

113TH CONGRESS  
1ST SESSION

# H. R. 3155

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2013

Ms. ROS-LEHTINEN introduced the following bill; which was referred to the Committee on Foreign Affairs

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## 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,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “United Nations Transparency, Accountability, and Re-  
6 form Act of 2013”.

7 (b) **TABLE OF CONTENTS.**—The table of contents is  
8 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. Oversight of 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.
- Sec. 208. Report on United Nations procurement practices.

#### 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.
- Sec. 312. United States policy on Taiwan's participation in United Nations entities.
- Sec. 313. United States policy on Tier 3 human rights violators.

#### 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.

8 (2) GENERAL ASSEMBLY.—The term “General  
 9 Assembly” means the General Assembly of the  
 10 United Nations.

11 (3) MEMBER STATE.—The term “Member  
 12 State” means a Member State of the United Na-  
 13 tions. Such term is synonymous with the term  
 14 “country”.

15 (4) SECRETARY.—The term “Secretary” means  
 16 the Secretary of State.

1           (5) SECRETARY GENERAL.—The term “Sec-  
2       retary General” means the Secretary General of the  
3       United Nations.

4           (6) SECURITY COUNCIL.—The term “Security  
5       Council” means the Security Council of the United  
6       Nations.

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

9           (8) UNITED NATIONS ENTITY.—The term  
10      “United Nations Entity” means any United Nations  
11      agency, commission, conference, council, court, de-  
12      partment, forum, fund, institute, office, organiza-  
13      tion, partnership, program, subsidiary body, tri-  
14      bunal, trust, university or academic body, related or-  
15      ganization or subsidiary body, wherever located, that  
16      flies the United Nations flag or is authorized to use  
17      the United Nations logo, including those United Na-  
18      tions affiliated agencies and bodies identified as re-  
19      cipients of United States contributions under section  
20      1225(b)(3)(E) of the John Warner National Defense  
21      Authorization Act for Fiscal Year 2007 (Public Law  
22      109–364), but not including the International Bank  
23      for Reconstruction and Development, the Inter-  
24      national Centre for Settlement of Investment Dis-  
25      putes, the International Development Association,

1 the International Finance Corporation, the Multilat-  
2 eral Investment Guarantee Agency, and the World  
3 Trade Organization.

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

8 (10) UNITED STATES CONTRIBUTION.—The  
9 term “United States Contribution” means an as-  
10 sessed or voluntary contribution, whether financial,  
11 in-kind, or otherwise, from the United States Fed-  
12 eral Government to a United Nations Entity, includ-  
13 ing contributions passed through other entities for  
14 ultimate use by a United Nations Entity. United  
15 States Contributions include those contributions  
16 identified pursuant to section 1225(b)(3)(E) of the  
17 John Warner National Defense Authorization Act  
18 for Fiscal Year 2007 (Public Law 109–364).

19 (11) APPROPRIATE CONGRESSIONAL COMMIT-  
20 TEES.—The term “appropriate congressional com-  
21 mittees” means—

22 (A) the Committees on Foreign Affairs,  
23 Appropriations, and Oversight and Government  
24 Reform of the House of Representatives; and

1 (B) the Committees on Foreign Relations,  
2 Appropriations, and Homeland Security and  
3 Governmental Affairs of the Senate.

4 **TITLE I—FUNDING OF THE**  
5 **UNITED NATIONS**

6 **SEC. 101. FINDINGS.**

7 Congress makes the following findings:

8 (1) The United States pays billions of dollars  
9 into the United Nations system every year (almost  
10 \$7,700,000,000 in 2010, according to the White  
11 House Office of Management and Budget), signifi-  
12 cantly more than any other nation.

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

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

23 (4) The United Nations system suffers from  
24 unacceptably high levels of waste, fraud, and abuse,

1 which seriously impair its ability to fulfill the lofty  
2 ideals of its founding.

3 (5) Amidst the continuing financial, corruption,  
4 and sexual abuse scandals of the past several years,  
5 American public disapproval of United Nations has  
6 reached all-time highs. A 2013 Gallup poll revealed  
7 that 50 percent of Americans believe that the United  
8 Nations is doing a poor job, a negative assessment  
9 shared by a majority of respondents from both polit-  
10 ical parties.

11 (6) Significant improvements in United Nations  
12 transparency and accountability are necessary for  
13 improving public perceptions of American support  
14 for United Nations operations.

15 (7) Because of their need to justify future con-  
16 tributions from donors, voluntarily funded organiza-  
17 tions have more incentive to be responsive and effi-  
18 cient in their operations than organizations funded  
19 by compulsory contributions that are not tied to per-  
20 formance.

21 (8) Catherine Bertini, the former United Na-  
22 tions Under-Secretary General for Management and  
23 director of the World Food Program (WFP), has  
24 stated that “Voluntary funding creates an entirely  
25 different atmosphere at WFP than at the UN. At

1 WFP, every staff member knows that we have to be  
2 as efficient, accountable, transparent, and results-  
3 oriented as possible. If we are not, donor govern-  
4 ments can take their funding elsewhere in a very  
5 competitive world among UN agencies, NGOs, and  
6 bilateral governments.”.

7 (9) Article XVII of the Charter of the United  
8 Nations, which states that “[t]he expenses of the  
9 Organization shall be borne by the Members as ap-  
10 portioned by the General Assembly”, leaves to the  
11 discretion of the General Assembly the basis of ap-  
12 portionment, which could be done on the basis of  
13 voluntary pledges by Member States.

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

18 (11) The United States, which contributes gen-  
19 erously to international organizations whose activi-  
20 ties it recognizes as credible, worthwhile, and effi-  
21 cient, contributes more than 22 percent of the budg-  
22 et of certain voluntarily funded United Nations Spe-  
23 cialized Agencies.

24 (12) John Bolton, Former United States Per-  
25 manent Representative to the United Nations, has



1 stated that “Moving to voluntary funding would end  
2 the UN practice of charging member states for the  
3 expenses of the UN and its activities. Member states  
4 would instead determine for themselves how much to  
5 provide to the UN and, importantly, the specific  
6 tasks and activities that those contributions would  
7 support. The shift toward a voluntary payment sys-  
8 tem would impose a stronger market incentive for  
9 UN programs and activities to meet their goals and  
10 justify continued funding.”.

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

13 (a) UNITED STATES POLICY.—

14 (1) IN GENERAL.—It is the policy of the United  
15 States to seek to shift the funding mechanism for  
16 the regular budget of the United Nations from an  
17 assessed to a voluntary basis.

18 (2) ACTION AT UNITED NATIONS.—The Presi-  
19 dent shall direct the United States Permanent Rep-  
20 resentative to the United Nations to use the voice,  
21 vote, and influence of the United States at the  
22 United Nations to shift the funding mechanism for  
23 the regular budget of the United Nations to a vol-  
24 untary basis, and to make it a priority to build sup-  
25 port for such a transformational change among

1 Member States, particularly key United Nations do-  
2 nors.

3 (b) CERTIFICATION OF PREDOMINANTLY VOL-  
4 UNTARY UN REGULAR BUDGET FINDING.—A certifi-  
5 cation described in this section is a certification by the  
6 Secretary of State to the Appropriate Congressional Com-  
7 mittees that at least 80 percent of the total regular budget  
8 (not including extra-budgetary contributions) of the  
9 United Nations is apportioned on a voluntary basis. Each  
10 such certification shall be effective for a period of not more  
11 than 1 year, and shall be promptly revoked by the Sec-  
12 retary, with notice to the appropriate congressional com-  
13 mittees, if the underlying circumstances change so as not  
14 to warrant such certification.

15 (c) WITHHOLDING OF NONVOLUNTARY CONTRIBU-  
16 TIONS.—

17 (1) IN GENERAL.—Beginning 2 years after the  
18 effective date of this Act and notwithstanding any  
19 other provision of law, no funds may be obligated or  
20 expended for a United States assessed contribution  
21 to the regular budget of the United Nations in an  
22 amount greater than 50 percent of the United  
23 States share of assessed contributions for the reg-  
24 ular budget of the United Nations unless there is in

1 effect a certification by the Secretary, as described  
2 in subsection (b).

3 (2) ALLOWANCE.—For a period of 1 year after  
4 appropriation, funds appropriated for use as a  
5 United States contribution to the regular budget of  
6 the United Nations but withheld from obligation and  
7 expenditure pursuant to paragraph (1) may be obli-  
8 gated and expended for that purpose upon the cer-  
9 tification described in subsection (b). After 1 year,  
10 in the absence of such certification, those funds shall  
11 revert to the United States Treasury.

12 **SEC. 103. BUDGET JUSTIFICATION FOR UNITED STATES**  
13 **CONTRIBUTIONS TO THE REGULAR BUDGET**  
14 **OF THE UNITED NATIONS.**

15 (a) DETAILED ITEMIZATION.—The annual congres-  
16 sional budget justification shall include a detailed itemized  
17 request in support of the contribution of the United States  
18 to the regular budget of the United Nations.

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

21 (1) contain information relating to the amounts  
22 requested in support of each of the various sections  
23 and titles of the regular budget of the United Na-  
24 tions; and

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

5           (c) ADJUSTMENTS AND NOTIFICATION.—If the  
6           United Nations proposes an adjustment to its regular as-  
7           sessed budget, the Secretary of State shall, at the time  
8           such adjustment is presented to the Advisory Committee  
9           on Administrative and Budgetary Questions (ACABQ),  
10          notify and consult with the appropriate congressional com-  
11          mittees.

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

13          (a) IN GENERAL.—Not later than 180 days after the  
14          date of the enactment of this Act and annually thereafter,  
15          the Secretary shall submit to the appropriate congress-  
16          sional committees a report on United Nations reform.

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

19                 (1) progress toward the goal of shifting the  
20                 funding for the United Nations Regular Budget to  
21                 a voluntary basis as identified in section 102, and a  
22                 detailed description of efforts and activities by  
23                 United States diplomats and officials toward that  
24                 end;

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

6           (3) the status of the implementation of manage-  
7 ment reforms within the United Nations and its spe-  
8 cialized agencies;

9           (4) the number of outputs, reports, or other  
10 mandates generated by General Assembly resolutions  
11 that have been eliminated;

12           (5) the progress of the General Assembly to  
13 modernize and streamline the committee structure  
14 and its specific recommendations on oversight and  
15 committee outputs, consistent with the March 2005  
16 report of the Secretary General entitled “In larger  
17 freedom: towards development, security and human  
18 rights for all”;

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

24           (7) the continued utility and relevance of the  
25 Economic and Financial Committee and the Social,

1 Humanitarian, and Cultural Committee, in light of  
2 the duplicative agendas of those committees and the  
3 Economic and Social Council; and

4 (8) whether the United Nations or any of its  
5 specialized agencies has contracted with any party  
6 included on the Lists of Parties Excluded from Fed-  
7 eral Procurement and Nonprocurement Programs.

8 **TITLE II—TRANSPARENCY AND**  
9 **ACCOUNTABILITY FOR**  
10 **UNITED STATES CONTRIBU-**  
11 **TIONS TO THE UNITED NA-**  
12 **TIONS**

13 **SEC. 201. FINDINGS.**

14 Congress makes the following findings:

15 (1) As underscored by continuing revelations of  
16 waste, fraud, and abuse, oversight and account-  
17 ability mechanisms within the United Nations sys-  
18 tem remain significantly deficient, despite decades of  
19 reform attempts, including those initiated by Secre-  
20 taries General of the United Nations.

21 (2) Notwithstanding the personal intentions of  
22 any Secretary General of the United Nations to pro-  
23 mote institutional transparency and accountability  
24 within the United Nations System, the Secretary  
25 General lacks the power to impose far reaching man-

1       agement reforms without the concurrence of the  
2       General Assembly.

