
11 part of the Durban process;

12 (2) lead a high-level diplomatic effort to explore
13 credible, alternative forums for combating racism,
14 racial discrimination, xenophobia, and related intol-
15 erance.

16 **SEC. 703. NON-PARTICIPATION IN THE DURBAN PROCESS.**

17 None of the funds made available in any provision
18 of law may be used for United States participation in the
19 Durban III meeting, its preparatory or follow-on activities,
20 or any further part of the Durban process.

21 **SEC. 704. WITHHOLDING OF FUNDS; REFUND OF UNITED**
22 **STATES TAXPAYER DOLLARS.**

23 (a) WITHHOLDING OF FUNDS FOR THE DURBAN
24 PROCESS.—The Secretary of State shall withhold from the
25 United States contribution to the regular budget of the

1 United Nations an amount that is equal to the percentage
2 of such contribution that the Secretary determines would
3 be or has been expended by the United Nations for any
4 part of the Durban I or Durban II conferences, the Dur-
5 ban III meeting, their preparatory or follow-on activities,
6 or any other part of the Durban process, including—

7 (1) the “public information campaign for the
8 commemoration of the tenth anniversary of the
9 adoption of the Durban Declaration and Programme
10 of Action” requested by United Nations General As-
11 sembly Resolution A.RES/65/240;

12 (2) the Intergovernmental Working Group on
13 the Effective Implementation of the Durban Dec-
14 laration and Programme of Action;

15 (3) the “group of independent eminent experts
16 on the implementation of the Durban Declaration
17 and Programme of Action”; and

18 (4) the Ad Hoc Committee on the Elaboration
19 of Complementary Standards.

20 (b) WITHHOLDING OF FUNDS FOR OTHER BIASED
21 AND COMPROMISED ACTIVITIES.—Until the Secretary of
22 State submits to the appropriate congressional committees
23 a certification, on a case-by-case basis, that the require-
24 ments described in subsection (d) have been satisfied, the
25 United States shall withhold from the United States con-

1 tribution to the regular budget of the United Nations an
2 amount that is equal to the percentage of such contribu-
3 tion that the Secretary determines has been allocated by
4 the United Nations for any conference, meeting, or other
5 multilateral forum, or the preparatory or follow-on activi-
6 ties of any conference, meeting, or other multilateral
7 forum, that is organized under the aegis or jurisdiction
8 of the United Nations or of any United Nations Entity.

9 (c) REFUND OF UNITED STATES TAXPAYER DOL-
10 LARS.—(1) Funds appropriated for use as a United States
11 contribution to the regular budget of the United Nations
12 but withheld from obligation and expenditure pursuant to
13 subsection (a) shall immediately revert to the United
14 States Treasury and shall not be considered arrears to be
15 repaid to any United Nations Entity.

16 (2) Funds appropriated for use as a United States
17 contribution to the regularly assessed biennial budget of
18 the United Nations but withheld from obligation and ex-
19 penditure pursuant to subsection (b) may be obligated and
20 expended for that purpose upon the certification described
21 in subsection (d). Such funds shall revert to the United
22 States Treasury if no such certification is made by the
23 date that is one year after such appropriation, and shall
24 not be considered arrears to be repaid to any United Na-
25 tions Entity.

1 (d) CERTIFICATION.—The certification referred to in
2 subsection (b) is a certification made by the Secretary of
3 State to the appropriate congressional committees con-
4 cerning the following:

5 (1) The specified conference, meeting, or other
6 multilateral forum did not reaffirm, call for the im-
7 plementation of, or otherwise support the Durban
8 Declaration and Programme of Action (2001) or the
9 outcome document of the Durban II conference
10 (2009) or the Durban III meeting (2011).

11 (2) The specified conference or forum was not
12 used to single out the United States or the State of
13 Israel for unfair or unbalanced criticism.

14 (3) The specified conference or forum was not
15 used to propagate racism, racial discrimination, anti-
16 Semitism, denial of the Holocaust, incitement to vio-
17 lence or genocide, xenophobia, or related intolerance.

18 (4) The specified conference or forum was not
19 used to advocate for restrictions on the freedoms of
20 speech, expression, religion, the press, assembly, or
21 petition, or for restrictions on other fundamental
22 human rights and freedoms.

23 (5) The leadership of the specified conference
24 or forum does not include a Member State, or a rep-
25 resentative from a Member State—

1 (A) subject to sanctions by the Security
2 Council;

3 (B) under a Security Council-mandated in-
4 vestigation for human rights abuses; or

5 (C) the government of which the Secretary
6 of State has determined, for purposes of section
7 6(j) of the Export Administration Act of 1979
8 (as continued in effect pursuant to the Inter-
9 national Emergency Economic Powers Act),
10 section 40 of the Arms Export Control Act, sec-
11 tion 620A of the Foreign Assistance Act of
12 1961, or other provision of law, is a government
13 that has repeatedly provided support for acts of
14 international terrorism.

15 **TITLE VIII—UNRWA**

16 **SEC. 801. FINDINGS.**

17 The Congress makes the following findings:

18 (1) United Nations General Assembly Resolu-
19 tion 302 (1949) created the United Nations Relief
20 and Works Agency for Palestine Refugees in the
21 Near East (UNRWA) with the temporary, strictly
22 humanitarian mandate to “carry out . . . direct re-
23 lief and works programmes” for Palestinian refu-
24 gees.

1 (2) UNRWA has acknowledged that it is the
2 “only UN agency that reports directly to the UN
3 General Assembly, and whose beneficiary population
4 stems from one nation-group”, and is responsible
5 solely for Palestinian refugees, while the United Na-
6 tions High Commissioner for Refugees (UNHCR) is
7 responsible for other refugees across the world.

8 (3) UNHCR’s definition of a refugee is, in ac-
9 cordance with the 1951 Convention Relating to the
10 Status of Refugees, any person who “owing to a
11 well-founded fear of being persecuted for reasons of
12 race, religion, nationality, membership of a par-
13 ticular social group, or political opinion, is outside
14 the country of his nationality, and is unable to or,
15 owing to such fear, is unwilling to avail himself of
16 the protection of that country . . .”.

17 (4) UNRWA’s much broader definition of a
18 “Palestine refugee” is any person, and his descend-
19 ants, whose “normal place of residence was [the
20 former British Mandate of] Palestine during the pe-
21 riod 1 June 1946 to 15 May 1948 and who lost both
22 home and means of livelihood as a result of the 1948
23 conflict.”.

24 (5) UNRWA’s overly inclusive definition of a
25 “Palestine refugee” has resulted in an increase in

1 UNRWA’s reported number of “Palestine refugees”
2 from under one million in 1950 to over 4.5 million
3 today, encompassing multiple generations of de-
4 scendants of the original Palestinian refugees.

5 (6) Hundreds of thousands of “Palestine refu-
6 gees” are citizens of recognized states, including
7 Jordan.

8 (7) UNRWA, unlike UNHCR, does not offer
9 refugees the option of resettlement and reintegration
10 into their country of refuge or a third country. Ef-
11 forts by UN officials in the 1950s to offer resettle-
12 ment and reintegration as an option for Palestinian
13 refugees were dropped under fierce opposition from
14 Arab governments, and have not been taken up
15 since.

16 (8) Through its overly inclusive definition of a
17 “Palestine refugee” and its refusal to offer refugees
18 the option of resettlement and reintegration,
19 UNRWA contributes to the perpetuation of the suf-
20 fering of Palestinian refugees, who have been ex-
21 ploited by Arab governments and Palestinian mili-
22 tant groups for over six decades as a political tool
23 with which to assail Israel.

1 (9) Almost all of UNRWA’s almost 30,000 staff
2 are Palestinian refugees themselves, presenting a
3 clear conflict of interest.

4 (10) UNRWA’s total annual budget, including
5 its core programs, emergency activities and special
6 projects, exceeds \$1 billion.

7 (11) The United States has long been the larg-
8 est single contributing country to UNRWA.

9 (12) From 1950 to 2010, the United States has
10 contributed almost \$3.9 billion to UNRWA, includ-
11 ing an average of over \$210 million per year be-
12 tween fiscal years 2007 and 2010.

13 (13) Section 301(c) of the Foreign Assistance
14 Act of 1961, as amended (22 U.S. Code 2221(e))
15 states that “No contributions by the United States
16 shall be made to the United Nations Relief and
17 Works Agency for Palestine Refugees in the Near
18 East except on the condition that the United Na-
19 tions Relief and Works Agency take all possible
20 measures to assure that no part of the United States
21 contribution shall be used to furnish assistance to
22 any refugee who is receiving military training as a
23 member of the so-called Palestine Liberation Army
24 or any other guerrilla type organization or who has
25 engaged in any act of terrorism.”.

1 (14) Then-Deputy Secretary of State Jacob J.
2 Lew testified before the House Committee on For-
3 eign Affairs on May 13, 2009 that “We have the
4 highest level of scrutiny in terms of UNRWA”.

