

113TH CONGRESS  
1ST SESSION

# S. 1313

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

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IN THE SENATE OF THE UNITED STATES

JULY 17, 2013

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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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—UNITED STATES POLICY AT THE UNITED NATIONS

- Sec. 101. United States contributions to the United Nations system.
- Sec. 102. Budget justification for United States contributions to the regular budget of the United Nations.
- Sec. 103. Annual publication.
- Sec. 104. Annual financial disclosure.
- Sec. 105. Policy with respect to expansion of the United Nations Security Council.
- Sec. 106. Access to reports and audits.
- Sec. 107. Waiver of immunity.
- Sec. 108. Terrorism and the United Nations.
- Sec. 109. United Nations treaty bodies.
- Sec. 110. Anti-semitism and the United Nations.
- Sec. 111. United States policy on tier 3 human rights violators.

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

- Sec. 201. Definitions.
- Sec. 202. Establishment and management of the Office of the United States Inspector General for Contributions to the United Nations System.
- Sec. 203. Transparency for United States contributions.
- Sec. 204. Authorization of appropriations.

#### TITLE III—STATUS OF PALESTINIAN ENTITIES AT THE UNITED NATIONS

- Sec. 301. Statement of policy.
- Sec. 302. Implementation.

#### TITLE IV—UNITED NATIONS HUMAN RIGHTS COUNCIL

- Sec. 401. United Nations Human Rights Council.

#### TITLE V—GOLDSTONE REPORT

- Sec. 501. Goldstone Report.

#### TITLE VI—DURBAN PROCESS

- Sec. 601. Non-participation in the Durban process.
- Sec. 602. Withholding of funds; refund of United States taxpayer dollars.

#### TITLE VII—UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE MIDDLE EAST

- Sec. 701. United States contributions to UNRWA.
- Sec. 702. Sense of Congress.

#### TITLE VIII—INTERNATIONAL ATOMIC ENERGY AGENCY

- Sec. 801. Technical Cooperation Program.
- Sec. 802. United States policy at the IAEA.
- Sec. 803. Sense of Congress regarding the Nuclear Security Action Plan of the IAEA.

#### TITLE IX—PEACEKEEPING

- Sec. 901. Policy relating to reform of United Nations peacekeeping operations.

Sec. 902. Certification.

#### TITLE X—REPORTING REQUIREMENTS

Sec. 1001. Report on United Nations reform.

Sec. 1002. Report on United States contributions to the United Nations.

Sec. 1003. Report to Congress on voting practices in the United Nations.

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
 4 **TEES.**—The term “appropriate congressional com-  
 5 mittees” means—

6 (A) the Committees on Foreign Relations,  
 7 Appropriations, and Homeland Security and  
 8 Governmental Affairs of the Senate; and

9 (B) the Committees on Foreign Affairs,  
 10 Appropriations, and Oversight and Government  
 11 Reform of the House of Representatives.

12 (2) **EMPLOYEE.**—The term “employee” means  
 13 an individual who is employed in the general serv-  
 14 ices, professional staff, or senior management of the  
 15 United Nations, including consultants, contractors,  
 16 and subcontractors.

17 (3) **GENERAL ASSEMBLY.**—The term “General  
 18 Assembly” means the General Assembly of the  
 19 United Nations.

20 (4) **MEMBER STATE.**—The term “Member  
 21 State” means a Member State of the United Na-

1        tions. Such term is synonymous with the term  
2        “country”.

3            (5) SECRETARY.—The term “Secretary” means  
4        the Secretary of State.

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

8            (7) SECURITY COUNCIL.—The term “Security  
9        Council” means the Security Council of the United  
10       Nations.

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

13           (9) UNITED NATIONS ENTITY.—The term  
14       “United Nations entity” means any United Nations  
15       agency, commission, conference, council, court, de-  
16       partment, forum, fund, institute, office, organiza-  
17       tion, partnership, program, subsidiary body, tri-  
18       bunal, trust, university or academic body, related or-  
19       ganization or subsidiary body, wherever located, that  
20       flies the United Nations flag or is authorized to use  
21       the United Nations logo, including but not limited to  
22       those United Nations affiliated agencies and bodies  
23       identified as recipients of United States contribu-  
24       tions under section 1225(b)(3)(E) of the John War-

1 ner National Defense Authorization Act for Fiscal  
 2 Year 2007 (Public Law 109–364; 120 Stat. 2424).

3 (10) UNITED NATIONS SYSTEM.—The term  
 4 “United Nations system” means the aggregation of  
 5 all United Nations entities, as defined in paragraph  
 6 (9).