3               (3) Groupings of Member States whose voting  
4       power in the General Assembly significantly out-  
5       paces their proportional contributions to the United  
6       Nations system have repeatedly and successfully de-  
7       feated, delayed, and diluted various reform proposals  
8       that would have enabled more detailed oversight and  
9       scrutiny of United Nations system operations and  
10      expenditures.

11              (4) To an unacceptable degree, major donor  
12      states, including the United States, lack access to  
13      reasonably detailed, reliable information that would  
14      allow them to determine how their contributions  
15      have been spent by various United Nations system  
16      entities, further contributing to the lack of account-  
17      ability within the United Nations system.

18 **SEC. 202. DEFINITIONS.**

19      In this title:

20              (1) **TRANSPARENCY CERTIFICATION.**—The term  
21      “Transparency Certification” means an annual,  
22      written affirmation by the head or authorized des-  
23      ignee of a United Nations Entity, provided to the  
24      Department of State, that the Entity will cooperate  
25      with the Department of State and Congress, includ-

1 ing by providing the Department of State and Con-  
2 gress with full, complete, and unfettered access to  
3 Oversight Information as defined in this title.

4 (2) OVERSIGHT INFORMATION.—The term  
5 “Oversight Information” includes—

6 (A) internally and externally commissioned  
7 audits, investigatory reports, program reviews,  
8 performance reports, and evaluations;

9 (B) financial statements, records, and bill-  
10 ing systems;

11 (C) program budgets and program budget  
12 implications, including revised estimates and re-  
13 ports produced by or provided to the Secretary  
14 General and the Secretary General’s agents on  
15 budget related matters;

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

18 (E) analyses and reports regarding the  
19 scale of assessments;

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

22 (G) documents or other records alleging or  
23 involving improper use of resources, mis-  
24 conduct, mismanagement, or other violations of



1 rules and regulations applicable to the United  
2 Nations Entity; and

3 (H) other documentation relevant to the  
4 oversight work of Congress with respect to  
5 United States contributions to the United Na-  
6 tions system.

7 (3) ACCOUNTABILITY CERTIFICATION.—The  
8 term “Accountability Certification” means an an-  
9 nual, written affirmation by the head or authorized  
10 designee of a United Nations Entity provided to the  
11 Secretary of State that the Entity—

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

16 (B) implements and upholds policies and  
17 procedures to protect whistleblowers;

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

1 (D) has established an effective ethics of-  
2 fice;

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

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

9 (G) has established a cap on its adminis-  
10 trative overhead costs.

11 **SEC. 203. OVERSIGHT OF UNITED STATES CONTRIBUTIONS**  
12 **TO THE UNITED NATIONS SYSTEM.**

13 (a) PURPOSE.—The purpose of this section is to en-  
14 hance oversight of United States contributions to the  
15 United Nations System and the use of those contributions  
16 by United Nations Entities, in an effort to eliminate and  
17 deter waste, fraud, and abuse in the use of those contribu-  
18 tions, and thereby to contribute to the development of  
19 greater transparency, accountability, and internal controls  
20 throughout the United Nations System.

21 (b) IMPLEMENTATION.—

22 (1) IN GENERAL.—The Department of State  
23 shall collect and maintain current records regarding  
24 Transparency Certifications and Accountability Cer-  
25 tifications by all United Nations Entities that re-

1 ceive United States contributions and submit that  
2 information for inclusion in the report required  
3 under section 207.

4 (2) NOTIFICATION.—The Department of State  
5 shall keep the appropriate congressional committees  
6 fully and promptly informed of how United Nations  
7 Entities are spending United States contributions.

8 (3) REFERRALS.—

9 (A) IN GENERAL.—The Secretary of State  
10 shall promptly report to the Attorney General  
11 and to the appropriate congressional commit-  
12 tees when the Secretary of State has reasonable  
13 grounds to believe a Federal criminal law has  
14 been violated by a United Nations Entity or one  
15 of its employees, contractors, or representatives.

16 (B) NOTIFICATION.—The Secretary of  
17 State shall promptly report, when appropriate,  
18 to the appropriate congressional committees,  
19 and to the Secretary General or to the head of  
20 the appropriate United Nations Entity, cases in  
21 which the Secretary of State reasonably believes  
22 that mismanagement, misfeasance, or malfea-  
23 sance is likely to have taken place within a  
24 United Nations Entity and disciplinary pro-  
25 ceedings are likely justified.

1           (4) CONFIRMATION OF TRANSPARENCY BY  
2 UNITED NATIONS ENTITIES.—

3           (A) PROMPT NOTICE BY DEPARTMENT OF  
4 STATE.—Whenever information or assistance  
5 requested from a United Nations Entity by the  
6 Department of State pursuant to a Trans-  
7 parency Certification is, in the opinion of the  
8 Secretary of State, unreasonably refused or not  
9 provided in a timely manner, the Secretary of  
10 State shall notify the appropriate congressional  
11 committees, the head of that particular United  
12 Nations Entity, and the Secretary General of  
13 the circumstances in writing, without delay.

14           (B) NOTICE OF COMPLIANCE.—If and  
15 when the information or assistance being  
16 sought by the Department of State in connec-  
17 tion with a notification pursuant to subpara-  
18 graph (A) is provided to the satisfaction of the  
19 Secretary of State, the Secretary of State shall  
20 so notify in writing to the appropriate congress-  
21 sional committees and the head of that par-  
22 ticular United Nations Entity.

23           (C) NONCOMPLIANCE.—If the information  
24 or assistance being sought by the Department  
25 of State in connection with a notification pursu-

1 ant to subparagraph (A) is not provided within  
2 90 days of that notification, then the United  
3 Nations Entity that is the subject of the notifi-  
4 cation is deemed to be noncompliant with its  
5 Transparency Certification.

6 (D) RESTORATION OF COMPLIANCE.—

7 After the situation has been resolved to the sat-  
8 isfaction of the Secretary of State, the Sec-  
9 retary of State shall promptly provide prompt,  
10 written notification of that fact and of the res-  
11 toration of compliance, along with a description  
12 of the basis for the Secretary of State's deci-  
13 sion, to the appropriate congressional commit-  
14 tees, the head of that United Nations Entity,  
15 the Secretary General, and any office or agency  
16 of the Federal Government that has provided  
17 that United Nations Entity with any United  
18 States contribution during the prior 2 years.

19 (5) CONFIRMATION OF ACCOUNTABILITY BY  
20 UNITED NATIONS ENTITIES.—

21 (A) PROMPT NOTICE BY SECRETARY OF  
22 STATE.—Whenever a United Nations Entity  
23 that has provided an Accountability Certifi-  
24 cation is, in the opinion of the Secretary of  
25 State, not in full compliance with any or all of

1 the provisions of that certification, the Sec-  
2 retary of State shall notify the appropriate con-  
3 gressional committees, the head of that par-  
4 ticular United Nations Entity, and the Sec-  
5 retary General of the circumstances in writing,  
6 without delay.

7 (B) NOTICE OF COMPLIANCE.—If and  
8 when the United Nations Entity resumes full  
9 compliance with its Accountability Certification  
10 following the provision of the notification pursu-  
11 ant to subparagraph (A), the Secretary of State  
12 shall so notify in writing the appropriate con-  
13 gressional committees and the head of that  
14 United Nations Entity.

15 (C) NONCOMPLIANCE.—If the United Na-  
16 tions Entity named in the notification in sub-  
17 paragraph (A) does not resume full compliance  
18 with its Accountability Certification to the sat-  
19 isfaction of the Secretary of State within 90  
20 days of that notification, then the United Na-  
21 tions Entity that is the subject of the notifica-  
22 tion is deemed to be noncompliant with its Ac-  
23 countability Certification, and the Secretary of  
24 State shall provide prompt, written notification  
25 of that fact to the appropriate congressional

1 committees, the head of that United Nations  
2 Entity, the Secretary General, and any office or  
3 agency of the Federal Government that has  
4 provided that United Nations Entity with any  
5 United States Contribution during the prior 2  
6 years.

7 (D) RESTORATION OF COMPLIANCE.—

8 After the situation has been resolved to the sat-  
9 isfaction of the Secretary of State, the Sec-  
10 retary of State shall promptly provide prompt,  
11 written notification of that fact and of the res-  
12 toration of compliance, along with a description  
13 of the basis for the Secretary of State's deci-  
14 sion, to the appropriate congressional commit-  
15 tees, the head of that United Nations Entity,  
16 the Secretary General, and any office or agency  
17 of the Federal Government that has provided  
18 that United Nations Entity with any United  
19 States contribution during the prior 2 years.

20 (6) REPORTING.—

21 (A) REPORTING.—In the report submitted  
22 by the Director of the Office of Management  
23 and Budget to Congress pursuant to section  
24 207, the Secretary of State shall submit for in-  
25 clusion a section that, among other things, in-

1 includes a list and detailed description of the cir-  
2 cumstances surrounding any notification of  
3 compliance issued pursuant to paragraph (4)(C)  
4 or (5)(C) during the covered timeframe, and  
5 whether and when the Secretary has reversed  
6 such finding of noncompliance.

7 (B) PROHIBITED DISCLOSURES.—Nothing  
8 in this subsection shall be construed to author-  
9 ize the public disclosure of information that  
10 is—

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

13 (ii) specifically required by Executive  
14 order to be protected from disclosure in  
15 the interest of national defense or national  
16 security or in the conduct of foreign af-  
17 fairs; or

18 (iii) a part of an ongoing criminal in-  
19 vestigation.

20 (C) PRIVACY PROTECTIONS.—The Sec-  
21 retary of State shall exempt from public disclo-  
22 sure information received from a United Na-  
23 tions Entity that the Secretary of State be-  
24 lieves—



1 (i) constitutes a trade secret or privi-  
2 leged and confidential personal financial  
3 information;

4 (ii) constitutes confidential personal  
5 medical information;

6 (iii) accuses a particular person of a  
7 crime;

8 (iv) would, if publicly disclosed, con-  
9 stitute a clearly unwarranted invasion of  
10 personal privacy; and

11 (v) would compromise an ongoing law  
12 enforcement investigation or judicial trial  
13 in the United States.

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

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

20 (1) the intended United Nations Entity recipi-  
21 ent has not provided to the Secretary of State within  
22 the preceding year a Transparency Certification as  
23 defined in section 202(1);

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

4           (3) the intended United Nations Entity recipi-  
5           ent has not provided to the Secretary of State within  
6           the preceding year an Accountability Certification as  
7           defined in section 202(3); or

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

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

21          (c) PRESIDENTIAL WAIVER.—The President may  
22          waive the limitations of this subsection with respect to a  
23          particular United States Contribution to a particular  
24          United Nations Entity within a single fiscal year if the  
25          President determines that failure to do so would pose an

1 extraordinary threat to the national security of the United  
2 States and provides notification and explanation of that  
3 determination to the appropriate congressional commit-  
4 tees.

5 **SEC. 205. INTEGRITY FOR UNITED STATES CONTRIBU-**  
6 **TIONS.**

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

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

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

24 (b) TREATMENT OF FUNDS WITHHELD FOR NON-  
25 COMPLIANCE.—At the conclusion of each fiscal year, any

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

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

11 (a) FINDINGS.—Congress makes the following find-  
12 ings:

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

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

1           (3) In recent years, the TEF has taken in con-  
2           siderably more money than it has paid out, with the  
3           United States apparently overpaying into the TEF  
4           by \$52,200,000 in the 2008–2009 timeframe alone.

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

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

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

21          (b) STATEMENT OF POLICY.—It is the policy of the  
22          United States—

23                 (1) to annually instruct the United Nations to  
24                 return to the United States any surplus assessed

1 contributions or other overpayments by the United  
2 States to any United Nations Entity; and

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

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

19 **SEC. 207. ANNUAL REPORTS ON UNITED STATES CON-**  
20 **TRIBUTIONS TO THE UNITED NATIONS.**

21 (a) ANNUAL REPORT.—Not later than 90 days after  
22 the date of the enactment of this Act and annually for  
23 two years thereafter, the Director of the Office of Manage-  
24 ment and Budget shall submit to Congress a report listing  
25 all assessed and voluntary contributions of the United

1 States Government for the preceding fiscal year to the  
2 United Nations and United Nations affiliated agencies  
3 and related bodies.