5 (15) However, in contravention of United
6 States law, UNRWA does not ask its personnel or
7 aid recipients if they are members of Foreign Ter-
8 rorist Organizations.

9 (16) Even though the United States remains
10 the largest single contributing country to UNRWA,
11 UNRWA does not screen its prospective or present
12 staff and aid recipients through United States watch
13 lists, including that of the Department of the Treas-
14 ury’s Office of Foreign Assets Control, and refused
15 a United States request to do so in 2005.

16 (17) UNRWA claims that it has fulfilled its ob-
17 ligations under section 301(c) of the Foreign Assist-
18 ance Act of 1961 by screening personnel through the
19 United Nations Consolidated List pursuant to
20 United Nations Security Council Resolution 1267,
21 but the names on that list are largely members of
22 Al-Qaeda and the Taliban, not of Palestinian For-
23 eign Terrorist Organizations such as Hamas,
24 Fatah’s al-Aqsa Martyrs’ Brigades, or Palestinian
25 Islamic Jihad.

1 (18) Former UNRWA commissioner-general
2 Peter Hansen, stated in 2004 that “I am sure that
3 there are Hamas members on the UNRWA payroll
4 and I don’t see that as a crime.”.

5 (19) A number of UNRWA personnel have been
6 discovered to be affiliated with Foreign Terrorist Or-
7 ganizations, including, inter alia:

8 (A) Issa Batran (now deceased), a com-
9 mander of Hamas’s al-Aqsa Martyrs’ Brigades
10 and senior rocket-maker who taught at an
11 UNRWA school in Gaza;

12 (B) Humam Khalil Abu Mulal al-Balawi
13 (now deceased), who reportedly carried out a
14 homicide bombing that killed seven Americans
15 and one Jordanian at Forward Operating Base
16 Chapman in Afghanistan on December 30,
17 2009, reportedly worked as a physician at an
18 UNRWA clinic in Amman, Jordan, and had
19 longstanding ties to violent Islamist extremism;

20 (C) Said Siam (now deceased), a longtime
21 Hamas official who eventually served as
22 Hamas’s Interior Minister in Gaza, and who
23 taught at an UNRWA school in Gaza;

24 (D) Awad al-Qiq (now deceased), a rocket-
25 builder for Palestinian Islamic Jihad who

1 served as headmaster of an UNRWA school in
2 Gaza;

3 (E) Nahd Atallah, an UNRWA staff mem-
4 ber in Gaza, who was arrested, convicted, and
5 sentenced to 15 years' imprisonment by an
6 Israeli military court of using his UN travel
7 document to bypass Israeli checkpoints in Gaza
8 in order to transport armed Palestinian mili-
9 tants; and

10 (F) an UNRWA teacher who reportedly
11 praised homicide bombers and permitted
12 Hamas leader Ahmed Yassin (now deceased) to
13 speak to an assembly of students at an
14 UNRWA school. UNRWA did not terminate
15 the teacher's employment, instead only giving
16 him a letter of censure.

17 (20) UNRWA staff unions, including the teach-
18 ers' union, are frequently controlled by members af-
19 filiated with Hamas.

20 (21) UNRWA refugee camps in Lebanon have
21 frequently been controlled by Foreign Terrorist Or-
22 ganizations and used for numerous unacceptable ac-
23 tivities.

24 (22) Former UNRWA general counsel James
25 Lindsay noted in a 2009 report that—

1 (A) “UNRWA . . . obviously does not take
2 ‘all possible measures’ in practice” to assure
3 that United States contributions do not provide
4 assistance to any refugee with ties to Foreign
5 Terrorist Organizations, in accordance with sec-
6 tion 301(c) of the Foreign Assistance Act of
7 1961;

8 (B) “UNRWA makes no attempt to weed
9 out individuals who support extremist positions
10 . . . UNRWA has taken very few steps to de-
11 tect and eliminate terrorists from the ranks of
12 its staff or its beneficiaries, and no steps at all
13 to prevent members of terrorist organizations,
14 such as Hamas, from joining its staff.”;

15 (C) “[I]t is rare for an area staff member
16 . . . to report or confirm that another staff
17 member has violated rules against political
18 speech, let alone exhibited ties to terrorism. Not
19 surprisingly, external allegations of improper
20 speech or improper use of UNRWA facilities
21 are difficult to prove, as virtually no one is will-
22 ing to be a witness against gang members.”;
23 and

24 (D) “[T]here are no formal procedures for
25 deregistering or denying services to a properly

1 registered refugee, no matter what he or she
2 does.”.

3 (23) The late United States Representative
4 Tom Lantos, in a May 13, 2002 letter, expressed his
5 concern that—

6 (A) “UNRWA is perpetuating, rather than
7 ameliorating, the situation of Palestinian refu-
8 gees”;

9 (B) “UNRWA officials have . . . failed to
10 prevent their camps from becoming centers of
11 terrorist activity”; and

12 (C) “for too long, UNRWA has been part
13 of the problem, rather than the solution, in the
14 Middle East . . . UNRWA camps have fostered
15 a culture of anger and dependency that under-
16 mines both regional peace and the well-being of
17 the camps’ inhabitants.”.

18 (24) UNRWA continues to hold accounts at the
19 Arab Bank and the Commercial Bank of Syria
20 (CBS), financial institutions that the United States
21 deems or believes to be complicit in money laun-
22 dering and terror financing.

23 (25) The Arab Bank is reportedly at the center
24 of United States investigations into how tens of mil-
25 lions of dollars have flowed to Palestinian groups

1 that allegedly used some of those funds to pay off
2 suicide bombers and their relatives, and is also re-
3 portedly being sued in Federal court by American
4 victims of attacks in Israel, with attorneys for the
5 victims accusing the bank of facilitating Acts of
6 International Terrorism.

7 (26) On May 11, 2004, the Department of the
8 Treasury designated CBS as a financial institution
9 of “primary money laundering concern” pursuant to
10 section 311 of the USA Patriot Act, stating that
11 “CBS had been used by terrorists and their sympa-
12 thizers and acted as a conduit for the laundering of
13 proceeds generated from the illicit sale of Iraqi oil”
14 and that “numerous transactions that may be indic-
15 ative of terrorist financing and money laundering
16 have been transferred through CBS, including two
17 accounts at CBS that reference a reputed financier
18 for Usama bin Laden.”.

19 (27) CBS is controlled by the Government of
20 Syria, a State Sponsor of Terrorism.

21 (28) The curriculum of UNRWA schools, which
22 use the textbooks of their respective host govern-
23 ments or authorities, has long contained materials
24 that are anti-Israel, anti-Semitic, and supportive of
25 violent extremism.

1 (29) As far back as over forty years ago, former
2 UNRWA commissioner-general Laurence
3 Michelmore admitted that UNRWA schools were
4 supporting a “bitterly hostile attitude to Israel.”

5 (30) Former UNRWA general counsel James
6 Lindsay noted in a January 2009 report that
7 “[T]eachers in UNRWA schools were often afraid to
8 remove posters glorifying ‘martyrs’ (including sui-
9 cide bombers) for fear of retribution from armed
10 supporters of the ‘martyrs.’”

11 (31) UNRWA officials have compromised
12 UNRWA’s strictly humanitarian mandate by engag-
13 ing in political agitation, propaganda, and advocacy
14 agitation against Israel and in favor of Hamas, as
15 reflected by the following, inter alia:

16 (A) UNRWA officials have repeatedly
17 called for the United States and other nations
18 to deal directly with Hamas and have repeat-
19 edly called for political “reconciliation” between
20 Hamas and Fatah.

21 (B) UNRWA officials have repeatedly cas-
22 tigated Israel for her actions to defend innocent
23 civilians from rocket and mortar attacks from
24 violent extremist groups in Gaza and from
25 other Acts of International Terrorism, and has

1 repeatedly blamed Israel, not Hamas and other
2 violent extremist groups, for present restrictions
3 on access to Gaza.

4 (C) Former UNRWA general counsel
5 James Lindsay noted in a 2009 report that:
6 “Although it occasionally issued mild, pro
7 forma criticisms of Palestinian attacks (most of
8 which were clearly war crimes), [UNRWA] put
9 more effort into criticizing Israeli counterter-
10 rorism efforts (which were condemned using
11 language associated with war crimes, though
12 any such crimes were far from proved) . . .
13 UNRWA never seems to acknowledge that
14 Israel, since its 2005 withdrawal from Gaza,
15 has launched strikes on the territory largely in
16 order to halt rocket attacks and other as-
17aults.”.

18 (D) Lindsay also noted that “UNRWA—
19 through its leaders and press spokespersons—is
20 constantly involved in political speech . . .
21 These one-sided speeches on political matters
22 do not further the goals of a humanitarian and
23 supposedly nonpolitical agency.”.

24 (E) UNRWA Commissioner-General
25 Filippo Grandi described as a “massacre”

1 Israel's May 31, 2010 naval operation, and use
2 of self-defense measures, to seize the Mavi
3 Marmara ship in order to enforce its naval
4 blockade of the Gaza Strip.