7 (11) UNITED STATES CONTRIBUTION.—The  
 8 term “United States contribution” means an as-  
 9 sessed or voluntary contribution, whether financial,  
 10 in-kind, or otherwise, from the United States Fed-  
 11 eral Government to a United Nations entity, includ-  
 12 ing contributions passed through other entities for  
 13 ultimate use by a United Nations entity. United  
 14 States contributions include those contributions  
 15 identified pursuant to section 1225(b)(3)(E) of the  
 16 John Warner National Defense Authorization Act  
 17 for Fiscal Year 2007 (Public Law 109–364; 120  
 18 Stat. 2424).

## 19 **TITLE I—UNITED STATES POL-** 20 **ICY AT THE UNITED NATIONS**

### 21 **SEC. 101. UNITED STATES CONTRIBUTIONS TO THE UNITED** 22 **NATIONS SYSTEM.**

23 (a) STATEMENT OF POLICY.—It shall be the policy  
 24 of the United States—

1           (1) to pursue the goal of zero nominal growth  
2           of the regular budget of the United Nations above  
3           the 2012–2013 regular budget;

4           (2) to maintain the 22-percent cap on assessed  
5           contributions to the United Nations regular budget,  
6           and to establish similar maximum assessments for  
7           other United Nations entities;

8           (3) to establish a 25-percent cap on United  
9           States contributions to the United Nations Peace-  
10          keeping Operations budget; and

11          (4) to shift funding for the regular budget of  
12          the United Nations from assessed to voluntary con-  
13          tributions.

14          (b) REQUIREMENT TO SEEK CHANGE.—The Presi-  
15          dent shall direct the United States Permanent Represent-  
16          ative to the United Nations to use the voice, vote, and  
17          influence of the United States at the United Nations to  
18          shift the funding mechanism for the regular budget of the  
19          United Nations to a voluntary basis, and to make it a pri-  
20          ority to build support for such a transformational change  
21          among Member States, particularly key United Nations  
22          donors.

1 **SEC. 102. BUDGET JUSTIFICATION FOR UNITED STATES**  
2 **CONTRIBUTIONS TO THE REGULAR BUDGET**  
3 **OF THE UNITED NATIONS.**

4 (a) DETAILED ITEMIZATION.—The President shall  
5 include in the budget justification documents submitted  
6 to Congress pursuant to section 1105(a) of title 31,  
7 United States Code, a detailed itemized request in support  
8 of the contribution of the United States to the regular  
9 budget of the United Nations.

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

12 (1) contain information relating to the amounts  
13 requested in support of each of the various sections  
14 and programs of the regular budget of the United  
15 Nations; and

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

20 (c) ADJUSTMENTS AND NOTIFICATION.—If the  
21 United Nations proposes an adjustment to its regular as-  
22 sessed budget, the Secretary shall, at the time such adjust-  
23 ment is presented to the Advisory Committee on Adminis-  
24 trative and Budgetary Questions (ACABQ), notify and  
25 consult with the appropriate congressional committees.

1 **SEC. 103. ANNUAL PUBLICATION.**

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

10 **SEC. 104. ANNUAL FINANCIAL DISCLOSURE.**

11       The President shall direct the United States Perma-  
12   nent Representative to the United Nations to use the  
13   voice, vote, and influence of the United States at the  
14   United Nations to adopt and implement a system wide re-  
15   quirement at the United Nations for the filing of indi-  
16   vidual annual financial disclosure forms by each employee  
17   of the United Nations and its specialized agencies, pro-  
18   grams, and funds at the D–1 level and above, which shall  
19   be made available to the Office of Internal Oversight Serv-  
20   ices, to Member States, and to the public at a similar level  
21   of detail as that required of United States Government  
22   officials under title I of the Ethics in Government Act of  
23   1978 (5 U.S.C. App. 4 101 et seq.).



1 **SEC. 105. POLICY WITH RESPECT TO EXPANSION OF THE**  
2 **UNITED NATIONS SECURITY COUNCIL.**

3 It is the policy of the United States to use the voice,  
4 vote, and influence of the United States at the United Na-  
5 tions to oppose any proposals on expansion of the Security  
6 Council if such expansion would—

7 (1) diminish the influence of the United States  
8 on the Security Council;

9 (2) include new members without a record and  
10 ongoing commitment to fully share the responsibil-  
11 ities and burdens as full members of the United Na-  
12 tions, including financial support for the regular  
13 budget and peacekeeping operations of the United  
14 Nations;

15 (3) include new members that are unable or un-  
16 willing to fully enforce United Nations Security  
17 Council judgments and sanctions; or

18 (4) include veto rights for any new members of  
19 the Security Council.

20 **SEC. 106. ACCESS TO REPORTS AND AUDITS.**

21 The President shall direct the United States Perma-  
22 nent Representative to the United Nations to use the  
23 voice, vote, and influence of the United States at the  
24 United Nations to ensure that Member States may, upon  
25 request, have access to all reports and audits completed  
26 by the Board of External Auditors.