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

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

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

16 (3) For each such contribution—

17 (A) the amount of such contribution;

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

20 (C) the department or agency of the  
21 United States Government responsible for such  
22 contribution;

23 (D) the purpose of such contribution; and

1 (E) the United Nations or United Nations  
2 affiliated agency or related body receiving such  
3 contribution.

4 **SEC. 208. REPORT ON UNITED NATIONS PROCUREMENT**  
5 **PRACTICES.**

6 (a) IN GENERAL.—Not later than 180 days after the  
7 date of the enactment of this Act and annually thereafter,  
8 the Secretary shall submit to the appropriate congres-  
9 sional committees a report on United Nations procure-  
10 ment reform.

11 (b) CONTENTS.—The reports required under sub-  
12 section (a) shall describe—

13 (1) progress toward the goal of donor countries  
14 establishing a threshold number for procurement  
15 purposes, of which 50 percent of the procurement  
16 for donor programs over \$1,000,000,000 shall utilize  
17 donor vendors;

18 (2) the status of the amount and percentage of  
19 procurement at the United Nations through United  
20 States vendors; and

21 (3) the status of examinations and investiga-  
22 tions if companies on the Excluded Parties List Sys-  
23 tem are receiving contracts through the United Na-  
24 tions, and the values of such contracts.



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 (a) IN GENERAL.—The President shall direct the  
7 United States Permanent Representative to the United  
8 Nations to use the voice, vote, and influence of the United  
9 States at the United Nations to work toward adoption by  
10 the General 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 sub-  
24 paragraph (B) and measures taken by a gov-  
25 ernment or international organization in self-de-

1           fense against an action described in such sub-  
2           paragraph; and

3           (2) a comprehensive convention on terrorism  
4           that includes the definition described in paragraph  
5           (1).

6           (b) SENSE OF CONGRESS.—It is the sense of Con-  
7           gress that—

8           (1) authoritarian regimes often inaccurately  
9           label peaceful, pro-freedom, pro-democracy move-  
10          ments as terrorist movements in order to undermine  
11          the legitimacy of those movements; and

12          (2) any United Nations definition of terrorism  
13          should not be used to undermine a peaceful, pro-  
14          freedom, pro-democracy movement against authori-  
15          tarian rule.

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

17          (a) IN GENERAL.—Not later than 1 year after the  
18          date of the enactment of this Act, the Secretary of State  
19          shall submit to the appropriate congressional committees  
20          a report—

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

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

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

4           (1) a comprehensive evaluation of human re-  
5 sources reforms at the United Nations, including an  
6 evaluation of—

7                   (A) tenure;

8                   (B) performance reviews;

9                   (C) the promotion system;

10                   (D) a merit-based hiring system and en-  
11 hanced regulations concerning termination of  
12 employment of employees; and

13                   (E) the implementation of a code of con-  
14 duct and ethics training;

15           (2) the implementation of a system of proce-  
16 dures for filing complaints and protective measures  
17 for work-place harassment, including sexual harass-  
18 ment;

19           (3) policy recommendations relating to the es-  
20 tablishment of a rotation requirement for non-  
21 administrative positions;

22           (4) policy recommendations relating to the es-  
23 tablishment of a prohibition preventing personnel  
24 and officials assigned to the mission of a member  
25 state to the United Nations from transferring to a

1 position within the United Nations Secretariat that  
2 is compensated at the P-5 level and above;

3 (5) policy recommendations relating to a reduc-  
4 tion in travel allowances and attendant oversight  
5 with respect to accommodations and airline flights;  
6 and

7 (6) an evaluation of the recommendations of the  
8 Secretary General relating to greater flexibility for  
9 the Secretary General in staffing decisions to accom-  
10 modate changing priorities.

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

12 The United States shall withhold from United States  
13 contributions to the regular assessed budget of the United  
14 Nations for a biennial period amounts that are propor-  
15 tional to the percentage of such budget that are expended  
16 with respect to a United Nations human rights treaty  
17 monitoring body or committee that was established by—

18 (1) a convention (without any protocols) or an  
19 international covenant (without any protocols) to  
20 which the United States is not party; or

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

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

24 (a) DEPARTMENT OF STATE REVIEW AND RE-  
25 PORT.—

1           (1) IN GENERAL.—To avoid duplicative efforts  
2           and funding with respect to Palestinian interests  
3           and to ensure balance in the approach to Israeli-Pal-  
4           estinian issues, the Secretary shall, not later than  
5           180 days after the date of the enactment of this  
6           Act—

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

9                   (B) submit to the appropriate congress-  
10                  sional committees a report containing audit  
11                  findings and conclusions, and recommendations  
12                  for the elimination of such duplicative entities  
13                  and efforts.

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

16                   (A) The United Nations Division for Pales-  
17                   tinian Rights.

18                   (B) The Committee on the Exercise of the  
19                   Inalienable Rights of the Palestinian People.

20                   (C) The United Nations Special Coordi-  
21                   nator for the Middle East Peace Process and  
22                   Personal Representative to the Palestine Lib-  
23                   eration Organization and the Palestinian Au-  
24                   thority.

1 (D) The NGO Network on the Question of  
2 Palestine.

3 (E) The Special Committee to Investigate  
4 Israeli Practices Affecting the Human Rights of  
5 the Palestinian People and Other Arabs of the  
6 Occupied Territories.

7 (F) Any other entity the Secretary deter-  
8 mines results in duplicative efforts or funding  
9 or fails to ensure balance in the approach to  
10 Israeli-Palestinian issues.

11 (b) IMPLEMENTATION BY PERMANENT REPRESENTA-  
12 TIVE.—

13 (1) IN GENERAL.—The President shall direct  
14 the United States Permanent Representative to the  
15 United Nations to use the voice, vote, and influence  
16 of the United States at the United Nations to seek  
17 the implementation of the recommendations con-  
18 tained in the report required under subsection  
19 (a)(1)(B).

20 (2) WITHHOLDING OF FUNDS.—Until such rec-  
21 ommendations have been implemented, the United  
22 States shall withhold from United States contribu-  
23 tions to the regular assessed budget of the United  
24 Nations for a biennial period amounts that are pro-



1       portional to the percentage of such budget that are  
2       expended for such entities.

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 **SEC. 312. UNITED STATES POLICY ON TAIWAN'S PARTICIPA-**  
5 **TION IN UNITED NATIONS ENTITIES.**

6 The Secretary of State shall direct the United States  
7 Permanent Representative to the United Nations to use  
8 the voice, vote, and influence of the United States at the  
9 United Nations to ensure meaningful participation for  
10 Taiwan in relevant United Nations Entities in which Tai-  
11 wan has expressed an interest in participating.

12 **SEC. 313. UNITED STATES POLICY ON TIER 3 HUMAN**  
13 **RIGHTS VIOLATORS.**

14 The Secretary of State shall direct the United States  
15 Permanent Representative to the United Nations to use  
16 the voice, vote, and influence of the United States at the  
17 United Nations to ensure that no representative of a coun-  
18 try designated pursuant to section 110 of the Trafficking  
19 Victims Protection Act of 2000 (22 U.S.C. 7107) by the  
20 Department of State as a Tier 3 country shall preside as  
21 Chair or President of any United Nations Entity.

1 **TITLE IV—STATUS OF PALES-**  
2 **TINIAN ENTITIES AT THE**  
3 **UNITED NATIONS**

4 **SEC. 401. FINDINGS.**

5 Congress makes the following findings:

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

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

21 (3) The United States success in this case dem-  
22 onstrates that withholding contributions and placing  
23 conditions on their payment can result in real re-  
24 forms, stop counterproductive developments, and ad-  
25 vance United States interests at the United Nations.

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

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

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

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

22           (B) “supports the Administration’s opposi-  
23 tion to a unilateral declaration of a Palestinian  
24 state”; and

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

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

17 (8) On September 16, 2011, the Deputy Na-  
18 tional Security Advisor for Strategic Communica-  
19 tions stated that “We would veto actions through  
20 the Security Council and oppose action through the  
21 Security Council associated with a unilateral dec-  
22 laration of [Palestinian] statehood.”.

23 **SEC. 402. STATEMENT OF POLICY.**

24 It is the policy of the United States to oppose the  
25 recognition of a Palestinian state by any United Nations

1 Entity, or any upgrade, including but not limited to full  
2 membership or non-member-state observer status, in the  
3 status of the Palestinian observer mission at the United  
4 Nations, the Palestine Liberation Organization, the Pales-  
5 tinian Authority, or any other Palestinian administrative  
6 organization or governing entity, at any United Nations  
7 Entity, prior to the achievement of a final peace agree-  
8 ment negotiated between and agreed to by Israel and the  
9 Palestinians.

10 **SEC. 403. IMPLEMENTATION.**

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

16 (b) WITHHOLDING OF FUNDS.—The Secretary of  
17 State shall withhold United States contributions from any  
18 United Nations Entity that recognizes a Palestinian state  
19 or upgrades in any way, including full membership or non-  
20 member-state observer status, the status of the Pales-  
21 tinian observer mission at the United Nations, the Pal-  
22 estine Liberation Organization, the Palestinian Authority,  
23 or any other Palestinian administrative organization or  
24 governing entity, at that United Nations Entity, prior to  
25 the achievement of complete and final peace agreement ne-

1 negotiated between and agreed to by Israel and the Palestin-  
2 ians. Funds appropriated for use as a United States con-  
3 tribution to the United Nations but withheld from obliga-  
4 tion and expenditure pursuant to this section shall imme-  
5 diately revert to the United States Treasury and shall not  
6 be considered arrears to be repaid to any United Nations  
7 Entity.

## 8 **TITLE V—UNITED NATIONS** 9 **HUMAN RIGHTS COUNCIL**

### 10 **SEC. 501. FINDINGS.**

11 Congress makes the following findings:

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

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



1           (3) For example, many members of the United  
2 Nations Human Rights Council are rated “Not  
3 Free” or only “Partly Free” by Freedom House.  
4 Only a minority of members were rated “Free”.

5           (4) The structure and composition of the  
6 United Nations Human Rights Council have made it  
7 subject to gross political manipulation, with the re-  
8 sult that, during its almost seven years of operation,  
9 the Council has passed over 46 resolutions censuring  
10 the democratic, Jewish State of Israel, as compared  
11 to only a handful censuring the dictatorships in  
12 Burma, North Korea, and Syria, just one addressing  
13 the severe, ongoing human rights abuses in Libya,  
14 Iran, and Belarus, and none addressing the severe,  
15 ongoing human rights abuses in China, Cuba, Rus-  
16 sia, Zimbabwe, Venezuela, and elsewhere.

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

21           (6) The United Nations Human Rights Council  
22 has established, or preserved the existence of, a  
23 number of “Special Procedures” mechanisms to ad-  
24 dress country-specific situations or thematic issues.  
25 These mechanisms include a number of “special

1       rapporteurs” whose expenses and staff support are  
2       paid for by contributions to the United Nations.

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

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

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

20              (10) Jean Ziegler, a member of the United Na-  
21      tions Human Rights Council Advisory Committee  
22      and former United Nations “Special Rapporteur on  
23      the Right to Food”, has accused former President  
24      George W. Bush and former Israeli Prime Minister  
25      Ariel Sharon of committing “state terrorism”, has

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

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

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

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

20 (13) The ongoing five-year review of the United  
21 Nations Human Rights Council concluded on June  
22 17, 2011, and failed to make any significant reforms  
23 to its fundamental and severe structural flaws, in-  
24 cluding its absence of substantive membership cri-

1        teria, or to remove the permanent agenda item on  
2        Israel.