5 (F) Former UNRWA commissioner-gen-
6 eral Karen AbuZayd stated in a 2009 meeting
7 with Congressional staff that "We [UNRWA]
8 are not just humanitarian."

9 (G) In January of 2009, UNRWA spokes-
10 man Christopher Gunness called for an inves-
11 tigation as to whether Israel had committed "a
12 war crime."

13 (H) On December 30, 2008, former
14 UNRWA commissioner-general Karen AbuZayd
15 stated that only Israel was responsible for the
16 start of the most recent conflict in Gaza.

17 (I) On May 25, 2008, in an interview with
18 Press TV, which is controlled by the Govern-
19 ment of Iran, former UNRWA commissioner-
20 general Karen AbuZayd reportedly claimed that
21 Hamas was free from corruption and "more
22 popular than ever".

23 (J) On October 5, 2007, former UNRWA
24 commissioner-general Karen AbuZayd blamed
25 Israel for violent extremist groups in Gaza

1 launching rockets and mortars against Israeli
2 civilian targets, stating that residents of Gaza
3 “have absorbed—and continue to experience—
4 military incursions in which civilian lives, liveli-
5 hoods, and property have been destroyed, and
6 to which they have responded with the contin-
7 uous firing of Qassam rockets into Israel.”.

8 (K) On March 8, 2007, former UNRWA
9 commissioner-general Karen AbuZayd, com-
10 paring the 1948 Arab-Israeli War with more re-
11 cent conflicts between Israel and Palestinian
12 militant groups, stated that “[T]here is a strik-
13 ing historical continuity in the systematic ap-
14 proach to use overwhelming and dispropor-
15 tionate force in the name of security; to sepa-
16 rate and exclude Palestinians from the main-
17 stream; to eject them from their land; and to
18 occupy Palestinian land.”.

19 (L) On January 19, 2005, former
20 UNRWA commissioner-general Peter Hansen
21 stated that “My job [is] to represent the refu-
22 gees.”.

23 (M) In 2002, former UNRWA commis-
24 sioner-general Peter Hansen falsely accused
25 Israel of carrying out a “massacre” in

1 UNRWA's Jenin refugee camp after Israeli
2 forces entered the camp, a base of operations
3 for Palestinian militant groups, to carry out de-
4 fensive operations to halt repeated homicide
5 bombings in Israel.

6 (N) In 1964, UNRWA allowed its staff to
7 attend the conference in Jerusalem where the
8 Palestine Liberation Organization (PLO) was
9 established.

10 (32) Despite UNRWA's contravention of U.S.
11 law and activities that compromise its strictly hu-
12 manitarian mandate, UNRWA continues to receive
13 United States contributions, including \$237.8 mil-
14 lion in fiscal year 2010.

15 (33) The bilateral "Framework for Coopera-
16 tion" that the United States concluded with
17 UNRWA for 2010 actually "commends" UNRWA
18 and does not commit UNRWA to vetting its per-
19 sonnel and aid recipients through United States
20 watch lists.

21 (34) Assistance from the United States and
22 other responsible nations allows UNRWA to claim
23 that criticisms of the agency's behavior are un-
24 founded. UNRWA spokesman Christopher Gunness
25 has dismissed concerns by stating that "If these

1 baseless allegations were even halfway true, do you
2 really think the U.S. and [European Commission]
3 would give us hundreds of millions of dollars per
4 year?”

5 (35) Former UNRWA general counsel James
6 Lindsay noted in a 2009 report that:

7 (A) “The United States, despite funding
8 nearly 75 percent of UNRWA’s national budget
9 and remaining its largest single country donor,
10 has mostly failed to make UNRWA reflect U.S.
11 foreign policy objectives . . . Recent U.S. ef-
12 forts to shape UNRWA appear to have been in-
13 effective . . .”;

14 (B) “[T]he United States is not obligated
15 to fund agencies that refuse to check its rolls
16 for individuals their donors do not wish to sup-
17 port.”;

18 (C) “A number of changes in UNRWA
19 could benefit the refugees, the Middle East, and
20 the United States, but those changes will not
21 occur unless the United States, ideally with
22 support from UNRWA’s other main financial
23 supporter, the European Union, compels the
24 agency to enact reforms.”; and

1 (D) “If the [UNRWA commissioner-gen-
2 eral’s] power is used in ways that are conflict
3 with the donors’ political objectives, it is up to
4 the donors to take the necessary actions to en-
5 sure that their interests are respected. When
6 they have done so, UNRWA—given the tight fi-
7 nancial leash it has been on for most of its ex-
8 istence—has tended to follow their dictates,
9 even if sometimes slowly.”.

10 (36) The Government of Canada has recently
11 placed restrictions on its contributions to UNRWA,
12 demonstrating consequences for UNRWA’s malfea-
13 sance and setting an example for the United States
14 and other donor governments.

15 **SEC. 802. UNITED STATES CONTRIBUTIONS TO UNRWA.**

16 Section 301 of the Foreign Assistance Act of 1961
17 is amended by striking subsection (c) and inserting the
18 following new subsection:

19 “(c)(1) WITHHOLDING.—Contributions by the
20 United States to the United Nations Relief and Works
21 Agency for Palestine Refugees in the Near East
22 (UNRWA), to any successor or related entity, or to the
23 regular budget of the United Nations for the support of
24 UNRWA or a successor entity (through staff positions
25 provided by the United Nations Secretariat, or otherwise),

1 may be provided only during a period for which a certifi-
2 cation described in paragraph (2) is in effect.

3 “(2) CERTIFICATION.—A certification described in
4 this paragraph is a written determination by the Secretary
5 of State, based on all information available after diligent
6 inquiry, and transmitted to the appropriate congressional
7 committees along with a detailed description of the factual
8 basis therefor, that—

9 “(A) no official, employee, consultant, con-
10 tractor, subcontractor, representative, or affiliate of
11 UNRWA—

12 “(i) is a member of a Foreign Terrorist
13 Organization;

14 “(ii) has propagated, disseminated, or in-
15 cited anti-American, anti-Israel, or anti-Semitic
16 rhetoric or propaganda; or

17 “(iii) has used any UNRWA resources, in-
18 cluding publications or Web sites, to propagate
19 or disseminate political materials, including po-
20 litical rhetoric regarding the Israeli-Palestinian
21 conflict;

22 “(B) no UNRWA school, hospital, clinic, other
23 facility, or other infrastructure or resource is being
24 used by a Foreign Terrorist Organization for oper-
25 ations, planning, training, recruitment, fundraising,

1 indoctrination, communications, sanctuary, storage
2 of weapons or other materials, or any other pur-
3 poses;

4 “(C) UNRWA is subject to comprehensive fi-
5 nancial audits by an internationally recognized third
6 party independent auditing firm and has imple-
7 mented an effective system of vetting and oversight
8 to prevent the use, receipt, or diversion of any
9 UNRWA resources by any foreign terrorist organiza-
10 tion or members thereof;

11 “(D) no UNRWA-funded school or educational
12 institution uses textbooks or other educational mate-
13 rials that propagate or disseminate anti-American,
14 anti-Israel, or anti-Semitic rhetoric, propaganda or
15 incitement;

16 “(E) no recipient of UNRWA funds or loans is
17 a member of a Foreign Terrorist Organization; and

18 “(F) UNRWA holds no accounts or other affili-
19 ations with financial institutions that the United
20 States deems or believes to be complicit in money
21 laundering and terror financing.

22 “(3) DEFINITION.—In this section:

23 “(A) FOREIGN TERRORIST ORGANIZATION.—
24 The term ‘Foreign Terrorist Organization’ means an
25 organization designated as a Foreign Terrorist Or-

1 ganization by the Secretary of State in accordance
2 with section 219(a) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1189(a)).

4 “(B) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term ‘appropriate congressional com-
6 mittees’ means—

7 “(i) the Committees on Foreign Affairs,
8 Appropriations, and Oversight and Government
9 Reform of the House; and

10 “(ii) the Committees on Foreign Relations,
11 Appropriations, and Homeland Security and
12 Governmental Affairs of the Senate.

13 “(4) EFFECTIVE DURATION OF CERTIFICATION.—
14 The certification described in paragraph (2) shall be effec-
15 tive for a period of 180 days from the date of transmission
16 to the appropriate congressional committees, or until the
17 Secretary receives information rendering that certification
18 factually inaccurate, whichever is earliest. In the event
19 that a certification becomes ineffective, the Secretary shall
20 promptly transmit to the appropriate congressional com-
21 mittees a description of any information that precludes the
22 renewal or continuation of the certification.

23 “(5) LIMITATION.—During a period for which a cer-
24 tification described in paragraph (2) is in effect, the
25 United States may not contribute to the United Nations

1 Relief and Works Agency for Palestine Refugees in the
2 Near East (UNRWA) or a successor entity an annual
3 amount—

4 “(A) greater than the highest annual contribu-
5 tion to UNRWA made by a member country of the
6 League of Arab States;

7 “(B) that, as a proportion of the total UNRWA
8 budget, exceeds the proportion of the total budget
9 for the United Nations High Commissioner for Ref-
10ugees (UNHCR) paid by the United States; or

11 “(C) that exceeds 22 percent of the total budget
12 of UNRWA.”.