1 **SEC. 107. WAIVER OF IMMUNITY.**

2       The President shall direct the United States Perma-  
3       nent Representative to the United Nations to use the  
4       voice, vote, and influence of the United States at the  
5       United Nations to ensure that the Secretary-General exer-  
6       cises the right and duty of the Secretary-General under  
7       section 20 of the Convention on the Privileges and Immu-  
8       nities of the United Nations to waive the immunity of any  
9       United Nations official in any case in which such immu-  
10      nity would impede the course of justice. In exercising such  
11      waiver, the Secretary-General is urged to interpret the in-  
12      terests of the United Nations as favoring the investigation  
13      or prosecution of a United Nations official who is credibly  
14      under investigation for having committed a serious crimi-  
15      nal offense or who is credibly charged with a serious crimi-  
16      nal offense.

17 **SEC. 108. TERRORISM AND THE UNITED NATIONS.**

18      The President shall direct the United States Perma-  
19      nent Representative to the United Nations to use the  
20      voice, vote, and influence of the United States at the  
21      United Nations to work toward adoption by the General  
22      Assembly of—

23               (1) a definition of terrorism that—

24                       (A) builds upon the recommendations of  
25                       the December 2004 report of the High-Level  
26                       Panel on Threats, Challenges, and Change;

1 (B) includes as an essential component of  
2 such definition any action that is intended to  
3 cause death or serious bodily harm to civilians  
4 with the purpose of intimidating a population  
5 or compelling a government or an international  
6 organization to do, or abstain from doing, any  
7 act; and

8 (C) does not propose a legal or moral  
9 equivalence between an action described in sub-  
10 paragraph (B) and measures taken by a gov-  
11 ernment or international organization in self-de-  
12 fense against an action described in subpara-  
13 graph (B); and

14 (2) a comprehensive convention on terrorism  
15 that includes the definition described in paragraph  
16 (1).

17 **SEC. 109. UNITED NATIONS TREATY BODIES.**

18 The United States shall withhold from United States  
19 contributions to the regular assessed budget of the United  
20 Nations for a biennial period amounts that are propor-  
21 tional to the percentage of such budget that are expended  
22 with respect to a United Nations human rights treaty  
23 monitoring body or committee that was established by—

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

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

6 **SEC. 110. ANTI-SEMITISM AND THE UNITED NATIONS.**

7           (a) IN GENERAL.—The President shall direct the  
 8           United States permanent representative to the United Na-  
 9           tions to use the voice, vote, and influence of the United  
 10          States at the United Nations to make every effort to—

11           (1) ensure the issuance and implementation of  
 12          a directive by the Secretary-General or the Secre-  
 13          tariat, as appropriate, that—

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

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

1 (C) proposes specific recommendations to  
2 the General Assembly for the establishment of  
3 mechanisms to hold accountable employees and  
4 officials of the United Nations and its special-  
5 ized agencies, programs, and funds, or Member  
6 States, that make such anti-Semitic statements  
7 or references in any forum of the United Na-  
8 tions or of its specialized agencies;

9 (D) continues to develop and implements  
10 education awareness programs about the Holo-  
11 caust and anti-Semitism throughout the world,  
12 as part of an effort to combat intolerance and  
13 hatred; and

14 (E) requires the Office of the United Na-  
15 tions High Commissioner for Human Rights  
16 (OHCHR) to develop programming and other  
17 measures that address anti-Semitism;

18 (2) secure the adoption of a resolution by the  
19 General Assembly that establishes the mechanisms  
20 described in paragraph (1)(C); and

21 (3) continue working toward further reduction  
22 of anti-Semitism in the United Nations and its spe-  
23 cialized agencies, programs, and funds.

24 (b) WITHHOLDING OF FUNDS.—Notwithstanding  
25 any other provision of law, of the amounts appropriated

1 or otherwise made available for the United Nations and  
2 its affiliated agencies under the heading “Contributions  
3 for International Organizations” for fiscal year 2013 and  
4 each fiscal year thereafter, \$100,000,000 shall be withheld  
5 from obligation or expenditure until the President certifies  
6 to the Committees on Foreign Relations and Appropria-  
7 tions of the Senate and the Committees on Foreign Affairs  
8 and Appropriations of the House of Representative that  
9 no United Nations agency or United Nations affiliated  
10 agency grants any official status, accreditation, or recogni-  
11 tion to any organization which promotes or condones anti-  
12 Semitism, or which includes as a subsidiary or member  
13 any such organization. Funds appropriated for use as a  
14 United States contribution to the United Nations but  
15 withheld from obligation and expenditure pursuant to this  
16 subsection shall revert to the United States Treasury at  
17 the end of said fiscal year and shall not be considered ar-  
18 rears to be repaid to any United Nations entity.