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

21           (15) United States membership in the Human  
22        Rights Council has not led to reform of its funda-  
23        mental flaws diminished the Council’s virulently  
24        anti-Israel behavior. The Council has passed twenty-

1 seven resolutions criticizing Israel since the United  
2 States joined in 2009.

3 **SEC. 502. HUMAN RIGHTS COUNCIL MEMBERSHIP AND**  
4 **FUNDING.**

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

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

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

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

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

1           (1) the United Nations Human Rights Coun-  
2           cil’s mandate from the United Nations General As-  
3           sembly explicitly and effectively prohibits candidacy  
4           for Human Rights Council membership of a United  
5           Nations Member State—

6                   (A) subject to sanctions by the Security  
7           Council; and

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

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

12                   (A) subject to sanctions by the Security  
13          Council;

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

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

1 (D) which the President has designated as  
2 a country of particular concern for religious  
3 freedom under section 402(b) of the Inter-  
4 national Religious Freedom Act of 1998; and

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

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

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

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

23 (3) which the Secretary of State has deter-  
24 mined, for purposes of section 6(j) of the Export Ad-  
25 ministration Act of 1979 (as continued in effect pur-



1 suant to the International Emergency Economic  
2 Powers Act), section 40 of the Arms Export Control  
3 Act, section 620A of the Foreign Assistance Act of  
4 1961, or other provision of law, is a government that  
5 has repeatedly provided support for acts of inter-  
6 national terrorism; or

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

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

## 17 **TITLE VI—GOLDSTONE REPORT**

### 18 **SEC. 601. FINDINGS.**

19 Congress finds the following:

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

1           (2) The resolution pre-judged the outcome of its  
2 investigation by one-sidedly mandating the “fact-  
3 finding mission” to “investigate all violations of  
4 international human rights law and International  
5 Humanitarian Law by . . . Israel, against the Pal-  
6 estinian people . . . particularly in the occupied  
7 Gaza Strip, due to the current aggression”.

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

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

21           (5) The mission’s flawed and biased mandate  
22 gave serious concern to many United Nations  
23 Human Rights Council Member States which re-  
24 fused to support it, including Bosnia and  
25 Herzegovina, Cameroon, Canada, France, Germany,

1 Italy, Japan, the Netherlands, the Republic of  
2 Korea, Slovakia, Slovenia, Switzerland, Ukraine, and  
3 the United Kingdom of Great Britain and Northern  
4 Ireland.

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

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

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

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

24 (10) In the October 16, 2009, edition of the  
25 Jewish Daily Forward, Richard Goldstone, the head

1 of the “United Nations Fact Finding Mission on the  
2 Gaza Conflict”, is quoted as saying, with respect to  
3 the mission’s evidence-collection methods, “If this  
4 was a court of law, there would have been nothing  
5 proven”.

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

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

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

22 (14) Notwithstanding a great body of evidence  
23 that Hamas and other violent Islamist groups com-  
24 mitted war crimes by using civilians and civilian in-  
25 stitutions, such as mosques, schools, and hospitals,

1 as shields, the Goldstone Report repeatedly down-  
2 played or cast doubt upon that claim.

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

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

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

1           (18) The Goldstone Report recommended that  
2           the United Nations Human Rights Council endorse  
3           its recommendations, implement them, review their  
4           implementation, and refer the report to the United  
5           Nations Security Council, the Prosecutor of the  
6           International Criminal Court, and the United Na-  
7           tions General Assembly for further action.

8           (19) The Goldstone Report recommended that  
9           the United Nations Security Council—

10                   (A) require the Government of Israel to  
11                   launch further investigations of its conduct dur-  
12                   ing Operation Cast Lead and report back to the  
13                   Security Council within 6 months;

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

19                   (C) refer the case to the Prosecutor of the  
20                   International Criminal Court after that 6-  
21                   month period.

22           (20) The Goldstone Report recommended that  
23           the United Nations General Assembly consider fur-  
24           ther action on the report and establish an escrow  
25           fund, to be funded entirely by the State of Israel, to

1 “pay adequate compensation to Palestinians who  
2 have suffered loss and damage” during Operation  
3 Cast Lead.

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

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

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

23 (24) On September 20, 2009, United Nations  
24 High Commissioner for Human Rights Navanethem

1 Pillay wrote, “I lend my full support to Justice  
2 Goldstone’s report and its recommendations”.

3 (25) The State of Israel, like many other free  
4 democracies, has an independent judicial system  
5 with a robust investigatory capacity and has already  
6 launched numerous investigations, many of which re-  
7 main ongoing, of Operation Cast Lead and indi-  
8 vidual incidents therein.

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

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

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



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

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

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

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

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

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

24                   (C) “calls on the President and the Sec-  
25 retary of State to continue to strongly and un-

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

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

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

23           (33) On October 16, 2009, the United Nations  
24          Human Rights Council voted 25–6 (with 11 Member  
25          States abstaining and 5 not voting, and with the

1 United States voting against) to adopt resolution A-  
2 HRC-S-12-1, which endorsed the Goldstone Report  
3 and condemned Israel, without mentioning Hamas,  
4 other such violent militant groups, or their state  
5 sponsors. The United States voted against the reso-  
6 lution.

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

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

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

21 (C) expressed its "appreciation" to the  
22 "United Nations Fact-Finding Mission on the  
23 Gaza Conflict" for its "comprehensive report";

24 (D) expressed grave concern regarding "re-  
25 ports regarding serious human rights viola-

1           tions” during Operation Cast Lead, including  
2           the findings in the Goldstone Report; and

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

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

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

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

1 (B) requested that the United Nations  
2 High Commissioner for Human Rights submit  
3 a “progress report on the implementation of the  
4 present resolution to the [Human Rights]  
5 Council at its fourteenth session” in May and  
6 June 2010; and

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

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

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

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

1           sideration and appropriate action,” including  
2           referral to the prosecutor of the International  
3           Criminal Court;

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

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

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

1           (39) Efforts to delegitimize the democratic  
2 State of Israel and deny it the right to defend its  
3 citizens and its existence can be used to delegitimize  
4 other democracies and deny them the same right.

5 **SEC. 602. STATEMENT OF POLICY.**

6 It is the policy of the United States to—

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

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

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

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

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

24           (4) lead a high-level diplomatic effort to encour-  
25 age other responsible countries not to endorse, sup-

1 port, or legitimize the Goldstone Report or any other  
2 measures stemming from the report.

3 **SEC. 603. WITHHOLDING OF FUNDS; REFUND OF UNITED**  
4 **STATES TAXPAYER DOLLARS.**

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

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

19 **TITLE VII—DURBAN PROCESS**

20 **SEC. 701. FINDINGS.**

21 Congress makes the following findings:

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



1           (2) Expensive and politically skewed inter-  
2           national conferences can disserve and undermine the  
3           worthy goals that they are ostensibly convened to  
4           support.

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

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

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

1 have made too much of the Holocaust; or suggests  
2 that apartheid exists in Israel; or that singles out  
3 only one country in the world—Israel—for censure  
4 and abuse”.

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

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

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

21 (9) Throughout the preparatory process for  
22 Durban II, member states of the Organization of the  
23 Islamic Conference urged that the conference again  
24 focus criticism on Israel and single out the Israeli-  
25 Palestinian conflict for discussion, and also urged

1 that the conference advocate global speech codes  
2 that would impose restrictions contrary to funda-  
3 mental freedoms recognized in the provisions of the  
4 Universal Declaration of Human Rights.

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

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

1 a 2009 Durban Review Conference process that fails  
2 to adhere to established human rights standards and  
3 to reject an agenda that incites hatred against any  
4 group in the guise of criticism of a particular gov-  
5 ernment or that seeks to forge a global blasphemy  
6 code”.

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

23 (13) High Commissioner Pillay has repeatedly  
24 and publicly criticized nations, including the United  
25 States, which announced that they would not partici-

1       pate in Durban II, but has almost never publicly  
2       criticized governments who succeeded in using the  
3       conference and its preparatory activities to single  
4       out Israel for criticism and to attempt to restrict  
5       fundamental freedoms.

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

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

23              (16) On February 27, 2009, a State Depart-  
24      ment spokesman stated that, despite United States  
25      efforts to redirect the path of Durban II, “the docu-

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

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

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

1 United States has long said it is unable to support  
2 . . . The United States also has serious concerns  
3 with relatively new additions to the text regarding  
4 ‘incitement’, that run counter to the U.S. commit-  
5 ment to unfettered free speech.”.

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

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

1           (21) Libya was the chair of the Main Com-  
2           mittee of Durban II, and vice presidents of Durban  
3           II included Libya, Iran, and Cuba.

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

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

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



1           (25) On April 21, 2009, governments partici-  
2           pating in Durban II adopted by consensus an “out-  
3           come document” that contained a number of provi-  
4           sions advocating restrictions on freedom of expres-  
5           sion, and that also implicitly singled out and criti-  
6           cized Israel for racism by reaffirming, in its very  
7           first paragraph, the 2001 Durban Declaration and  
8           Program of Action.

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

20          (27) During Durban II, several speakers who  
21          sought to draw attention to genuine instances of rac-  
22          ism, racial discrimination, xenophobia, related intoler-  
23          erance, and human rights violations by the govern-  
24          ments of Iran, Libya, and China were repeatedly in-  
25          terrupted by the delegations from those governments

1 and instructed by the conference’s chair to not refer  
2 specifically to those governments.

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

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

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

21 (30) The Government of Canada announced  
22 that it would not participate in the Durban III  
23 meeting. Canadian Minister of Citizenship, Immigra-  
24 tion, and Multiculturalism Jason Kenney stated that  
25 “Our government has lost faith in the entire tainted

1 Durban process. Canada will not participate in this  
2 charade any longer. We will not lend our country's  
3 good name to a commemoration of what has widely  
4 been characterized as a hatefest . . . Canada is  
5 clearly committed to the fight against racism, but  
6 the Durban process commemorates an agenda that  
7 actually promotes racism rather than combats it.”.

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

1           (32) On June 2, 2011, the United States pub-  
2           licly announced that it would not participate in the  
3           Durban III meeting. The Department of State’s  
4           deputy spokesman stated that the “Durban process  
5           includes displays of intolerance and anti-Semitism,  
6           and we don’t want to see that commemorated. In  
7           our conversations about this commemoration, we’ve  
8           not seen the kind of progress that we think is indic-  
9           ative. We remain unconvinced that the conference is  
10          moving in a new direction.”.

11          (33) The Governments of Australia, Austria,  
12          Bulgaria, the Czech Republic, France, Germany,  
13          Italy, Latvia, the Netherlands, New Zealand, Po-  
14          land, and the United Kingdom also did not partici-  
15          pate in the Durban III meeting.

16          (34) On September 22, 2011, at the Durban  
17          III meeting, the United Nations General Assembly  
18          adopted Resolution A/RES/66/3, a “political declara-  
19          tion” which “[r]eaffirm[ed] that the Durban Dec-  
20          laration and Programme of Action . . . and the out-  
21          come document of [Durban II] . . . are a com-  
22          prehensive United Nations framework and solid  
23          foundation for combating racism, racial discrimina-  
24          tion, xenophobia, and related intolerance”,  
25          “[r]ecall[ed] that the aim of [Durban III] is to mo-

1 bilize political will at the national, regional and  
2 international levels and reaffirm our political com-  
3 mitment to the full and effective implementation of  
4 the Durban Declaration and Programme of Action  
5 and the outcome document of [Durban II], and their  
6 follow-up processes, at all these levels”, and  
7 “welcome[d] the continued engagement of the  
8 United Nations High Commissioner for Human  
9 Rights to incorporate the implementation of the  
10 Durban Declaration and Programme of Action into  
11 the United Nations system”.