13 **SEC. 803. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) the President and the Secretary of State
16 should lead a high-level diplomatic effort to encour-
17 age other responsible nations to withhold contribu-
18 tions to UNRWA, to any successor or related entity,
19 or to the regular budget of the United Nations for
20 the support of UNRWA or a successor entity
21 (through staff positions provided by the United Na-
22 tions Secretariat, or otherwise) until UNRWA has
23 met the conditions listed in subparagraphs (A)
24 through (F) of section 301(c)(2) of the Foreign As-

1 sistance Act of 1961 (as added by section 2 of this
2 Act);

3 (2) citizens of recognized states should be re-
4 moved from UNRWA's jurisdiction;

5 (3) UNRWA's definition of a "Palestine ref-
6 ugee" should be changed to that used for a refugee
7 by the Office of the United Nations High Commis-
8 sioner for Refugees; and

9 (4) in order to alleviate the suffering of Pales-
10 tinian refugees, responsibility for those refugees
11 should be fully transferred to the Office of the
12 United Nations High Commissioner for Refugees.

13 **TITLE IX—INTERNATIONAL**
14 **ATOMIC ENERGY AGENCY**

15 **SEC. 901. TECHNICAL COOPERATION PROGRAM.**

16 (a) FINDINGS.—The Congress makes the following
17 findings:

18 (1) The International Atomic Energy Agency
19 (IAEA) was established in 1957 with the objectives
20 of seeking to "accelerate and enlarge the contribu-
21 tion of atomic energy to peace, health and prosperity
22 throughout the world" and to "ensure . . . that as-
23 sistance provided by it or at its request or under its
24 supervision or control is not used in such a way as
25 to further any military purpose."

1 (2) The United States, via assessed contribu-
2 tions, is the largest financial contributor to the reg-
3 ular budget of the IAEA.

4 (3) In 1959, the IAEA established what is now
5 called the Technical Cooperation Program, financed
6 primarily through voluntary contributions by mem-
7 ber states to the Technical Cooperation Fund, to
8 provide nuclear technical cooperation (TC) for
9 peaceful purposes to countries worldwide.

10 (4) The United States is the largest financial
11 contributor to the IAEA's Technical Cooperation
12 Fund.

13 (5) A March 2009 report by the Government
14 Accountability Office (GAO) found that “neither
15 [the Department of State] nor IAEA seeks to sys-
16 tematically limit TC assistance to countries the
17 United States has designated as state sponsors of
18 terrorism—Cuba, Iran, Sudan, and Syria—even
19 though under U.S. law these countries are subject to
20 sanctions.”.

21 (6) The GAO report also found that “Together,
22 [Cuba, Iran, Sudan, and Syria] received more than
23 \$55 million in TC assistance from 1997 through
24 2007.”. These four countries have received contin-
25 ued assistance since 2007.

1 (7) The GAO report also found that “prolifera-
2 tion concerns about the [Technical Cooperation Pro-
3 gram] have persisted because of the assistance it has
4 provided to certain countries and because nuclear
5 equipment, technology, and expertise can be dual-
6 use—capable of serving peaceful purposes . . . but
7 also useful in contributing to nuclear weapons devel-
8 opment.”.

9 (8) The GAO report also found that “[The
10 State Department] reported in 2007 that three TC
11 projects in [Iran] were directly related to the Iranian
12 nuclear power plant at Bushehr.”.

13 (9) The GAO report also found that “The pro-
14 liferation concerns associated with the [Technical
15 Cooperation Program] are difficult for the United
16 States to fully identify, assess, and resolve . . . [be-
17 cause] there is no formal mechanism for obtaining
18 TC project information during the proposal develop-
19 ment phase . . . [l]imited [Department of] State doc-
20 umentation on how proliferation concerns of TC pro-
21 posals were resolved . . . [and s]hortcomings in U.S.
22 policies and IAEA procedures [including monitoring
23 proliferation risks] related to TC program fellow-
24 ships.”.

1 (10) The GAO report noted that “IAEA offi-
2 cials told us that the [Technical Cooperation Pro-
3 gram] does not attempt to exclude countries on the
4 basis of their status as U.S.-designated state spon-
5 sors of terrorism or other political considerations”
6 and that, according to the Deputy Director General
7 for the Technical Cooperation Program, “there are
8 no good countries and there are no bad countries”
9 with respect to provision of technical cooperation by
10 the IAEA.

11 (11) The GAO report also found that “given
12 the limited information available on TC projects and
13 the dual-use nature of some nuclear technologies and
14 expertise, we do not believe [the State Department]
15 can assert with complete confidence that TC assist-
16 ance has not advanced [weapons of mass destruc-
17 tion] programs in U.S.-designated state sponsors of
18 terrorism”.

19 (12) The GAO report also found that “we do
20 not share [the State Department’s confidence in
21 IAEA’s internal safeguards to prevent TC projects
22 from contributing to weapons development . . .]”.

23 (13) The Foreign Assistance Act of 1961 (22
24 U.S.C. 2151 et seq.) prohibited any of the funds au-
25 thorized to be appropriated for “International Orga-

1 nizations and Programs” from being made available
2 for the United States proportionate share for pro-
3 grams for Libya, Iran, Cuba, or the Palestine Lib-
4 eration Organization, inter alia.

5 (14) The Foreign Operations, Export Financ-
6 ing, and Related Programs Appropriations Act,
7 1998 (Public Law 105–118) prohibited any of the
8 funds made available by such Act for the IAEA from
9 being made available for programs and projects of
10 the IAEA in Cuba.

11 (15) The Foreign Affairs Reform and Restruc-
12 turing Act of 1998 (Public Law 105–277) required
13 the United States to withhold a proportionate share
14 of funding to the IAEA for projects in Cuba regard-
15 ing the Juragua Nuclear Power Plant and the Pedro
16 Pi Nuclear Research Center.

17 (16) The GAO report asked Congress “to con-
18 sider directing [the State Department] to withhold a
19 share of future annual contributions to the [Tech-
20 nical Cooperation Fund] that is proportionate to the
21 amount of funding provided from the fund for U.S.-
22 designated state sponsors of terrorism and other
23 countries of concern, noting that such a withholding
24 is a matter of fundamental principle and intended to

1 foster a more consistent U.S. policy toward such na-
2 tions”.

3 (17) The IAEA has repeatedly reported that
4 the Government of Iran continues its work on heavy
5 water-related projects and its enrichment of ura-
6 nium, in violation of United Nations Security Coun-
7 cil Resolutions 1696 (2006), 1737 (2006), 1747
8 (2007), 1803 (2008), 1835 (2008), and 1929
9 (2010).

10 (18) United Nations Security Council Resolu-
11 tion 1737 (2006) decided “that technical cooperation
12 provided to Iran by the IAEA or under its auspices
13 shall only be for food, agricultural, medical, safety or
14 other humanitarian purposes [inter alia] . . . but
15 that no such technical cooperation shall be provided
16 that relates to . . . proliferation sensitive nuclear ac-
17 tivities . . .”.

18 (19) The IAEA Director General reported to
19 the IAEA Board of Governors on February 25, 2011
20 that the Government of Iran now has approximately
21 7,000 centrifuges for enriching uranium, is running
22 almost 5,000 of them, and has increased its stock-
23 pile of low-enriched uranium to over 3,600 kilo-
24 grams, considered sufficient for further enrichment
25 into enough high-enriched uranium for more than

1 one atomic bomb. The Government of Iran has also
2 reportedly produced a stockpile of over 40 kilograms
3 of uranium enriched up to 20 percent U-235.

4 (20) The IAEA Director General has repeatedly
5 reported to the IAEA Board of Governors, including
6 in his report of February 25, 2011, about the “out-
7 standing issues related to possible military dimen-
8 sions to Iran’s nuclear programme”.

9 (21) The IAEA Director General has repeatedly
10 reported to the IAEA Board of Governors, including
11 in his report of February 25, 2011, that “the
12 [IAEA] remains concerned about the possible exist-
13 ence in Iran of past or current undisclosed nuclear
14 related activities involving military-related organiza-
15 tions, including activities related to the development
16 of a nuclear payload for a missile.”.

17 (22) The IAEA Director General has repeatedly
18 reported to the IAEA Board of Governors, including
19 in his report of February 19, 2009, that “Iran has
20 not implemented the Additional Protocol, which is a
21 prerequisite for [the IAEA] to provide credible as-
22 surance about the absence of undeclared nuclear ma-
23 terial and activities. Nor has [Iran] agreed to [the
24 IAEA’s] request that Iran provide, as a trans-
25 parency measure, access to additional locations re-

1 lated, inter alia, to the manufacturing of centrifuges,
2 research and development on uranium enrichment,
3 and uranium mining and milling, as also required by
4 the Security Council.”.