19 **SEC. 111. UNITED STATES POLICY ON TIER 3 HUMAN**  
20 **RIGHTS VIOLATORS.**

21 The President shall direct the United States Perma-  
22 nent Representative to the United Nations to use the  
23 voice, vote, and influence of the United States at the  
24 United Nations to ensure that no representative of a coun-  
25 try designated by the Department of State pursuant to

1 section 110 of the Trafficking Victims Protection Act of  
2 2000 (22 U.S.C. 7107) as a Tier 3 country presides as  
3 Chair or President of any United Nations entity.

4 **TITLE II—TRANSPARENCY AND**  
5 **ACCOUNTABILITY FOR**  
6 **UNITED STATES CONTRIBU-**  
7 **TIONS TO THE UNITED NA-**  
8 **TIONS**

9 **SEC. 201. DEFINITIONS.**

10 In this title:

11 (1) **TRANSPARENCY CERTIFICATION.**—The term  
12 “transparency certification” means an annual, writ-  
13 ten affirmation by the head or authorized designee  
14 of a United Nations entity that the entity will co-  
15 operate with the Inspector General, including by  
16 providing the Inspector General, upon request, with  
17 full access to oversight information.

18 (2) **OVERSIGHT INFORMATION.**—The term  
19 “oversight information” includes—

20 (A) internally and externally commissioned  
21 audits, investigatory reports, program reviews,  
22 performance reports, and evaluations;

23 (B) financial statements, records, and bill-  
24 ing systems;

1 (C) program budgets and program budget  
 2 implications, including revised estimates and re-  
 3 ports on budget related matters;

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

6 (E) analyses and reports regarding the  
 7 scale of assessments;

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

10 (G) documents or other records alleging or  
 11 involving improper use of resources, mis-  
 12 conduct, mismanagement, or other violations of  
 13 rules and regulations applicable to a United  
 14 Nations entity; and

15 (H) other documentation relevant to the  
 16 audit and investigative work of the Inspector  
 17 General with respect to United States contribu-  
 18 tions to the United Nations system.

19 **SEC. 202. ESTABLISHMENT AND MANAGEMENT OF THE OF-**  
 20 **FICE OF THE UNITED STATES INSPECTOR**  
 21 **GENERAL FOR CONTRIBUTIONS TO THE**  
 22 **UNITED NATIONS SYSTEM.**

23 (a) PURPOSE.—The purpose of this section is to  
 24 make possible the independent and objective conduct of  
 25 audits and investigations relating to United States con-



1 tributions to the United Nations system and the use of  
2 those contributions by United Nations entities, in an effort  
3 to eliminate and deter waste, fraud, and abuse in the use  
4 of those contributions, and thereby to contribute to the  
5 development of greater transparency, accountability, and  
6 internal controls throughout the United Nations system.

7 (b) ESTABLISHMENT.—There is hereby established  
8 the Office of the United States Inspector General for Con-  
9 tributions to the United Nations System.

10 (c) INSPECTOR GENERAL.—

11 (1) APPOINTMENT.—The head of the Office of  
12 the United States Inspector General for Contribu-  
13 tions to the United Nations System is the Inspector  
14 General for Contributions to the United Nations  
15 System, who shall be appointed by the President, by  
16 and with the advice and consent of the Senate, on  
17 the basis of integrity and demonstrated ability in ac-  
18 counting, auditing, financial analysis, law, manage-  
19 ment analysis, public administration, or investiga-  
20 tions.

21 (2) NOMINATION.—The nomination of an indi-  
22 vidual as Inspector General shall be made not later  
23 than 30 days after the enactment of this Act.

24 (3) REMOVAL.—The Inspector General may be  
25 removed from office by the President. The President

1 shall communicate the reasons for any such removal  
2 to both Houses of Congress.

3 (4) COMPENSATION.—The annual rate of basic  
4 pay of the Inspector General shall be the annual rate  
5 of basic pay provided for positions at level IV of the  
6 Executive Schedule under section 5315 of title 5,  
7 United States Code.

8 (5) RELATIONSHIP TO BOARD.—

9 (A) Except as provided in subparagraph  
10 (B), the Inspector General shall report directly  
11 to and be under the general supervision of, the  
12 Board of Directors established under subsection  
13 (d).

14 (B) Neither the Board, any officer of the  
15 Board, nor any officer of a Federal department  
16 or agency shall prevent or prohibit the Inspec-  
17 tor General from initiating, carrying out, or  
18 completing any audit or investigation.

19 (6) DUTIES.—The Inspector General shall carry  
20 out the following duties:

21 (A) In accordance with section 4(b)(1) of  
22 the Inspector General Act of 1978 (5 U.S.C.  
23 App.), conducting, supervising, and coordi-  
24 nating audits and investigations of—

1 (i) the treatment, handling, expendi-  
2 ture, and use of United States contribu-  
3 tions by and to United Nations entities;  
4 and

5 (ii) the adequacy of accounting, over-  
6 sight, and internal control mechanisms at  
7 United Nations entities that receive United  
8 States contributions.