12 (35) On September 22, 2011, the White House  
13 Press Secretary stated that “Since its inception . . .  
14 the Durban process has included ugly displays of in-  
15 tolerance and anti-Semitism . . . Last December,  
16 the United States voted against the resolution estab-  
17 lishing [Durban III] because we did not want to see  
18 the hateful and anti-Semitic displays of the 2001  
19 Durban Conference commemorated. Over the last  
20 few months, we did not participate in negotiations  
21 on [Durban III’s] Political Declaration document  
22 and, like many other countries, we were not present  
23 when the Declaration was adopted. We are also  
24 deeply disappointed that the rules established for  
25 credentialing non-governmental organizations to par-

1       ticipate were used by some delegations to silence  
2       voices critical of the Durban process.”.

3           (36) Durban I, Durban II, Durban III, and  
4       their preparatory and follow-on activities, have made  
5       little or no demonstrable contribution to combating  
6       racism, racial discrimination, xenophobia, and re-  
7       lated intolerance.

8           (37) To date, several million dollars from the  
9       United Nations regular budget has been expended  
10      on Durban I, Durban II, Durban III, and their pre-  
11     paratory and follow-on activities.

12          (38) The United States is the largest contrib-  
13      utor to the United Nations system, and is assessed  
14      for a full 22 percent of the United Nations regular  
15      budget, which is funded by assessed contributions  
16      from Member States.

17          (39) Funding for Durban I, Durban II, Durban  
18      III, and their preparatory and follow-on activities  
19      through the United Nations regular budget has re-  
20      sulted in United States taxpayer dollars being used  
21      for those purposes.

22          (40) Congress, through its adoption of the Con-  
23      solidated Appropriations Act, 2008 (Public Law  
24      110–161) withheld from the United States assessed  
25      contribution for fiscal year 2008 to the United Na-

1 tions regular budget an amount equivalent to the  
2 United States share of the United Nations Human  
3 Rights Council budget, including its share of the  
4 Council-administered preparatory process for Dur-  
5 ban II.

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

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

9 (1) the Durban I, Durban II, and Durban III  
10 conferences, and their preparatory and follow-on ac-  
11 tivities, were subverted by members of the Organiza-  
12 tion of the Islamic Conference and irredeemably dis-  
13 torted into a forum for anti-Israel, anti-Semitic, and  
14 anti-freedom activity;

15 (2) by walking out of the Durban I conference,  
16 and by not participating in the Durban II con-  
17 ference, and announcing that it would not partici-  
18 pate in the Durban III meeting, the United States  
19 Government upheld and reaffirmed the fundamental  
20 commitment of the United States to combating rac-  
21 ism, racial discrimination, xenophobia, and related  
22 intolerance;

23 (3) the Governments of Canada, Israel, Italy,  
24 Germany, the Netherlands, Poland, Australia, New  
25 Zealand, and the Czech Republic should be com-



1 mended for their decision to not participate or cease  
2 participation in the Durban II conference;

3 (4) the Governments of Australia, Austria, Bul-  
4 garia, Canada, the Czech Republic, France, Ger-  
5 many, Israel, Italy, Latvia, the Netherlands, Italy,  
6 New Zealand, Poland, and the United Kingdom  
7 should be commended for their decision to not par-  
8 ticipate in Durban III; and

9 (5) the Administration should expeditiously and  
10 unequivocally announce that it will not participate  
11 in, support, or legitimize any part of the Durban  
12 process.

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

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

17 (A) not to participate in, support, legiti-  
18 mize, or fund any part of the Durban process,  
19 and

20 (B) to withhold from their respective con-  
21 tributions to the regularly assessed biennial  
22 budget of the United Nations an amount that  
23 is equal to the percentage of such respective  
24 contributions that they determine would be or  
25 has been allocated by the United Nations for

1           any part of the Durban III meeting or its pre-  
2           paratory or follow-on activities, or for any other  
3           part of the Durban process; and

4           (2) lead a high-level diplomatic effort to explore  
5           credible, alternative forums for combating racism,  
6           racial discrimination, xenophobia, and related intol-  
7           erance.

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

9           None of the funds made available in any provision  
10          of law may be used for United States participation in any  
11          part of the Durban process.

12   **SEC. 704. WITHHOLDING OF FUNDS; REFUND OF UNITED**  
13                           **STATES TAXPAYER DOLLARS.**

14          (a) WITHHOLDING OF FUNDS FOR THE DURBAN  
15          PROCESS.—The Secretary of State shall withhold from the  
16          United States contribution to the regular budget of the  
17          United Nations an amount that is equal to the percentage  
18          of such contribution that the Secretary determines would  
19          be or has been expended by the United Nations for any  
20          part of the Durban I or Durban II conferences, the Dur-  
21          ban III meeting, their preparatory or follow-on activities,  
22          or any other part of the Durban process, including—

23                 (1) the “public information campaign for the  
24                 commemoration of the tenth anniversary of the  
25                 adoption of the Durban Declaration and Programme

1 of Action” requested by United Nations General As-  
2 sembly Resolution A.RES/65/240;

3 (2) the Intergovernmental Working Group on  
4 the Effective Implementation of the Durban Dec-  
5 laration and Programme of Action;

6 (3) the “group of independent eminent experts  
7 on the implementation of the Durban Declaration  
8 and Programme of Action”; and

9 (4) the Ad Hoc Committee on the Elaboration  
10 of Complementary Standards.

11 (b) WITHHOLDING OF FUNDS FOR OTHER BIASED  
12 AND COMPROMISED ACTIVITIES.—Until the Secretary of  
13 State submits to the appropriate congressional committees  
14 a certification, on a case-by-case basis, that the require-  
15 ments described in subsection (d) have been satisfied, the  
16 United States shall withhold from the United States con-  
17 tribution to the regular budget of the United Nations an  
18 amount that is equal to the percentage of such contribu-  
19 tion that the Secretary determines has been allocated by  
20 the United Nations for any conference, meeting, or other  
21 multilateral forum, or the preparatory or follow-on activi-  
22 ties of any conference, meeting, or other multilateral  
23 forum, that is organized under the aegis or jurisdiction  
24 of the United Nations or of any United Nations Entity.

1 (c) REFUND OF UNITED STATES TAXPAYER DOL-  
2 LARS.—

3 (1) IN GENERAL.—Funds appropriated for use  
4 as a United States contribution to the regular budg-  
5 et of the United Nations but withheld from obliga-  
6 tion and expenditure pursuant to subsection (a)  
7 shall immediately revert to the United States Treas-  
8 ury and shall not be considered arrears to be repaid  
9 to any United Nations Entity.

10 (2) ALLOWANCE.—Funds appropriated for use  
11 as a United States contribution to the regularly as-  
12 sessed biennial budget of the United Nations but  
13 withheld from obligation and expenditure pursuant  
14 to subsection (b) may be obligated and expended for  
15 that purpose upon the certification described in sub-  
16 section (d). Such funds shall revert to the United  
17 States Treasury if no such certification is made by  
18 the date that is one year after such appropriation,  
19 and shall not be considered arrears to be repaid to  
20 any United Nations Entity.

21 (d) CERTIFICATION.—The certification referred to in  
22 subsection (b) is a certification made by the Secretary of  
23 State to the appropriate congressional committees con-  
24 cerning the following:

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

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

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

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

19          (5) The leadership of the specified conference  
20          or forum does not include a Member State, or a rep-  
21          resentative from a Member State—

22                 (A) subject to sanctions by the Security  
23                 Council;

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

1 (C) the government of which the Secretary  
2 of State has determined, for purposes of section  
3 6(j) of the Export Administration Act of 1979  
4 (as continued in effect pursuant to the Inter-  
5 national Emergency Economic Powers Act),  
6 section 40 of the Arms Export Control Act, sec-  
7 tion 620A of the Foreign Assistance Act of  
8 1961, or other provision of law, is a government  
9 that has repeatedly provided support for acts of  
10 international terrorism.

## 11 **TITLE VIII—UNRWA**

### 12 **SEC. 801. FINDINGS.**

13 Congress makes the following findings:

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

21 (2) UNRWA has acknowledged that it is the  
22 “only UN agency that reports directly to the UN  
23 General Assembly, and whose beneficiary population  
24 stems from one nation-group”, and is responsible  
25 solely for Palestinian refugees, while the United Na-

1        tions High Commissioner for Refugees (UNHCR) is  
2        responsible for other refugees across the world.

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

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

19           (5) UNRWA’s overly inclusive definition of a  
20        “Palestine refugee” has resulted in an increase in  
21        UNRWA’s reported number of “Palestine refugees”  
22        from under 1,000,000 in 1950 to over 5,000,000  
23        today, encompassing multiple generations of de-  
24        scendants of the original Palestinian refugees.

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

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

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

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

23          (10) UNRWA’s total annual budget, including  
24          its core programs, emergency activities and special  
25          projects, exceeds almost \$1,000,000,000.



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

3           (12) From 1950 to 2010, the United States has  
4           contributed almost \$3,900,000,000 to UNRWA, in-  
5           cluding an average of over \$210,000,000 per year  
6           between fiscal years 2007 and 2010.

7           (13) Section 301(c) of the Foreign Assistance  
8           Act of 1961 (22 U.S.C. 2221(c)) states that “No  
9           contributions by the United States shall be made to  
10          the United Nations Relief and Works Agency for  
11          Palestine Refugees in the Near East except on the  
12          condition that the United Nations Relief and Works  
13          Agency take all possible measures to assure that no  
14          part of the United States contribution shall be used  
15          to furnish assistance to any refugee who is receiving  
16          military training as a member of the so-called Pal-  
17          estine Liberation Army or any other guerrilla type  
18          organization or who has engaged in any act of ter-  
19          rorism.”.

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

24          (15) However, in contravention of United  
25          States law, UNRWA does not ask its personnel or

1 aid recipients if they are members of Foreign Ter-  
2 rorist Organizations.

3 (16) Even though the United States remains  
4 the largest single contributing country to UNRWA,  
5 until 2010, UNRWA did not make available its list  
6 of staff for screening through United States watch  
7 lists, including that of the Department of the Treas-  
8 ury's Office of Foreign Assets Control, refused a  
9 United States request to do so in 2005, and still  
10 does not do so for its list of aid recipients.

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

21 (18) Former UNRWA commissioner-general  
22 Peter Hansen, stated in 2004 that "I am sure that  
23 there are Hamas members on the UNRWA payroll  
24 and I don't see that as a crime."

1           (19) A number of UNRWA personnel have been  
2 discovered to be affiliated with Foreign Terrorist Or-  
3 ganizations, including, inter alia—

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

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

16           (C) Said Siam (now deceased), a longtime  
17 Hamas official who eventually served as  
18 Hamas’s Interior Minister in Gaza, and who  
19 taught at an UNRWA school in Gaza;

20           (D) Awad al-Qiq (now deceased), a rocket-  
21 builder for Palestinian Islamic Jihad who  
22 served as headmaster of an UNRWA school in  
23 Gaza;

24           (E) Nahd Atallah, an UNRWA staff mem-  
25 ber in Gaza, who was arrested, convicted, and

1 sentenced to 15 years' imprisonment by an  
2 Israeli military court of using his UN travel  
3 document to bypass Israeli checkpoints in Gaza  
4 in order to transport armed Palestinian mili-  
5 tants; and

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

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

16 (21) Former UNRWA general counsel James  
17 Lindsay noted in a 2009 report that—

18 (A) "UNRWA . . . obviously does not take  
19 'all possible measures' in practice" to assure  
20 that United States contributions do not provide  
21 assistance to any refugee with ties to Foreign  
22 Terrorist Organizations, in accordance with sec-  
23 tion 301(c) of the Foreign Assistance Act of  
24 1961;

1 (B) “UNRWA makes no attempt to weed  
2 out individuals who support extremist positions  
3 . . . UNRWA has taken very few steps to de-  
4 tect and eliminate terrorists from the ranks of  
5 its staff or its beneficiaries, and no steps at all  
6 to prevent members of terrorist organizations,  
7 such as Hamas, from joining its staff.”;

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

17 (D) “[T]here are no formal procedures for  
18 deregistering or denying services to a properly  
19 registered refugee, no matter what he or she  
20 does.”.