5 (23) The IAEA Director General has repeatedly
6 reported to the IAEA Board of Governors, including
7 in his report of February 19, 2009, that “as a result
8 of the continued lack of cooperation by Iran in con-
9 nection with . . . issues which give rise to concerns
10 about possible military dimensions of Iran’s nuclear
11 programme, [the IAEA] has made no substantive
12 progress on these issues.”.

13 (24) Iran has refused to comply with resolu-
14 tions adopted by the IAEA Board of Governors on
15 September 12, 2003, November 26, 2003, March 15,
16 2004, June 18, 2004, November 29, 2004, August
17 11, 2005, September 24, 2005, February 4, 2006,
18 and July 31, 2006, regarding “Iran’s many failures
19 and breaches of its obligations to comply with its
20 NPT Safeguards Agreement” and continues to block
21 IAEA inspections of its nuclear facilities, in violation
22 of its NPT Safeguards Agreement.

23 (25) According to multiple news reports, Iran
24 recently denied access to its enrichment site at
25 Natanz to IAEA inspectors, and has also denied a

1 request by the IAEA to place one or more additional
2 surveillance cameras at the enrichment site at
3 Natanz.

4 (26) In April of 2008, United States Govern-
5 ment officials publicly revealed that Syria was build-
6 ing at the Dair Alzour site, with North Korea's as-
7 sistance, a secret nuclear reactor that was based on
8 a North Korean model capable of producing pluto-
9 nium for nuclear weapons and that was weeks away
10 from becoming operational before an Israeli air
11 strike reportedly destroyed the reactor in September
12 2007.

13 (27) On April 28, 2008, General Michael Hay-
14 den, the former Director of the Central Intelligence
15 Agency, stated that the Syrian reactor at Dair
16 Alzour could have produced enough plutonium for 1
17 or 2 bombs within a year of becoming operational.

18 (28) The IAEA Director General reported to
19 the IAEA Board of Governors on November 19,
20 2008 that the Syrian facility at Dair Alzour bore
21 features that resembled those of an undeclared nu-
22 clear reactor, adding that "Syria has not yet pro-
23 vided the requested documentation in support of its
24 declarations concerning the nature or function of the
25 destroyed building, nor agreed to a visit to the three

1 other locations which the IAEA has requested to
2 visit.”.

3 (29) The IAEA Director General publicly stated
4 to the IAEA Board of Governors, on June 15, 2009,
5 that “the limited information and access provided by
6 Syria to date have not enabled the Agency to deter-
7 mine the nature of the destroyed facility” at Dair
8 Alzour site, that uranium particles have been found
9 in samples taken from a second site, the Miniature
10 Neutron Source Reactor facility in Damascus, and
11 that the particles found at both sites “are of a type
12 not included in Syria’s declared inventory of nuclear
13 material.”.

14 (30) Commercial satellite photos published on
15 February 23, 2011 indicate efforts by the Govern-
16 ment of Syria to conceal its activities at an addi-
17 tional site, Marj as Sultan, which may be connected
18 to the Dair Alzour facility.

19 (31) The IAEA Director General reported to
20 the IAEA Board of Governors on February 25, 2011
21 that “Syria has not cooperated with the [IAEA]
22 since June 2008 in connection with the unresolved
23 issues related to the Dair Alzour site and the other
24 three locations allegedly functionally related to it. As
25 a consequences, the [IAEA] has not been able to

1 make progress towards resolving the outstanding
2 issues related to those sites.”

3 (b) IN GENERAL.—No funds from any United States
4 assessed or voluntary contribution to the IAEA may be
5 used to support any assistance provided by the IAEA
6 through its Technical Cooperation program to any coun-
7 try, including North Korea that—

8 (1) is a country the government of which has
9 been determined by the Secretary of State, for pur-
10 poses of section 6(j) of the Export Administration
11 Act of 1979, section 620A of the Foreign Assistance
12 Act of 1961, section 40 of the Arms Export Control
13 Act, or other provision of law, is a government that
14 has repeatedly provided support for acts of inter-
15 national terrorism;

16 (2) is in breach of or noncompliance with its
17 obligations regarding—

18 (A) its safeguards agreement with the
19 IAEA;

20 (B) the Additional Protocol;

21 (C) the Nuclear Non-Proliferation Treaty;

22 (D) any relevant United Nations Security
23 Council Resolution; or

24 (E) the Charter of the United Nations; or

1 (3) is under investigation for a breach of or
2 noncompliance with the obligations specified in para-
3 graph (2).

4 (c) WITHHOLDING OF VOLUNTARY CONTRIBU-
5 TIONS.—Not later than 30 days after the date of the en-
6 actment of this Act, the Secretary of State shall withhold
7 from the United States voluntary contribution to the
8 IAEA an amount proportional to that spent by the IAEA
9 in the period from 2007 to 2008 on assistance through
10 its Technical Cooperation Program to countries described
11 in subsection (b).

12 (d) WITHHOLDING OF ASSESSED CONTRIBUTIONS.—
13 If, not later than 30 days of the date of the enactment
14 of this Act, the amount specified in subsection (c) has not
15 been withheld and the IAEA has not suspended all assist-
16 ance provided through its Technical Cooperation Program
17 to the countries described in subsection (b), an amount
18 equal to that specified in subsection (c) shall be withheld
19 from the United States assessed contribution to the IAEA.

20 (e) WAIVER.—The provisions in subsections (c) and
21 (d) may be waived if—

22 (1) the IAEA has suspended all assistance pro-
23 vided through its Technical Cooperation Program to
24 the countries described in subsection (b); or

1 (2) the President certifies that the countries de-
2 scribed in subsection (b) no longer pose a threat to
3 the national security, interests, and allies of the
4 United States.

5 (f) UNITED STATES ACTIONS AT IAEA.—The Presi-
6 dent shall direct the United States Permanent Represent-
7 ative to the IAEA to use the voice, vote, and influence
8 of the United States at the IAEA to block the allocation
9 of funds for any assistance provided by the IAEA through
10 its Technical Cooperation Program to any country de-
11 scribed in subsection (b).

12 (g) REPORT.—Not later than six months after the
13 date of the enactment of this Act, the President shall
14 transmit to the appropriate congressional committees a re-
15 port on the implementation of this section.

16 **SEC. 902. UNITED STATES POLICY AT THE IAEA.**

17 (a) ENFORCEMENT AND COMPLIANCE.—

18 (1) OFFICE OF COMPLIANCE.—

19 (A) ESTABLISHMENT.—The President
20 shall direct the United States Permanent Rep-
21 resentative to International Atomic Energy
22 Agency (IAEA) to use the voice, vote, and influ-
23 ence of the United States at the IAEA to estab-
24 lish an Office of Compliance in the Secretariat
25 of the IAEA.

1 (B) OPERATION.—The Office of Compli-
2 ance shall—

3 (i) function as an independent body
4 composed of technical experts who shall
5 work in consultation with IAEA inspectors
6 to assess compliance by IAEA Member
7 States and provide recommendations to the
8 IAEA Board of Governors concerning pen-
9 alties to be imposed on IAEA Member
10 States that fail to fulfill their obligations
11 under IAEA Board resolutions;

12 (ii) base its assessments and rec-
13 ommendations on IAEA inspection reports;
14 and

15 (iii) take into consideration informa-
16 tion provided by IAEA Board Members
17 that are 1 of the 5 nuclear weapons states
18 as recognized by the Treaty on the Non-
19 Proliferation of Nuclear Weapons (21 UST
20 483) (commonly referred to as the “Nu-
21 clear Nonproliferation Treaty” or the
22 “NPT”).

23 (C) STAFFING.—The Office of Compliance
24 shall be staffed from existing personnel in the
25 Department of Safeguards of the IAEA or the

1 Department of Nuclear Safety and Security of
2 the IAEA.

3 (2) COMMITTEE ON SAFEGUARDS AND
4 VERIFICATION.—The President shall direct the
5 United States Permanent Representative to the
6 IAEA to use the voice, vote, and influence of the
7 United States at the IAEA to ensure that the Com-
8 mittee on Safeguards and Verification established in
9 2005 shall develop and seek to put into force a
10 workplan of concrete measures that will—

11 (A) improve the ability of the IAEA to
12 monitor and enforce compliance by Member
13 States of the IAEA with the Nuclear Non-
14 proliferation Treaty and the Statute of the
15 International Atomic Energy Agency; and

16 (B) enhance the ability of the IAEA, be-
17 yond the verification mechanisms and authori-
18 ties contained in the Additional Protocol to the
19 Safeguards Agreements between the IAEA and
20 Member States of the IAEA, to detect with a
21 high degree of confidence undeclared nuclear
22 activities by a Member State.

23 (3) PENALTIES WITH RESPECT TO THE IAEA.—

24 (A) IN GENERAL.—The President shall di-
25 rect the United States Permanent Representa-

1 tive to the IAEA to use the voice, vote, and in-
2 fluence of the United States at the IAEA to en-
3 sure that a Member State of the IAEA that is
4 under investigation for a breach of or non-
5 compliance with its IAEA obligations or the
6 purposes and principles of the Charter of the
7 United Nations has its privileges suspended, in-
8 cluding—

9 (i) limiting its ability to vote on its
10 case;

11 (ii) being prevented from receiving
12 any technical assistance; and

13 (iii) being prevented from hosting
14 meetings.