9 (B) In accordance with section 4(b)(1) of  
10 the Inspector General Act of 1978 (5 U.S.C.  
11 App.), establishing, maintaining, and overseeing  
12 such systems, procedures, and controls as the  
13 Inspector General considers appropriate to dis-  
14 charge the duty under subparagraph (A).

15 (C) Collecting and maintaining current  
16 records regarding transparency certifications by  
17 all United Nations entities that receive United  
18 States contributions.

19 (D) Keeping the Board of Directors and  
20 Congress fully and promptly informed of how  
21 United Nations entities are spending United  
22 States contributions by means of reports, testi-  
23 mony, and briefings.

24 (E) Promptly reporting to the United  
25 States Attorney General when Inspector Gen-

1           eral has reasonable grounds to believe a United  
2           States Federal criminal law has been violated  
3           by a United Nations entity or one of its employ-  
4           ees, contractors, or representatives.

5           (F) Promptly reporting, when appropriate,  
6           to the Secretary-General or the head of the ap-  
7           propriate United Nations entity cases where the  
8           Inspector General reasonably believes that mis-  
9           management, misfeasance, or malfeasance is  
10          likely to have taken place within a United Na-  
11          tions entity and disciplinary proceedings are  
12          likely justified.

13          (7) PERSONNEL, FACILITIES, AND OTHER RE-  
14          SOURCES.—

15          (A) OFFICERS AND EMPLOYEES.—The In-  
16          specter General may select, appoint, and em-  
17          ploy such officers and employees as may be nec-  
18          essary for carrying out the duties of the Inspec-  
19          tor General.

20          (B) SERVICES.—The Inspector General  
21          may obtain services as authorized by section  
22          3109 of title 5, United States Code, at daily  
23          rates not to exceed the equivalent rate pre-  
24          scribed for grade GS–15 of the General Sched-  
25          ule by section 5332 of such title.

1           (C) PROPERTY.—The Inspector General  
2           may lease, purchase, or otherwise acquire, im-  
3           prove, and use such real property wherever situ-  
4           ated, as may be necessary for carrying out this  
5           section.

6           (D) CONTRACT AUTHORITY.—To the ex-  
7           tent and in such amounts as may be provided  
8           in advance by appropriations Acts, the Inspec-  
9           tor General may enter into contracts and other  
10          arrangements for audits, studies, analyses, and  
11          other services with public agencies and with pri-  
12          vate persons, and make such payments as may  
13          be necessary to carry out the duties of the In-  
14          specter General.

15          (E) DETAILS.—Upon request by the In-  
16          specter General, the head of a Federal agency  
17          may detail any employee of such agency to the  
18          Office of the United States Inspector General  
19          for Contributions to the United Nations System  
20          on a reimbursable basis. Any employee so de-  
21          tailed remains, for the purpose of preserving  
22          such employee's allowances, privileges, rights,  
23          seniority, and other benefits, an employee of the  
24          agency from which detailed.

1 (8) COOPERATION BY UNITED STATES GOVERN-  
2 MENT ENTITIES.—

3 (A) IN GENERAL.—In carrying out the du-  
4 ties, responsibilities, and authorities of the In-  
5 spector General under this section, the Inspec-  
6 tor General shall receive the cooperation of in-  
7 spectors general of other Federal Government  
8 agencies.

9 (B) INFORMATION SHARING.—Upon re-  
10 quest of the Inspector General for information  
11 or assistance from any department, agency, or  
12 other entity of the Federal Government, the  
13 head of such entity shall, insofar as is prac-  
14 ticable and not in contravention of any existing  
15 law, furnish such information or assistance to  
16 the Inspector General, or an authorized des-  
17 ignee.

18 (C) REPORTING OF NONCOOPERATION.—  
19 Whenever information or assistance requested  
20 by the Inspector General is, in the judgment of  
21 the Inspector General, unreasonably refused or  
22 not provided, the Inspector General shall report  
23 the circumstances to the Board of Directors  
24 and to the appropriate congressional commit-  
25 tees without delay.

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

3           (A) PROMPT NOTICE BY INSPECTOR GEN-  
4 ERAL.—Whenever information or assistance re-  
5 quested from a United Nations entity by the In-  
6 spector General pursuant to a transparency cer-  
7 tification is, in the opinion of the Inspector  
8 General, unreasonably refused or not provided  
9 in a timely manner, the Inspector General shall  
10 notify the Board of Directors, the head of that  
11 particular United Nations entity, and the  
12 United Nations Secretary-General of the cir-  
13 cumstances in writing, without delay.

14           (B) NOTICE OF COMPLIANCE.—If and  
15 when the information or assistance being  
16 sought by the Inspector General in connection  
17 with a notification pursuant to subparagraph  
18 (A) is provided to the satisfaction of the Inspec-  
19 tor General, the Inspector General shall so no-  
20 tify in writing the United Nations entity, the  
21 Board of Directors, and the appropriate con-  
22 gressional committees.