21 (22) The late Representative Tom Lantos, in a  
22 May 13, 2002, letter, expressed his concern that—

23 (A) “UNRWA is perpetuating, rather than  
24 ameliorating, the situation of Palestinian refu-  
25 gees”;

1 (B) “UNRWA officials have . . . failed to  
2 prevent their camps from becoming centers of  
3 terrorist activity”; and

4 (C) “for too long, UNRWA has been part  
5 of the problem, rather than the solution, in the  
6 Middle East . . . UNRWA camps have fostered  
7 a culture of anger and dependency that under-  
8 mines both regional peace and the well-being of  
9 the camps” inhabitants.

10 (23) UNRWA has long held accounts at the  
11 Arab Bank and the Commercial Bank of Syria  
12 (CBS), financial institutions that the United States  
13 deems or believes to be complicit in money laun-  
14 dering and terror financing.

15 (24) The Arab Bank is reportedly at the center  
16 of United States investigations into how tens of mil-  
17 lions of dollars have flowed to Palestinian groups  
18 that allegedly used some of those funds to pay off  
19 suicide bombers and their relatives, and is also re-  
20 portedly being sued in Federal court by American  
21 victims of attacks in Israel, with attorneys for the  
22 victims accusing the bank of facilitating Acts of  
23 International Terrorism.

24 (25) On May 11, 2004, the Department of the  
25 Treasury designated CBS as a financial institution

1 of “primary money laundering concern” pursuant to  
2 section 311 of the USA Patriot Act, stating that  
3 “CBS had been used by terrorists and their sympa-  
4 thizers and acted as a conduit for the laundering of  
5 proceeds generated from the illicit sale of Iraqi oil”  
6 and that “numerous transactions that may be indic-  
7 ative of terrorist financing and money laundering  
8 have been transferred through CBS, including two  
9 accounts at CBS that reference a reputed financier  
10 for Usama bin Laden.”.

11 (26) On August 10, 2011, the Department of  
12 the Treasury designated CBS, pursuant to Executive  
13 Order 13382, for serving as an “agent for des-  
14 ignated Syrian and North Korean proliferators”.

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

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

22 (29) As far back as over forty years ago, former  
23 UNRWA commissioner-general Laurence Michel-  
24 more admitted that UNRWA schools were sup-  
25 porting a “bitterly hostile attitude to Israel.”.

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

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

12           (A) UNRWA officials have repeatedly  
13 called for the United States and other nations  
14 to deal directly with Hamas and have repeat-  
15 edly called for political “reconciliation” between  
16 Hamas and Fatah.

17           (B) UNRWA officials have repeatedly cas-  
18 tigated Israel for her actions to defend innocent  
19 civilians from rocket and mortar attacks from  
20 violent extremist groups in Gaza and from  
21 other Acts of International Terrorism, and has  
22 repeatedly blamed Israel, not Hamas and other  
23 violent extremist groups, for present restrictions  
24 on access to Gaza.



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

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

21           (E) UNRWA Commissioner-General  
22 Filippo Grandi described as a “massacre”  
23 Israel’s May 31, 2010, naval operation, and use  
24 of self-defense measures, to seize the Mavi

1 Marmara ship in order to enforce its naval  
2 blockade of the Gaza Strip.

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

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

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

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

21 (J) On October 5, 2007, former UNRWA  
22 commissioner-general Karen AbuZayd blamed  
23 Israel for violent extremist groups in Gaza  
24 launching rockets and mortars against Israeli  
25 civilian targets, stating that residents of Gaza

1 “have absorbed—and continue to experience—  
2 military incursions in which civilian lives, liveli-  
3 hoods, and property have been destroyed, and  
4 to which they have responded with the contin-  
5 uous firing of Qassam rockets into Israel.”.

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

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

21 (M) In 2002, former UNRWA commis-  
22 sioner-general Peter Hansen falsely accused  
23 Israel of carrying out a “massacre” in  
24 UNRWA’s Jenin refugee camp after Israeli  
25 forces entered the camp, a base of operations

1 for Palestinian militant groups, to carry out de-  
2 fensive operations to halt repeated homicide  
3 bombings in Israel.

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

8 (32) Despite UNRWA's contravention of  
9 United States law and activities that compromise its  
10 strictly humanitarian mandate, UNRWA continues  
11 to receive United States contributions, including  
12 \$233,300,000 in fiscal year 2012.

13 (33) The bilateral "Framework for Coopera-  
14 tion" that the United States concluded with  
15 UNRWA for 2012 actually "commends" UNRWA  
16 and does not commit UNRWA to vetting its aid re-  
17 cipients through United States watch lists.

18 (34) Assistance from the United States and  
19 other responsible nations allows UNRWA to claim  
20 that criticisms of the agency's behavior are un-  
21 founded. UNRWA spokesman Christopher Gunness  
22 has dismissed concerns by stating that "If these  
23 baseless allegations were even halfway true, do you  
24 really think the U.S. and [European Commission]

1 would give us hundreds of millions of dollars per  
2 year?”.

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

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

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

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

23 (D) “If the [UNRWA commissioner-gen-  
24 eral’s] power is used in ways that are conflict  
25 with the donors” political objectives, it is up to

1 the donors to take the necessary actions to en-  
2 sure that their interests are respected. When  
3 they have done so, UNRWA—given the tight fi-  
4 nancial leash it has been on for most of its ex-  
5 istence—has tended to follow their dictates,  
6 even if sometimes slowly.

7 (36) The Government of Canada has placed re-  
8 strictions on its contributions to UNRWA, dem-  
9 onstrating consequences for UNRWA’s malfeasance  
10 and setting an example for the United States and  
11 other donor governments.

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

13 Section 301 of the Foreign Assistance Act of 1961  
14 is amended by striking subsection (c) and inserting the  
15 following new subsection:

16 “(c)(1) WITHHOLDING.—Contributions by the  
17 United States to the United Nations Relief and Works  
18 Agency for Palestine Refugees in the Near East  
19 (UNRWA), to any successor or related entity, or to the  
20 regular budget of the United Nations for the support of  
21 UNRWA or a successor entity (through staff positions  
22 provided by the United Nations Secretariat, or otherwise),  
23 may be provided only during a period for which a certifi-  
24 cation described in paragraph (2) is in effect.

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

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

10           “(i) is a member of a Foreign Terrorist  
11 Organization;

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

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

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

1 of weapons or other materials, or any other pur-  
2 poses;

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

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

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

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

21 “(3) DEFINITIONS.—In this section:

22 “(A) APPROPRIATE CONGRESSIONAL COM-  
23 MITTEES.—The term ‘appropriate congressional  
24 committees’ means—



1           “(i) the Committees on Foreign Af-  
2           fairs, Appropriations, and Oversight and  
3           Government Reform of the House of Rep-  
4           resentatives; and

5           “(ii) the Committees on Foreign Rela-  
6           tions, Appropriations, and Homeland Secu-  
7           rity and Governmental Affairs of the Sen-  
8           ate.

9           “(B) FOREIGN TERRORIST ORGANIZA-  
10          TION.—The term ‘Foreign Terrorist Organiza-  
11          tion’ means an organization designated as a  
12          Foreign Terrorist Organization by the Sec-  
13          retary of State in accordance with section  
14          219(a) of the Immigration and Nationality Act  
15          (8 U.S.C. 1189(a)).

16          “(4) EFFECTIVE DURATION OF CERTIFI-  
17          CATION.—The certification described in paragraph  
18          (2) shall be effective for a period of 180 days from  
19          the date of transmission to the appropriate congres-  
20          sional committees, or until the Secretary receives in-  
21          formation rendering that certification factually inac-  
22          curate, whichever is earliest. In the event that a cer-  
23          tification becomes ineffective, the Secretary shall  
24          promptly transmit to the appropriate congressional  
25          committees a description of any information that

1 precludes the renewal or continuation of the certifi-  
2 cation.

3 “(5) LIMITATION.—During a period for which a  
4 certification described in paragraph (2) is in effect,  
5 the United States may not contribute to the United  
6 Nations Relief and Works Agency for Palestine Ref-  
7ugees in the Near East (UNRWA) or a successor  
8 entity an annual amount—

9 “(A) greater than the highest annual con-  
10 tribution to UNRWA made by a member coun-  
11 try of the League of Arab States;

12 “(B) that, as a proportion of the total  
13 UNRWA budget, exceeds the proportion of the  
14 total budget for the United Nations High Com-  
15 missioner for Refugees (UNHCR) paid by the  
16 United States; or

17 “(C) that exceeds 22 percent of the total  
18 budget of UNRWA.”.

19 **SEC. 803. SENSE OF CONGRESS.**

20 It is the sense of Congress that—

21 (1) the President and the Secretary of State  
22 should lead a high-level diplomatic effort to encour-  
23 age other responsible nations to withhold contribu-  
24 tions to UNRWA, to any successor or related entity,  
25 or to the regular budget of the United Nations for

1 the support of UNRWA or a successor entity  
2 (through staff positions provided by the United Na-  
3 tions Secretariat, or otherwise) until UNRWA has  
4 met the conditions listed in subparagraphs (A)  
5 through (F) of section 301(c)(2) of the Foreign As-  
6 sistance Act of 1961 (as added by section 802 of  
7 this Act);

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

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

14 (4) in order to alleviate the suffering of Pales-  
15 tinian refugees, responsibility for those refugees  
16 should be fully transferred to the Office of the  
17 United Nations High Commissioner for Refugees.

## 18 **TITLE IX—INTERNATIONAL** 19 **ATOMIC ENERGY AGENCY**

### 20 **SEC. 901. TECHNICAL COOPERATION PROGRAM.**

21 (a) FINDINGS.—Congress makes the following find-  
22 ings:

23 (1) The International Atomic Energy Agency  
24 (IAEA) was established in 1957 with the objectives  
25 of seeking to "accelerate and enlarge the contribu-

1       tion of atomic energy to peace, health and prosperity  
2       throughout the world” and to “ensure . . . that as-  
3       sistance provided by it or at its request or under its  
4       supervision or control is not used in such a way as  
5       to further any military purpose.”.

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

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

15              (4) The United States is the largest financial  
16       contributor to the IAEA’s Technical Cooperation  
17       Fund.

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

1           (6) The GAO report also found that “Together,  
2           [Cuba, Iran, Sudan, and Syria] received more than  
3           \$55 million in TC assistance from 1997 through  
4           2007.”. These four countries have received contin-  
5           ued assistance since 2007.

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

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

18          (9) The GAO report also found that “The pro-  
19          liferation concerns associated with the [Technical  
20          Cooperation Program] are difficult for the United  
21          States to fully identify, assess, and resolve . . . [be-  
22          cause] there is no formal mechanism for obtaining  
23          TC project information during the proposal develop-  
24          ment phase . . . [l]imited [Department of] State  
25          documentation on how proliferation concerns of TC

1 proposals were resolved . . . [and s]hortcomings in  
2 U.S. policies and IAEA procedures [including moni-  
3 toring proliferation risks] related to TC program fel-  
4 lowships.”.

5 (10) The GAO report noted that “IAEA offi-  
6 cials told us that the [technical cooperation pro-  
7 gram] does not attempt to exclude countries on the  
8 basis of their status as United States—designated  
9 state sponsors of terrorism or other political consid-  
10 erations” and that, according to the Deputy Director  
11 General for the Technical Cooperation Program,  
12 “there are no good countries and there are no bad  
13 countries” with respect to provision of technical co-  
14 operation by the IAEA.