15 (B) TERMINATION OF PENALTIES.—The
16 penalties specified under subparagraph (A)
17 shall be terminated when such investigation is
18 concluded and such Member State is no longer
19 in such breach or noncompliance.

20 (4) PENALTIES WITH RESPECT TO THE NU-
21 CLEAR NONPROLIFERATION TREATY.—The Presi-
22 dent shall direct the United States Permanent Rep-
23 resentative to the IAEA to use the voice, vote, and
24 influence of the United States at the IAEA to en-
25 sure that a Member State of the IAEA that is found

1 to be in breach of, in noncompliance with, or has
2 withdrawn from the Nuclear Nonproliferation Treaty
3 shall return to the IAEA all nuclear materials and
4 technology received from the IAEA, any Member
5 State of the IAEA, or any Member State of the Nu-
6 clear Nonproliferation Treaty.

7 (b) UNITED STATES CONTRIBUTIONS.—

8 (1) VOLUNTARY CONTRIBUTIONS.—Voluntary
9 contributions of the United States to the IAEA
10 should primarily be used to fund activities relating
11 to Nuclear Safety and Security or activities relating
12 to Nuclear Verification.

13 (2) LIMITATION ON USE OF FUNDS.—The
14 President shall direct the United States Permanent
15 Representative to the IAEA to use the voice, vote,
16 and influence of the United States at the IAEA to—

17 (A) ensure that funds for safeguards in-
18 spections are prioritized for countries that have
19 newly established nuclear programs or are initi-
20 ating nuclear programs; and

21 (B) block the allocation of funds for any
22 other IAEA development, environmental, or nu-
23 clear science assistance or activity to a coun-
24 try—

1 (i) the government of which the Sec-
2 retary of State has determined, for pur-
3 poses of section 6(j) of the Export Admin-
4 istration Act of 1979, section 620A of the
5 Foreign Assistance Act of 1961, section 40
6 of the Arms Export Control Act, or other
7 provision of law, is a government that has
8 repeatedly provided support for acts of
9 international terrorism and the government
10 of which the Secretary has determined has
11 not dismantled and surrendered its weap-
12 ons of mass destruction programs under
13 international verification;

14 (ii) that is under investigation for a
15 breach of or noncompliance with its IAEA
16 obligations or the purposes and principles
17 of the Charter of the United Nations; or

18 (iii) that is in violation of its IAEA
19 obligations or the purposes and principles
20 of the Charter of the United Nations.

21 (3) **DETAIL OF EXPENDITURES.**—The Presi-
22 dent shall direct the United States Permanent Rep-
23 resentative to the IAEA to use the voice, vote, and
24 influence of the United States at the IAEA to se-
25 cure, as part of the regular budget presentation of

1 the IAEA to Member States of the IAEA, a detailed
2 breakdown by country of expenditures of the IAEA
3 for safeguards inspections and nuclear security ac-
4 tivities.

5 (c) MEMBERSHIP.—

6 (1) IN GENERAL.—The President shall direct
7 the United States Permanent Representative to the
8 IAEA to use the voice, vote, and influence of the
9 United States at the IAEA to block the membership
10 on the Board of Governors of the IAEA for a Mem-
11 ber State of the IAEA that has not signed and rati-
12 fied the Additional Protocol and—

13 (A) is under investigation for a breach of
14 or noncompliance with its IAEA obligations or
15 the purposes and principles of the Charter of
16 the United Nations; or

17 (B) that is in violation of its IAEA obliga-
18 tions or the purposes and principles of the
19 Charter of the United Nations.

20 (2) CRITERIA.—The United States Permanent
21 Representative to the IAEA shall make every effort
22 to modify the criteria for Board membership to re-
23 flect the principles described in paragraph (1).

24 (d) SMALL QUANTITIES PROTOCOL.—The President
25 shall direct the United States Permanent Representative

1 to the IAEA to use the voice, vote, and influence of the
2 United States at the IAEA to make every effort to ensure
3 that the IAEA changes the policy regarding the Small
4 Quantities Protocol in order to—

5 (1) rescind and eliminate the Small Quantities
6 Protocol;

7 (2) require that any IAEA Member State that
8 has previously signed a Small Quantities Protocol to
9 sign, ratify, and implement the Additional Protocol,
10 provide immediate access for IAEA inspectors to its
11 nuclear-related facilities, and agree to the strongest
12 inspections regime of its nuclear efforts; and

13 (3) require that any IAEA Member State that
14 does not comply with paragraph (2) to be ineligible
15 to receive nuclear material, technology, equipment,
16 or assistance from any IAEA Member State and
17 subject to the penalties described in subsection
18 (a)(3).

19 (e) NUCLEAR PROGRAM OF IRAN.—

20 (1) UNITED STATES ACTION.—The President
21 shall direct the United States Permanent Represent-
22 ative to the IAEA to use the voice, vote, and influ-
23 ence of the United States at the IAEA to make
24 every effort to ensure the adoption of a resolution by
25 the IAEA Board of Governors that, in addition to

1 the restrictions already imposed, makes Iran ineli-
2 gible to receive any nuclear material, technology,
3 equipment, or assistance from any IAEA Member
4 State and ineligible for any IAEA assistance not re-
5 lated to safeguards inspections or nuclear security
6 until the IAEA Board of Governors determines that
7 Iran—

8 (A) is providing full access to IAEA in-
9 spectors to its nuclear-related facilities;

10 (B) has fully implemented and is in com-
11 pliance with the Additional Protocol; and

12 (C) has permanently ceased and disman-
13 tled all activities and programs related to nu-
14 clear-enrichment and reprocessing.

15 (2) PENALTIES.—If an IAEA Member State is
16 determined to have violated the prohibition on as-
17 sistance to Iran described in paragraph (1) before
18 the IAEA Board of Governors determines that Iran
19 has satisfied the conditions described in subpara-
20 graphs (A) through (C) of such paragraph, such
21 Member State shall be subject to the penalties de-
22 scribed in subsection (a)(3), shall be ineligible to re-
23 ceive nuclear material, technology, equipment, or as-
24 sistance from any IAEA Member State, and shall be
25 ineligible to receive any IAEA assistance not related

1 to safeguards inspections or nuclear security until
2 such time as the IAEA Board of Governors makes
3 such determination with respect to Iran.

4 (f) REPORT.—Not later than 6 months after the date
5 of the enactment of this Act and annually for 2 years
6 thereafter, the President shall submit to the appropriate
7 congressional committees a report on the implementation
8 of this section.

9 **SEC. 903. SENSE OF CONGRESS REGARDING THE NUCLEAR**
10 **SECURITY ACTION PLAN OF THE IAEA.**

11 It is the sense of Congress that the national security
12 interests of the United States are enhanced by the Nuclear
13 Security Action Plan of the IAEA and the Board of Gov-
14 ernors should recommend, and the General Conference
15 should adopt, a resolution incorporating the Nuclear Secu-
16 rity Action Plan into the regular budget of the IAEA.

17 **TITLE X—PEACEKEEPING**

18 **SEC. 1001. REFORM OF UNITED NATIONS PEACEKEEPING**
19 **OPERATIONS.**

20 It is the sense of Congress that—

21 (1) although United Nations peacekeeping oper-
22 ations have contributed greatly toward the pro-
23 motion of peace and stability for over 6 decades and
24 the majority of peacekeeping personnel who have
25 served under the United Nations flag have done so

1 with honor and courage, the record of United Na-
2 tions peacekeeping has been severely tarnished by
3 operational failures and unconscionable acts of mis-
4 conduct;

5 (2) in response to such failures, successive Sec-
6 retaries General of the United Nations have
7 launched numerous reform efforts, including the
8 high-level Panel on United Nations Peace Oper-
9 ations, led by former Foreign Minister of Algeria
10 Lakhdar Brahimi, the 2005 report by the Special
11 Advisor on the Prevention of Sexual Exploitation
12 and Abuse, His Royal Highness Prince Zeid Ra'ad
13 Zeid Al-Husseini of Jordan, and the 2009 New Part-
14 nership Agenda, known as the "New Horizon" re-
15 ports;

16 (3) despite the fact that the United Nations has
17 had over a decade to implement many of these re-
18 forms, nearly four years to implement the reforms in
19 the Zeid Report, and the fact that Secretary General
20 Ban Ki-Moon, his predecessor Kofi Annan, and the
21 Special Committee on Peacekeeping Operations re-
22 peatedly have expressed their commitment "to imple-
23 menting fundamental, systematic changes as a mat-
24 ter of urgency," a number of critical reforms con-
25 tinue to be blocked or delayed by Members States

1 who arguably benefit from maintenance of the status
2 quo;

3 (4) further, audits of procurement practices in
4 the Department of Peacekeeping Operations, con-
5 ducted by the Office of Internal Oversight Services,
6 and the now-defunct United Nations Procurement
7 Task Force have uncovered “significant” corruption
8 schemes and criminal acts by United Nations peace-
9 keeping personnel; and

10 (5) if the reputation of and confidence in
11 United Nations peacekeeping operations is to be re-
12 stored, fundamental and far-reaching reforms, par-
13 ticularly in the areas of planning, management, pro-
14 curement, training, conduct, and discipline, must be
15 implemented without further delay.