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

1 ant to subparagraph (A) is not provided to the  
2 satisfaction of the Inspector General within 90  
3 days of that notification, then the United Na-  
4 tions entity that is the subject of the notifica-  
5 tion is deemed to be noncompliant with its  
6 transparency certification, and the Inspector  
7 General shall provide prompt, written notifica-  
8 tion of that fact to the Board of Directors, the  
9 appropriate congressional committees, the head  
10 of that United Nations entity, the United Na-  
11 tions Secretary-General, and any office or agen-  
12 cy of the Federal Government that has provided  
13 that United Nations entity with any United  
14 States contribution during the prior two years.

15 (D) RESTORATION OF COMPLIANCE.—A  
16 finding of transparency certification noncompli-  
17 ance pursuant to subparagraph (C) may be re-  
18 versed by an affirmative vote of at least 5 of  
19 the 7 members of the Board of Directors if the  
20 Board finds that the entity has satisfactorily re-  
21 solved the noncompliance issue. The Board  
22 shall promptly provide notification of such res-  
23 toration, along with a description of the basis  
24 for the Board's decision, to the Inspector Gen-  
25 eral, the appropriate congressional committees,



1 the head of the affected United Nations entity,  
2 the United Nations Secretary-General, and the  
3 head of any office or agency of the Federal  
4 Government that has provided that United Na-  
5 tions entity with any United States contribution  
6 during the prior two years.

7 (E) COST REIMBURSEMENT.—The Inspec-  
8 tor General may reimburse United Nations en-  
9 tities for the reasonable cost of providing to the  
10 Inspector General information or assistance  
11 sought pursuant to a transparency certification.

12 (10) REPORTS.—

13 (A) AUDIT AND INVESTIGATION RE-  
14 PORTS.—Promptly upon completion, the Inspec-  
15 tor General shall provide copies of each audit  
16 and investigation report completed pursuant to  
17 paragraph (6) to the Board of Directors, the  
18 appropriate congressional committees, and, to  
19 the extent permissible under United States law,  
20 the head of each United Nations entity that is  
21 the subject of that particular report.

22 (B) SEMIANNUAL REPORTS.—Not later  
23 than May 30, 2014, and semiannually there-  
24 after, the Inspector General shall submit to the

1 appropriate congressional committees a report  
2 that, among other things—

3 (i) meets the requirements of section  
4 5 of the Inspector General Act of 1978;  
5 and

6 (ii) includes a list of and detailed de-  
7 scription of the circumstances surrounding  
8 any notification of noncompliance issued  
9 pursuant to paragraph (9)(C) during the  
10 covered timeframe, and whether and when  
11 the Board of Directors has reversed such  
12 finding of noncompliance.

13 (C) PROHIBITED DISCLOSURES.—Nothing  
14 in this subsection shall be construed to author-  
15 ize the public disclosure of information that  
16 is—

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

19 (ii) specifically required by Executive  
20 order to be protected from disclosure in  
21 the interest of national defense or national  
22 security or in the conduct of foreign af-  
23 fairs; or

24 (iii) a part of an ongoing criminal in-  
25 vestigation.

(D) PRIVACY PROTECTIONS.—The Inspector General shall exempt from public disclosure information received from a United Nations entity or developed during an audit or investigation that the Inspector General believes—

(i) constitutes a trade secret or privileged and confidential personal financial information;

(ii) accuses a particular person of a crime;

(iii) would, if publicly disclosed, constitute a clearly unwarranted invasion of personal privacy; or

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

(E) PUBLICATION.—Subject only to the exceptions detailed in subparagraphs (C) and (D), the Inspector General shall promptly publish each report under this subsection on a publicly available and searchable Internet website.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—The Office of the United States Inspector General for Contributions to

1 the United Nations System shall have a Board of  
2 Directors.

3 (2) DUTIES.—The Board shall receive informa-  
4 tion and reports of audits and investigations from  
5 the Office and the Inspector General, provide gen-  
6 eral direction and supervision to the Office and the  
7 Inspector General, and determine the restoration of  
8 compliance by any United Nations entity with a  
9 transparency certification pursuant to subsection  
10 (c)(9)(D).

11 (3) MEMBERSHIP.—The Board shall consist of  
12 the Secretary of State (or the Secretary's designee),  
13 the Secretary of Labor (or the Secretary's designee),  
14 the Secretary of Agriculture (or the Secretary's des-  
15 ignee), the Secretary of Defense (or the Secretary's  
16 designee), the Administrator of the Environmental  
17 Protection Agency (or the Administrator's designee),  
18 the Secretary of the Treasury (or the Secretary's  
19 designee), and the Director of the Office of Manage-  
20 ment and Budget (or the Director's designee).