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

23 (12) The GAO report also found that “we do  
24 not share [the State Department’s confidence in

1 IAEA’s internal safeguards to prevent TC projects  
2 from contributing to weapons development . . .]”.

3 (13) The Foreign Assistance Act of 1961 (22  
4 U.S.C. 2151 et seq.) prohibited any of the funds au-  
5 thORIZED to be appropriated for “International Orga-  
6 nizations and Programs” from being made available  
7 for the United States proportionate share for pro-  
8 grams for Libya, Iran, Cuba, or the Palestine Lib-  
9 eration Organization, inter alia.

10 (14) The Foreign Operations, Export Financ-  
11 ing, and Related Programs Appropriations Act,  
12 1998 (Public Law 105–118) prohibited any of the  
13 funds made available by such Act for the IAEA from  
14 being made available for programs and projects of  
15 the IAEA in Cuba.

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

22 (16) The GAO report asked Congress “to con-  
23 sider directing [the State Department] to withhold a  
24 share of future annual contributions to the [tech-  
25 nical cooperation fund] that is proportionate to the

1 amount of funding provided from the fund for U.S.-  
2 designated state sponsors of terrorism and other  
3 countries of concern, noting that such a withholding  
4 is a matter of fundamental principle and intended to  
5 foster a more consistent United States policy toward  
6 such nations”.

7 (17) The IAEA has repeatedly reported that  
8 the Government of Iran continues its work on heavy  
9 water-related projects and its enrichment of ura-  
10 nium, in violation of United Nations Security Coun-  
11 cil Resolutions 1696 (2006), 1737 (2006), 1747  
12 (2007), 1803 (2008), 1835 (2008), and 1929  
13 (2010).

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

22 (19) The IAEA Director General reported to  
23 the IAEA Board of Governors on February 25,  
24 2011, that the Government of Iran now has approxi-  
25 mately 7,000 centrifuges for enriching uranium, is



1 running almost 5,000 of them, and has increased its  
2 stockpile of low-enriched uranium to over 3,600 kilo-  
3 grams, considered sufficient for further enrichment  
4 into enough high-enriched uranium for more than  
5 one atomic bomb. The Government of Iran has also  
6 reportedly produced a stockpile of over 40 kilograms  
7 of uranium enriched up to 20 percent U-235.

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

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

21 (22) The IAEA Director General has repeatedly  
22 reported to the IAEA Board of Governors, including  
23 in his report of February 19, 2009, that “Iran has  
24 not implemented the Additional Protocol, which is a  
25 prerequisite for [the IAEA] to provide credible as-

1 surance about the absence of undeclared nuclear ma-  
2 terial and activities. Nor has [Iran] agreed to [the  
3 IAEA's] request that Iran provide, as a trans-  
4 parency measure, access to additional locations re-  
5 lated, inter alia, to the manufacturing of centrifuges,  
6 research and development on uranium enrichment,  
7 and uranium mining and milling, as also required by  
8 the Security Council.”.

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

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

1 IAEA inspections of its nuclear facilities, in violation  
2 of its NPT Safeguards Agreement.

3 (25) According to multiple news reports, Iran  
4 recently denied access to its enrichment site at  
5 Natanz to IAEA inspectors, and has also denied a  
6 request by the IAEA to place one or more additional  
7 surveillance cameras at the enrichment site at  
8 Natanz.

9 (26) In April of 2008, United States Govern-  
10 ment officials publicly revealed that Syria was build-  
11 ing at the Dair Alzour site, with North Korea's as-  
12 sistance, a secret nuclear reactor that was based on  
13 a North Korean model capable of producing pluto-  
14 nium for nuclear weapons and that was weeks away  
15 from becoming operational before an Israeli air  
16 strike reportedly destroyed the reactor in September  
17 2007.

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

23 (28) The IAEA Director General reported to  
24 the IAEA Board of Governors on November 19,  
25 2008 that the Syrian facility at Dair Alzour bore

1 features that resembled those of an undeclared nu-  
2 clear reactor, adding that “Syria has not yet pro-  
3 vided the requested documentation in support of its  
4 declarations concerning the nature or function of the  
5 destroyed building, nor agreed to a visit to the three  
6 other locations which the IAEA has requested to  
7 visit.”.

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

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

24 (31) The IAEA Director General reported to  
25 the IAEA Board of Governors on February 25,

1       2011, that “Syria has not cooperated with the  
2       [IAEA] since June 2008 in connection with the un-  
3       resolved issues related to the Dair Alzour site and  
4       the other three locations allegedly functionally re-  
5       lated to it. As a consequence, the [IAEA] has not  
6       been able to make progress towards resolving the  
7       outstanding issues related to those sites.”.

8       (b) PROHIBITION.—No funds from any United States  
9       assessed or voluntary contribution to the IAEA may be  
10      used to support any assistance provided by the IAEA  
11      through its Technical Cooperation program to any coun-  
12      try, including North Korea that—

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

21           (2) is in breach of or noncompliance with its  
22      obligations regarding—

23                   (A) its safeguards agreement with the  
24                   IAEA;

25                   (B) the Additional Protocol;

1 (C) the Nuclear Non-Proliferation Treaty;

2 (D) any relevant United Nations Security

3 Council Resolution; or

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

5 (3) is under investigation for a breach of or

6 noncompliance with the obligations specified in para-

7 graph (2).

8 (c) WITHHOLDING OF VOLUNTARY CONTRIBU-

9 TIONS.—Not later than 30 days after the date of the en-

10 actment of this Act, the Secretary of State shall withhold

11 from the United States voluntary contribution to the

12 IAEA an amount proportional to that spent by the IAEA

13 in the period from 2007 to 2008 on assistance through

14 its Technical Cooperation Program to countries described

15 in subsection (b).

16 (d) WITHHOLDING OF ASSESSED CONTRIBUTIONS.—

17 If, not later than 30 days of the date of the enactment

18 of this Act, the amount specified in subsection (c) has not

19 been withheld and the IAEA has not suspended all assist-

20 ance provided through its Technical Cooperation Program

21 to the countries described in subsection (b), an amount

22 equal to that specified in subsection (c) shall be withheld

23 from the United States assessed contribution to the IAEA.

24 (e) WAIVER.—The provisions in subsections (c) and

25 (d) may be waived if—

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

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

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

15          (g) REPORT.—Not later than 6 months after the date  
16          of the enactment of this Act, the President shall transmit  
17          to the appropriate congressional committees a report on  
18          the implementation of this section.

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

20          (a) ENFORCEMENT AND COMPLIANCE.—

21                  (1) OFFICE OF COMPLIANCE.—

22                          (A) ESTABLISHMENT.—The President  
23                          shall direct the United States Permanent Rep-  
24                          resentative to International Atomic Energy  
25                          Agency (IAEA) to use the voice, vote, and influ-

1           ence of the United States at the IAEA to estab-  
2           lish an Office of Compliance in the Secretariat  
3           of the IAEA.

4           (B) OPERATION.—The Office of Compli-  
5           ance shall—

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

15          (ii) base its assessments and rec-  
16          ommendations on IAEA inspection reports;  
17          and

18          (iii) take into consideration informa-  
19          tion provided by IAEA Board Members  
20          that are 1 of the 5 nuclear weapons states  
21          as recognized by the Treaty on the Non-  
22          Proliferation of Nuclear Weapons (21  
23          U.S.T. 483) (commonly referred to as the  
24          “Nuclear Nonproliferation Treaty” or the  
25          “NPT”).



1           (C) STAFFING.—The Office of Compliance  
2           shall be staffed from existing personnel in the  
3           Department of Safeguards of the IAEA or the  
4           Department of Nuclear Safety and Security of  
5           the IAEA.

6           (2) COMMITTEE ON SAFEGUARDS AND  
7           VERIFICATION.—The President shall direct the  
8           United States Permanent Representative to the  
9           IAEA to use the voice, vote, and influence of the  
10          United States at the IAEA to ensure that the Com-  
11          mittee on Safeguards and Verification established in  
12          2005 shall develop and seek to put into force a  
13          workplan of concrete measures that will—

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

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

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

2 (A) IN GENERAL.—The President shall di-  
3 rect the United States Permanent Representa-  
4 tive to the IAEA to use the voice, vote, and in-  
5 fluence of the United States at the IAEA to en-  
6 sure that a Member State of the IAEA that is  
7 under investigation for a breach of or non-  
8 compliance with its IAEA obligations or the  
9 purposes and principles of the Charter of the  
10 United Nations has its privileges suspended, in-  
11 cluding—

12 (i) limiting its ability to vote on its  
13 case;

14 (ii) being prevented from receiving  
15 any technical assistance; and

16 (iii) being prevented from hosting  
17 meetings.

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

23 (4) PENALTIES WITH RESPECT TO THE NU-  
24 CLEAR NONPROLIFERATION TREATY.—The Presi-  
25 dent shall direct the United States Permanent Rep-

1       representative to the IAEA to use the voice, vote, and  
2       influence of the United States at the IAEA to en-  
3       sure that a Member State of the IAEA that is found  
4       to be in breach of, in noncompliance with, or has  
5       withdrawn from the Nuclear Nonproliferation Treaty  
6       shall return to the IAEA all nuclear materials and  
7       technology received from the IAEA, any Member  
8       State of the IAEA, or any Member State of the Nu-  
9       clear Nonproliferation Treaty.

10       (b) UNITED STATES CONTRIBUTIONS.—

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

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

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

24                       (B) block the allocation of funds for any  
25       other IAEA development, environmental, or nu-

1 clear science assistance or activity to a coun-  
2 try—

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

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

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

23 (3) **DETAIL OF EXPENDITURES.**—The Presi-  
24 dent shall direct the United States Permanent Rep-  
25 resentative to the IAEA to use the voice, vote, and

1 influence of the United States at the IAEA to se-  
2 cure, as part of the regular budget presentation of  
3 the IAEA to Member States of the IAEA, a detailed  
4 breakdown by country of expenditures of the IAEA  
5 for safeguards inspections and nuclear security ac-  
6 tivities.

7 (c) MEMBERSHIP.—

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

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

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

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

1 (d) SMALL QUANTITIES PROTOCOL.—The President  
2 shall direct the United States Permanent Representative  
3 to the IAEA to use the voice, vote, and influence of the  
4 United States at the IAEA to make every effort to ensure  
5 that the IAEA changes the policy regarding the Small  
6 Quantities Protocol in order to—

7 (1) rescind and eliminate the Small Quantities  
8 Protocol;

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

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

21 (e) NUCLEAR PROGRAM OF IRAN AND SYRIA.—

22 (1) UNITED STATES ACTION.—The President  
23 shall direct the United States Permanent Represent-  
24 ative to the IAEA to use the voice, vote, and influ-  
25 ence of the United States at the IAEA to make

1 every effort to ensure the adoption of a resolution by  
2 the IAEA Board of Governors that, in addition to  
3 the restrictions already imposed, makes Iran and  
4 Syria ineligible to receive any nuclear material, tech-  
5 nology, equipment, or assistance from any IAEA  
6 Member State and ineligible for any IAEA assist-  
7 ance not related to safeguards inspections or nuclear  
8 security until the IAEA Board of Governors deter-  
9 mines that Iran or Syria, as the case may be—

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

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

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

17 (2) PENALTIES.—If an IAEA Member State is  
18 determined to have violated the prohibition on as-  
19 sistance to Iran or Syria described in paragraph (1)  
20 before the IAEA Board of Governors determines  
21 that Iran or Syria, as the case may be, has satisfied  
22 the conditions described in subparagraphs (A)  
23 through (C) of such paragraph, such Member State  
24 shall be subject to the penalties described in sub-  
25 section (a)(3), shall be ineligible to receive nuclear

1 material, technology, equipment, or assistance from  
2 any IAEA Member State, and shall be ineligible to  
3 receive any IAEA assistance not related to safe-  
4 guards inspections or nuclear security until such  
5 time as the IAEA Board of Governors makes such  
6 determination with respect to Iran or Syria, as the  
7 case may be.