16 **SEC. 1002. POLICY RELATING TO REFORM OF UNITED NA-**
17 **TIONS PEACEKEEPING OPERATIONS.**

18 It shall be the policy of the United States to pursue
19 reform of United Nations peacekeeping operations in the
20 following areas:

21 (1) **PLANNING AND MANAGEMENT.**—

22 (A) **GLOBAL AUDIT.**—As the size, cost,
23 and number of United Nations peacekeeping
24 operations have increased substantially over the
25 past decade, independent audits of each such

1 operation should be conducted annually, with a
2 view toward “right-sizing” operations and en-
3 suring that all operations are efficient and cost
4 effective.

5 (B) PROCUREMENT AND TRANS-
6 PARENCY.—The logistics established within the
7 United Nations Department of Field Support
8 should be streamlined and strengthened to en-
9 sure that all peacekeeping missions are
10 resourced appropriately, transparently, and in a
11 timely fashion while individual accountability
12 for waste, fraud and abuse within United Na-
13 tions peacekeeping missions is uniformly en-
14 forced.

15 (C) REVIEW OF MANDATES AND CLOSING
16 OPERATIONS.—In conjunction with the audit
17 described in subparagraph (A), the United Na-
18 tions Department of Peacekeeping Operations
19 should conduct a comprehensive review of all
20 United Nations peacekeeping operation man-
21 dates, with a view toward identifying objectives
22 that are practical and achievable, and report its
23 findings to the Security Council. In particular,
24 the review should consider the following:

1 (i) Except in extraordinary cases, in-
2 cluding genocide, the United Nations De-
3 partment of Peacekeeping Operations
4 should not be tasked with activities that
5 are impractical or unachievable without the
6 cooperation of the Member State(s)
7 hosting a United Nations peacekeeping op-
8 eration, or which amount to de-facto
9 Trusteeship outside of the procedures es-
10 tablished for such under Chapter XII of
11 the United Nations Charter, thereby cre-
12 ating unrealistic expectations and obfus-
13 cating the primary responsibility of the
14 Member States themselves in creating and
15 maintaining conditions for peace.

16 (ii) Long-standing operations that are
17 static and cannot fulfill their mandate
18 should be downsized or closed.

19 (iii) Where there is legitimate concern
20 that the withdrawal from a country of an
21 otherwise static United Nations peace-
22 keeping operation would result in the re-
23 sumption of major conflict, a burden-shar-
24 ing arrangement that reduces the level of
25 assessed contributions, similar to that cur-

1 rently supporting the United Nations
2 Peacekeeping Force in Cyprus, should be
3 explored and instituted.

4 (D) LEADERSHIP.—As peacekeeping oper-
5 ations become larger and increasingly complex,
6 the Secretariat should adopt a minimum stand-
7 ard of qualifications for senior leaders and
8 managers, with particular emphasis on specific
9 skills and experience, and current senior leaders
10 and managers who do not meet those standards
11 should be removed.

12 (E) PRE-DEPLOYMENT TRAINING.—Pre-de-
13 ployment training on interpretation of the man-
14 date of the operation, specifically in the areas
15 of use of force, civilian protection and field con-
16 ditions, the Code of Conduct, HIV/AIDS, and
17 human rights should be mandatory, and all per-
18 sonnel, regardless of category or rank, should
19 be required to sign an oath that each has re-
20 ceived and understands such training as a con-
21 dition of participation in the operation.

22 (F) GRATIS MILITARY PERSONNEL.—The
23 General Assembly should seek to strengthen the
24 capacity the United Nations Department of
25 Peacekeeping Operations and ease the extraor-

1 dinary burden currently placed upon the limited
2 number of headquarters staff by lifting restric-
3 tions on the utilization of gratis military per-
4 sonnel by the Department so that the Depart-
5 ment may accept secondments from Member
6 States of military personnel with expertise in
7 mission planning, logistics, and other oper-
8 ational specialties.

9 (2) CONDUCT AND DISCIPLINE.—

10 (A) ADOPTION OF A UNIFORM CODE OF
11 CONDUCT.—A single, uniform Code of Conduct
12 that has the status of a binding rule and ap-
13 plies equally to all personnel serving in United
14 Nations peacekeeping operations, regardless of
15 category or rank, including military personnel,
16 should be adopted and incorporated into legal
17 documents governing participation in such an
18 operation, including all contracts and Memoran-
19 dums of Understanding, promulgated and effec-
20 tively enforced.

21 (B) UNDERSTANDING THE CODE OF CON-
22 DUCT.—All personnel, regardless of category or
23 rank, should receive training on the Code of
24 Conduct prior to deployment with a peace-

1 keeping operation, in addition to periodic fol-
2 low-on training. In particular—

3 (i) all personnel, regardless of cat-
4 egory or rank, should be provided with a
5 personal copy of the Code of Conduct that
6 has been translated into the national lan-
7 guage of such personnel, regardless of
8 whether such language is an official lan-
9 guage of the United Nations;

10 (ii) all personnel, regardless of cat-
11 egory or rank, should sign an oath that
12 each has received a copy of the Code of
13 Conduct, that each pledges to abide by the
14 Code of Conduct, and that each under-
15 stands the consequences of violating the
16 Code of Conduct, including immediate ter-
17 mination of participation in and permanent
18 exclusion from all current and future
19 peacekeeping operations, as well as the as-
20 sumption of personal liability and victims
21 compensation, where appropriate, as a con-
22 dition of appointment to any such oper-
23 ation; and

24 (iii) peacekeeping operations should
25 continue and enhance educational outreach

1 programs to reach local communities where
2 peacekeeping personnel of such operations
3 are based, including explaining prohibited
4 acts on the part of United Nations peace-
5 keeping personnel and identifying the indi-
6 vidual to whom the local population may
7 direct complaints or file allegations of ex-
8 ploitation, abuse, or other acts of mis-
9 conduct.

10 (C) MONITORING MECHANISMS.—Dedi-
11 cated monitoring mechanisms, such as the Con-
12 duct and Discipline Teams already deployed to
13 support United Nations peacekeeping oper-
14 ations in Haiti, Sudan, Kosovo, Liberia, Leb-
15 anon, Timor Leste, Cote d'Ivoire, Western Sa-
16 hara, and the Democratic Republic of Congo,
17 should be present in each operation to monitor
18 compliance with the Code of Conduct, and
19 should report simultaneously to the Head of
20 Mission, the United Nations Department of
21 Field Support, the United Nations Department
22 of Peacekeeping Operations, and the Associate
23 Director of the Office of Internal Oversight
24 Services for Peacekeeping Operations (estab-
25 lished under section 1114(b)(9)).

1 (D) INVESTIGATIONS.—A permanent, pro-
2 fessional, and independent investigative body
3 should be established and introduced into
4 United Nations peacekeeping operations. In
5 particular—

6 (i) the investigative body should in-
7 clude professionals with experience in in-
8 vestigating sex crimes and the illegal ex-
9 ploitation of resources, as appropriate, as
10 well as experts who can provide guidance
11 on standards of proof and evidentiary re-
12 quirements necessary for any subsequent
13 legal action;

14 (ii) provisions should be included in
15 all Memorandums of Understanding, in-
16 cluding a Model Memorandum of Under-
17 standing, that obligate Member States that
18 contribute troops to a peacekeeping oper-
19 ation to designate a military prosecutor
20 who will participate in any investigation
21 into credible allegations of misconduct
22 brought against an individual of such
23 Member State, so that evidence is collected
24 and preserved in a manner consistent with
25 the military law of such Member State;

1 (iii) the investigative body should be
2 regionally based to ensure rapid deploy-
3 ment and should be equipped with modern
4 forensics equipment for the purpose of
5 positively identifying perpetrators and,
6 where necessary, for determining paternity;
7 and

8 (iv) the investigative body should re-
9 port directly to the Associate Director of
10 the Office of Internal Oversight Services
11 for Peacekeeping Operations, while pro-
12 viding copies of any reports to the Depart-
13 ment of Field Support, the Department of
14 Peacekeeping Operations, the Head of Mis-
15 sion, and the Member State concerned.