21 (4) CHAIRMANSHIP.—The Board shall be  
22 chaired by a board member, and the chairmanship  
23 shall rotate among the member departments and  
24 agencies on an annual basis. The first chair shall be  
25 the Director of the Office of Management and Budg-

1 et (or such designee of the Director serving on the  
2 Board).

3 **SEC. 203. TRANSPARENCY FOR UNITED STATES CONTRIBU-**  
4 **TIONS.**

5 (a) **FUNDING PREREQUISITES.**—Notwithstanding  
6 any other provision of law, no funds made available for  
7 use as a United States contribution to any United Nations  
8 entity may be obligated or expended if—

9 (1) the intended United Nations entity recipient  
10 has not provided to the Inspector General within the  
11 preceding year a transparency certification; or

12 (2) the intended United Nations entity recipient  
13 is noncompliant with its transparency certification  
14 as described in section 202(c)(9)(C).

15 (b) **TREATMENT OF FUNDS WITHHELD FOR NON-**  
16 **COMPLIANCE.**—At the conclusion of each fiscal year, any  
17 funds that had been appropriated for use as a United  
18 States contribution to a United Nations entity during that  
19 fiscal year, but could not be obligated or expended because  
20 of the restrictions of subsection (a), shall be returned to  
21 the United States Treasury, and are not subject to re-  
22 programming for any other use. Any such funds returned  
23 to the Treasury shall not be considered arrears to be re-  
24 paid to any United Nations entity.

1       (c) PRESIDENTIAL WAIVER.—The President may  
 2 waive the limitations of this section with respect to a par-  
 3 ticular United States contribution to a particular United  
 4 Nations entity within a single fiscal year if the President  
 5 determines that it is necessary for the national security  
 6 interests of the United States and provides notification  
 7 and explanation of that determination to the appropriate  
 8 congressional committees.

9 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

10       There are authorized to be appropriated out of funds  
 11 available to the Department of State for International Or-  
 12 ganizations such sums as are necessary to carry out the  
 13 activities of this title, provided that such sums are not less  
 14 than one half of 1 percent of the total amount of all as-  
 15 sessed and voluntary contributions of the United States  
 16 Government to the United Nations and United Nations  
 17 affiliated agencies and related bodies during the prior fis-  
 18 cal year.

19 **TITLE III—STATUS OF PALES-**  
 20 **TINIAN ENTITIES AT THE**  
 21 **UNITED NATIONS**

22 **SEC. 301. STATEMENT OF POLICY.**

23       It is the policy of the United States to oppose the  
 24 recognition of a Palestinian state by any United Nations  
 25 entity, or the granting of full membership to the Pales-

1 tinian observer mission at the United Nations, the Pal-  
2 estine Liberation Organization, the Palestinian Authority,  
3 or any other Palestinian administrative organization or  
4 governing entity, at any United Nations entity, prior to  
5 the achievement of a final peace agreement negotiated be-  
6 tween and agreed to by Israel and the Palestinians.

7 **SEC. 302. IMPLEMENTATION.**

8 (a) IN GENERAL.—The President shall direct the  
9 United States Permanent Representative to the United  
10 Nations to use the voice, vote, and influence of the United  
11 States at the United Nations to advance the policy stated  
12 in section 301.

13 (b) WITHHOLDING OF FUNDS.—The Secretary shall  
14 withhold United States contributions from any United Na-  
15 tions entity that recognizes a Palestinian state or grants  
16 full membership to the Palestinian observer mission at the  
17 United Nations, the Palestine Liberation Organization,  
18 the Palestinian Authority, or any other Palestinian admin-  
19 istrative organization or governing entity, at that United  
20 Nations entity, prior to the achievement of complete and  
21 final peace agreement negotiated between and agreed to  
22 by Israel and the Palestinians. Funds appropriated for use  
23 as a United States contribution to the United Nations but  
24 withheld from obligation and expenditure pursuant to this  
25 section shall immediately revert to the United States

1 Treasury and shall not be considered arrears to be repaid  
2 to any United Nations entity.

## 3 **TITLE IV—UNITED NATIONS** 4 **HUMAN RIGHTS COUNCIL**

### 5 **SEC. 401. UNITED NATIONS HUMAN RIGHTS COUNCIL.**

6 (a) IN GENERAL.—For each fiscal year beginning  
7 after the effective date of this Act, until the Secretary sub-  
8 mits to Congress a certification that the requirements de-  
9 scribed in subsection (b) have been satisfied—

10 (1) the Secretary shall withhold from the  
11 United States contribution each fiscal year to the  
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 or any of its Special Proce-  
17 dures;

18 (2) the Secretary shall not make a voluntary  
19 contribution to the United Nations Human Rights  
20 Council; or