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

13 **SEC. 903. SENSE OF CONGRESS REGARDING THE NUCLEAR**  
14 **SECURITY ACTION PLAN OF THE IAEA.**

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

21 **TITLE X—PEACEKEEPING**

22 **SEC. 1001. REFORM OF UNITED NATIONS PEACEKEEPING**  
23 **OPERATIONS.**

24 It is the sense of Congress that—



1           (1) although United Nations peacekeeping oper-  
2           ations have contributed greatly toward the pro-  
3           motion of peace and stability for over 6 decades and  
4           the majority of peacekeeping personnel who have  
5           served under the United Nations flag have done so  
6           with honor and courage, the record of United Na-  
7           tions peacekeeping has been severely tarnished by  
8           operational failures and unconscionable acts of mis-  
9           conduct;

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

21           (3) despite the fact that the United Nations has  
22           had over a decade to implement many of these re-  
23           forms, nearly four years to implement the reforms in  
24           the Zeid Report, and the fact that Secretary General  
25           Ban Ki-Moon, his predecessor Kofi Annan, and the

1 Special Committee on Peacekeeping Operations re-  
2 peatedly have expressed their commitment “to imple-  
3 menting fundamental, systematic changes as a mat-  
4 ter of urgency,” a number of critical reforms con-  
5 tinue to be blocked or delayed by Members States  
6 who arguably benefit from maintenance of the status  
7 quo;

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

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

21 **SEC. 1002. POLICY RELATING TO REFORM OF UNITED NA-**  
22 **TIONS PEACEKEEPING OPERATIONS.**

23 It shall be the policy of the United States to pursue  
24 reform of United Nations peacekeeping operations in the  
25 following areas:

1 (1) PLANNING AND MANAGEMENT.—

2 (A) GLOBAL AUDIT.—As the size, cost,  
3 and number of United Nations peacekeeping  
4 operations have increased substantially over the  
5 past decade, independent audits of each such  
6 operation should be conducted annually, with a  
7 view toward “right-sizing” operations and en-  
8 suring that all operations are efficient and cost  
9 effective.

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

20 (C) REVIEW OF MANDATES AND CLOSING  
21 OPERATIONS.—In conjunction with the audit  
22 described in subparagraph (A), the United Na-  
23 tions Department of Peacekeeping Operations  
24 should conduct a comprehensive review of all  
25 United Nations peacekeeping operation man-

1 dates, with a view toward identifying objectives  
2 that are practical and achievable, and report its  
3 findings to the Security Council. In particular,  
4 the review should consider the following:

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

20 (ii) Long-standing operations that are  
21 static and cannot fulfill their mandate  
22 should be downsized or closed.

23 (iii) Where there is legitimate concern  
24 that the withdrawal from a country of an  
25 otherwise static United Nations peace-

1 keeping operation would result in the re-  
2 sumption of major conflict, a burden-shar-  
3 ing arrangement that reduces the level of  
4 assessed contributions, similar to that cur-  
5 rently supporting the United Nations  
6 Peacekeeping Force in Cyprus, should be  
7 explored and instituted.

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

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

1           (F) GRATIS MILITARY PERSONNEL.—The  
2           General Assembly should seek to strengthen the  
3           capacity the United Nations Department of  
4           Peacekeeping Operations and ease the extraor-  
5           dinary burden currently placed upon the limited  
6           number of headquarters staff by lifting restric-  
7           tions on the utilization of gratis military per-  
8           sonnel by the Department so that the Depart-  
9           ment may accept secondments from Member  
10          States of military personnel with expertise in  
11          mission planning, logistics, and other oper-  
12          ational specialties.

13          (2) CONDUCT AND DISCIPLINE.—

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

1 (B) UNDERSTANDING THE CODE OF CON-  
2 DUCT.—All personnel, regardless of category or  
3 rank, should receive training on the Code of  
4 Conduct prior to deployment with a peace-  
5 keeping operation, in addition to periodic fol-  
6 low-on training. In particular—

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

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

1           dition of appointment to any such oper-  
2           ation; and

3           (iii) peacekeeping operations should  
4           continue and enhance educational outreach  
5           programs to reach local communities where  
6           peacekeeping personnel of such operations  
7           are based, including explaining prohibited  
8           acts on the part of United Nations peace-  
9           keeping personnel and identifying the indi-  
10          vidual to whom the local population may  
11          direct complaints or file allegations of ex-  
12          ploitation, abuse, or other acts of mis-  
13          conduct.

14          (C) MONITORING MECHANISMS.—Dedi-  
15          cated monitoring mechanisms, such as the Con-  
16          duct and Discipline Teams already deployed to  
17          support United Nations peacekeeping oper-  
18          ations in Haiti, Sudan, Kosovo, Liberia, Leb-  
19          anon, Cote d'Ivoire, Western Sahara, and the  
20          Democratic Republic of Congo, should be  
21          present in each operation to monitor compliance  
22          with the Code of Conduct, and should report si-  
23          multaneously to the Head of Mission, the  
24          United Nations Department of Field Support,  
25          the United Nations Department of Peace-



1 keeping Operations, and the Associate Director  
2 of the Office of Internal Oversight Services for  
3 Peacekeeping Operations (established under  
4 section 1114(b)(9)).

5 (D) INVESTIGATIONS.—A permanent, pro-  
6 fessional, and independent investigative body  
7 should be established and introduced into  
8 United Nations peacekeeping operations. In  
9 particular—

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

18 (ii) provisions should be included in  
19 all Memorandums of Understanding, in-  
20 cluding a Model Memorandum of Under-  
21 standing, that obligate Member States that  
22 contribute troops to a peacekeeping oper-  
23 ation to designate a military prosecutor  
24 who will participate in any investigation  
25 into credible allegations of misconduct

1 brought against an individual of such  
2 Member State, so that evidence is collected  
3 and preserved in a manner consistent with  
4 the military law of such Member State;

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

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

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

1 (i) promulgating measures to prevent  
2 misconduct;

3 (ii) receiving reports by field per-  
4 sonnel and coordinating the Department's  
5 response to allegations of misconduct;

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

17 (iv) contributing pertinent data on  
18 conduct and discipline to the database re-  
19 quired pursuant to subparagraph (H).

20 (F) FINANCIAL LIABILITY AND VICTIMS  
21 ASSISTANCE.—Although peacekeeping oper-  
22 ations should provide immediate medical assist-  
23 ance to victims of sexual abuse or exploitation,  
24 the responsibility for providing longer-term  
25 treatment, care, or restitution lies solely with

1 the individual found guilty of the misconduct.

2 In particular:

3 (i) The United Nations should not as-  
4 sume responsibility for providing long-term  
5 treatment or compensation under the Sex-  
6 ual Exploitation and Abuse Victim Assist-  
7 ance Mechanism by utilizing assessed con-  
8 tributions to United Nations peacekeeping  
9 operations, thereby shielding individuals  
10 from personal liability and reinforcing an  
11 atmosphere of impunity.

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

21 (iii) In the case of misconduct by a  
22 member of a military contingent, appro-  
23 priate funds shall be withheld from the  
24 troop contributing country concerned.

1 (iv) In the case of misconduct by a ci-  
2 vilian employee or contractor of the United  
3 Nations, appropriate wages shall be gar-  
4 nished from such individual or fines shall  
5 be imposed against such individual, con-  
6 sistent with existing United Nations Staff  
7 Rules, and retirement funds shall not be  
8 shielded from liability.

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

19 (H) DATABASE.—A centralized database,  
20 including personnel photos, fingerprints, and bi-  
21 ometric data, should be created and maintained  
22 within the United Nations Department of  
23 Peacekeeping Operations, the Department of  
24 Field Support, and other relevant United Na-  
25 tions bodies without further delay to track cases

1 of misconduct, including the outcome of inves-  
2 tigations and subsequent prosecutions, to en-  
3 sure that personnel who have engaged in mis-  
4 conduct or other criminal activities, regardless  
5 of category or rank, are permanently barred  
6 from participation in future peacekeeping oper-  
7 ations.

8 (I) COOPERATION OF MEMBER STATES.—

9 If a Member State routinely refuses to cooper-  
10 ate with the directives contained herein or acts  
11 to shield its nationals from personal liability,  
12 that Member State should be barred from con-  
13 tributing troops or personnel to future peace-  
14 keeping operations.

15 (J) WELFARE.—Peacekeeping operations

16 should continue to seek to maintain a minimum  
17 standard of welfare for mission personnel to  
18 ameliorate conditions of service, while adjust-  
19 ments are made to the discretionary welfare  
20 payments currently provided to Member States  
21 that contribute troops to offset the cost of oper-  
22 ation-provided recreational facilities, as nec-  
23 essary and appropriate.

1 **SEC. 1003. CERTIFICATION.**

2 (a) NEW OR EXPANDED PEACEKEEPING OPER-  
3 ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-  
4 CATION OF PEACEKEEPING OPERATIONS REFORMS.—

5 (1) NO NEW OR EXPANDED PEACEKEEPING OP-  
6 ERATIONS.—

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

17 (B) EXCEPTION AND NOTIFICATION.—The  
18 requirements described under paragraph (2)  
19 may be waived with respect to a particular  
20 peacekeeping operation if the President deter-  
21 mines that failure to deploy new or additional  
22 peacekeepers in such situation will significantly  
23 contribute to the widespread loss of human life,  
24 genocide, or the endangerment of a vital na-  
25 tional security interest of the United States. If  
26 the President makes such a determination, the

1           President shall, not later than 15 days before  
2           the exercise of such waiver, notify the appro-  
3           priate congressional committees of such deter-  
4           mination and resulting waiver.

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

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



1           (B) All personnel, regardless of category or  
2 rank, serving in a peacekeeping operation have  
3 been trained concerning the requirements of the  
4 Code of Conduct and each has been given a per-  
5 sonal copy of the Code, translated into the na-  
6 tional language of such personnel.

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

18           (D) All peacekeeping operations have de-  
19 signed and implemented educational outreach  
20 programs to reach local communities where  
21 peacekeeping personnel of such operations are  
22 based to explain prohibited acts on the part of  
23 United Nations peacekeeping personnel and to  
24 identify the individual to whom the local popu-  
25 lation may direct complaints or file allegations

1 of exploitation, abuse, or other acts of mis-  
2 conduct.

3 (E) The creation of a centralized database,  
4 including personnel photos, fingerprints, and bi-  
5 ometric data, has been completed and is being  
6 maintained in the United Nations Department  
7 of Peacekeeping Operations that tracks cases of  
8 misconduct, including the outcomes of inves-  
9 tigations and subsequent prosecutions, to en-  
10 sure that personnel, regardless of category or  
11 rank, who have engaged in misconduct or other  
12 criminal activities are permanently barred from  
13 participation in future peacekeeping operations.

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

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

1 (ii) designate a competent legal au-  
2 thority, preferably a prosecutor with exper-  
3 tise in the area of sexual exploitation and  
4 abuse where appropriate, to participate in  
5 any investigation into an allegation of mis-  
6 conduct brought against an individual of  
7 such Member State;

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

14 (iv) report to the Department of Field  
15 Support and the Department of Peace-  
16 keeping Operations on the outcome of any  
17 such investigation;

18 (v) undertake to conduct on-site court  
19 martial proceedings, where practical and  
20 appropriate, relating to allegations of mis-  
21 conduct alleged against an individual of  
22 such Member State; and

23 (vi) assume responsibility for the pro-  
24 vision of appropriate assistance to a victim

1 of misconduct committed by an individual  
2 of such Member State.

3 (G) A professional and independent inves-  
4 tigative and audit function has been established  
5 within the United Nations Department of  
6 Peacekeeping Operations and the Office of In-  
7 ternal Oversight Services to monitor United  
8 Nations peacekeeping operations.

○