16 (E) FOLLOW-UP.—The Conduct and Dis-
17 cipline Unit in the headquarters of the United
18 Nations Department of Field Support should be
19 appropriately staffed, resourced, and tasked
20 with—

21 (i) promulgating measures to prevent
22 misconduct;

23 (ii) receiving reports by field per-
24 sonnel and coordinating the Department's
25 response to allegations of misconduct;

1 (iii) gathering follow-up information
2 on completed investigations, particularly by
3 focusing on disciplinary actions against the
4 individual concerned taken by the United
5 Nations or by the Member State that is
6 contributing troops to which such indi-
7 vidual belongs, and sharing such informa-
8 tion with the Security Council, the Depart-
9 ment of Peacekeeping Operations, the
10 Head of Mission, and the community
11 hosting the peacekeeping operation; and

12 (iv) contributing pertinent data on
13 conduct and discipline to the database re-
14 quired pursuant to subparagraph (H).

15 (F) FINANCIAL LIABILITY AND VICTIMS
16 ASSISTANCE.—Although peacekeeping oper-
17 ations should provide immediate medical assist-
18 ance to victims of sexual abuse or exploitation,
19 the responsibility for providing longer-term
20 treatment, care, or restitution lies solely with
21 the individual found guilty of the misconduct.
22 In particular:

23 (i) The United Nations should not as-
24 sume responsibility for providing long-term
25 treatment or compensation under the Sex-

1 ual Exploitation and Abuse Victim Assist-
2 ance Mechanism by utilizing assessed con-
3 tributions to United Nations peacekeeping
4 operations, thereby shielding individuals
5 from personal liability and reinforcing an
6 atmosphere of impunity.

7 (ii) If an individual responsible for
8 misconduct has been repatriated, reas-
9 signed, redeployed, or is otherwise unable
10 to provide assistance, responsibility for
11 providing assistance to a victim should be
12 assigned to the Member State that contrib-
13 uted the contingent to which such indi-
14 vidual belonged or to the manager con-
15 cerned.

16 (iii) In the case of misconduct by a
17 member of a military contingent, appro-
18 priate funds shall be withheld from the
19 troop contributing country concerned.

20 (iv) In the case of misconduct by a ci-
21 vilian employee or contractor of the United
22 Nations, appropriate wages shall be gar-
23 nished from such individual or fines shall
24 be imposed against such individual, con-
25 sistent with existing United Nations Staff

1 Rules, and retirement funds shall not be
2 shielded from liability.

3 (G) MANAGERS AND COMMANDERS.—The
4 manner in which managers and commanders
5 handle cases of misconduct by those serving
6 under them should be included in their indi-
7 vidual performance evaluations, so that man-
8 agers and commanders who take decisive action
9 to deter and address misconduct are rewarded,
10 while those who create a permissive environ-
11 ment or impede investigations are penalized or
12 relieved of duty, as appropriate.

13 (H) DATABASE.—A centralized database,
14 including personnel photos, fingerprints, and bi-
15 ometric data, should be created and maintained
16 within the United Nations Department of
17 Peacekeeping Operations, the Department of
18 Field Support, and other relevant United Na-
19 tions bodies without further delay to track cases
20 of misconduct, including the outcome of inves-
21 tigation and subsequent prosecutions, to en-
22 sure that personnel who have engaged in mis-
23 conduct or other criminal activities, regardless
24 of category or rank, are permanently barred

1 from participation in future peacekeeping oper-
2 ations.

3 (I) COOPERATION OF MEMBER STATES.—

4 If a Member State routinely refuses to cooper-
5 ate with the directives contained herein or acts
6 to shield its nationals from personal liability,
7 that Member State should be barred from con-
8 tributing troops or personnel to future peace-
9 keeping operations.

10 (J) WELFARE.—Peacekeeping operations
11 should continue to seek to maintain a minimum
12 standard of welfare for mission personnel to
13 ameliorate conditions of service, while adjust-
14 ments are made to the discretionary welfare
15 payments currently provided to Member States
16 that contribute troops to offset the cost of oper-
17 ation-provided recreational facilities, as nec-
18 essary and appropriate.

19 **SEC. 1003. CERTIFICATION.**

20 (a) NEW OR EXPANDED PEACEKEEPING OPER-
21 ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-
22 CATION OF PEACEKEEPING OPERATIONS REFORMS.—

23 (1) NO NEW OR EXPANDED PEACEKEEPING OP-
24 ERATIONS.—

1 (A) CERTIFICATION.—Except as provided
2 in subparagraph (B), until the Secretary of
3 State certifies that the requirements described
4 in paragraph (2) have been satisfied, the Presi-
5 dent shall direct the United States Permanent
6 Representative to the United Nations to use the
7 voice, vote, and influence of the United States
8 at the United Nations to oppose the creation of
9 new, or expansion of existing, United Nations
10 peacekeeping operations.

11 (B) EXCEPTION AND NOTIFICATION.—The
12 requirements described under paragraph (2)
13 may be waived with respect to a particular
14 peacekeeping operation if the President deter-
15 mines that failure to deploy new or additional
16 peacekeepers in such situation will significantly
17 contribute to the widespread loss of human life,
18 genocide, or the endangerment of a vital na-
19 tional security interest of the United States. If
20 the President makes such a determination, the
21 President shall, not later than 15 days before
22 the exercise of such waiver, notify the appro-
23 priate congressional committees of such deter-
24 mination and resulting waiver.

1 (2) CERTIFICATION OF PEACEKEEPING OPER-
2 ATIONS REFORMS.—The certification referred to in
3 paragraph (1) is a certification made by the Sec-
4 retary to the appropriate congressional committees
5 that the following reforms, or an equivalent set of
6 reforms, related to peacekeeping operations have
7 been adopted by the United Nations Department of
8 Peacekeeping Operations or the General Assembly,
9 as appropriate:

10 (A) A single, uniform Code of Conduct
11 that has the status of a binding rule and ap-
12 plies equally to all personnel serving in United
13 Nations peacekeeping operations, regardless of
14 category or rank, has been adopted by the Gen-
15 eral Assembly and duly incorporated into all
16 contracts and a Model Memorandum of Under-
17 standing, and mechanisms have been estab-
18 lished for training such personnel concerning
19 the requirements of the Code and enforcement
20 of the Code.

21 (B) All personnel, regardless of category or
22 rank, serving in a peacekeeping operation have
23 been trained concerning the requirements of the
24 Code of Conduct and each has been given a per-

1 sonal copy of the Code, translated into the na-
2 tional language of such personnel.

3 (C) All personnel, regardless of category or
4 rank, are required to sign an oath that each has
5 received a copy of the Code of Conduct, that
6 each pledges to abide by the Code, and that
7 each understands the consequences of violating
8 the Code, including immediate termination of
9 participation in and permanent exclusion from
10 all current and future peacekeeping operations,
11 as well as the assumption of personal liability
12 for victims compensation as a condition of the
13 appointment to such operation.

14 (D) All peacekeeping operations have de-
15 signed and implemented educational outreach
16 programs to reach local communities where
17 peacekeeping personnel of such operations are
18 based to explain prohibited acts on the part of
19 United Nations peacekeeping personnel and to
20 identify the individual to whom the local popu-
21 lation may direct complaints or file allegations
22 of exploitation, abuse, or other acts of mis-
23 conduct.

24 (E) The creation of a centralized database,
25 including personnel photos, fingerprints, and bi-

1 ometric data, has been completed and is being
2 maintained in the United Nations Department
3 of Peacekeeping Operations that tracks cases of
4 misconduct, including the outcomes of inves-
5 tigations and subsequent prosecutions, to en-
6 sure that personnel, regardless of category or
7 rank, who have engaged in misconduct or other
8 criminal activities are permanently barred from
9 participation in future peacekeeping operations.

10 (F) A Model Memorandum of Under-
11 standing between the United Nations and each
12 Member State that contributes troops to a
13 peacekeeping operation has been adopted by the
14 United Nations Department of Peacekeeping
15 Operations that specifically obligates each such
16 Member State to—

17 (i) uphold the uniform Code of Con-
18 duct which shall apply equally to all per-
19 sonnel serving in United Nations peace-
20 keeping operations, regardless of category
21 or rank;

22 (ii) designate a competent legal au-
23 thority, preferably a prosecutor with exper-
24 tise in the area of sexual exploitation and
25 abuse where appropriate, to participate in

1 any investigation into an allegation of mis-
2 conduct brought against an individual of
3 such Member State;

4 (iii) refer to its competent national or
5 military authority for possible prosecution,
6 if warranted, any investigation of a viola-
7 tion of the Code of Conduct or other crimi-
8 nal activity by an individual of such Mem-
9 ber State;

10 (iv) report to the Department of Field
11 Support and the Department of Peace-
12 keeping Operations on the outcome of any
13 such investigation;

14 (v) undertake to conduct on-site court
15 martial proceedings, where practical and
16 appropriate, relating to allegations of mis-
17 conduct alleged against an individual of
18 such Member State; and

19 (vi) assume responsibility for the pro-
20 vision of appropriate assistance to a victim
21 of misconduct committed by an individual
22 of such Member State.

23 (G) A professional and independent inves-
24 tigative and audit function has been established
25 within the United Nations Department of

1 Peacekeeping Operations and the Office of In-
2 ternal Oversight Services to monitor United
3 Nations peacekeeping operations.

○