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

23 (b) CERTIFICATION.—The annual certification re-  
24 ferred to in subsection (a) is a certification made by the  
25 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) that the Secretary has determined, for  
17       purposes of section 6(j) of the Export Adminis-  
18       tration Act of 1979 (as continued in effect pur-  
19       suant to the International Emergency Economic  
20       Powers Act; 50 U.S.C. 1701 et seq.), section 40  
21       of the Arms Export Control Act (22 U.S.C.  
22       2780), section 620A of the Foreign Assistance  
23       Act of 1961 (22 U.S.C. 2371), or other provi-  
24       sion of law, is a government that has repeatedly

1 provided support for acts of international ter-  
 2 rorism;

3 (D) designated by the Department of State  
 4 pursuant to section 110 of the Trafficking Vic-  
 5 tims Protection Act of 2000 (22 U.S.C. 7107)  
 6 as a Tier 3 country; or

7 (E) that the President has designated as a  
 8 country of particular concern for religious free-  
 9 dom under section 402(b) of the International  
 10 Religious Freedom Act of 1998 (22 U.S.C.  
 11 6442(b)); and

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

15 (c) REVERSION OF FUNDS.—Funds appropriated for  
 16 use as a United States contribution to the United Nations  
 17 but withheld from obligation and expenditure pursuant to  
 18 this section shall immediately revert to the United States  
 19 Treasury and shall not be considered arrears to be repaid  
 20 to any United Nations entity.

## 21 **TITLE V—GOLDSTONE REPORT**

### 22 **SEC. 501. GOLDSTONE REPORT.**

23 (a) WITHHOLDING OF FUNDS.—The Secretary shall  
 24 withhold from the United States contribution to the reg-  
 25 ular budget of the United Nations an amount that is equal

1 to the percentage of such contribution that the Secretary  
 2 determines would be or has been expended by the United  
 3 Nations for any part of the Goldstone Report or its pre-  
 4 paratory or follow-on activities.

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

## 12 **TITLE VI—DURBAN PROCESS**

### 13 **SEC. 601. NON-PARTICIPATION IN THE DURBAN PROCESS.**

14 None of the funds made available in any provision  
 15 of law may be used for United States participation in any  
 16 further part of the Durban process.

### 17 **SEC. 602. WITHHOLDING OF FUNDS; REFUND OF UNITED** 18 **STATES TAXPAYER DOLLARS.**

19 (a) WITHHOLDING OF FUNDS FOR THE DURBAN  
 20 PROCESS.—The Secretary shall withhold from the United  
 21 States contribution to the regular budget of the United  
 22 Nations an amount that is equal to the percentage of such  
 23 contribution that the Secretary determines would be or  
 24 has been expended by the United Nations for any part  
 25 of the Durban process, including—

1           (1) any public information campaign for the  
2       commemoration of the “Durban Declaration and  
3       Programme of Action” or any subsequent outcome  
4       documents;

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

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

11          (4) the Ad Hoc Committee on the Elaboration  
12      of Complementary Standards.

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

1 forum, that is organized under the aegis or jurisdiction  
2 of the United Nations or of any United Nations entity.

3 (c) REFUND OF UNITED STATES TAXPAYER DOL-  
4 LARS.—

5 (1) CONTRIBUTIONS TO REGULAR BUDGET OF  
6 UNITED NATIONS.—Funds appropriated for use as a  
7 United States contribution to the regular budget of  
8 the United Nations but withheld from obligation and  
9 expenditure pursuant to subsection (a) shall imme-  
10 diately revert to the United States Treasury and  
11 shall not be considered arrears to be repaid to any  
12 United Nations entity.

13 (2) CONTRIBUTIONS TO BIENNIAL BUDGET OF  
14 UNITED NATIONS.—Funds appropriated for use as a  
15 United States contribution to the regularly assessed  
16 biennial budget of the United Nations but withheld  
17 from obligation and expenditure pursuant to sub-  
18 section (b) may be obligated and expended for that  
19 purpose upon the certification described in sub-  
20 section (d). Such funds shall revert to the United  
21 States Treasury if no such certification is made by  
22 the date that is one year after such appropriation,  
23 and shall not be considered arrears to be repaid to  
24 any United Nations entity.

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

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

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

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

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

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

(B) under a Security Council-mandated investigation for human rights abuses; or

(C) the government of which the Secretary has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

## **TITLE VII—UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE MIDDLE EAST**

### **SEC. 701. UNITED STATES CONTRIBUTIONS TO UNRWA.**

Section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221) is amended by amending subsection (c) to read as follows:

“(c)(1) Contributions by the United States to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), to any successor or related entity, or to the regular budget of the United Nations for the support of UNRWA or a successor entity

1 (through staff positions provided by the United Nations  
2 Secretariat, or otherwise), may be provided only after the  
3 Secretary has submitted the annual report described in  
4 paragraph (2) to the appropriate congressional commit-  
5 tees.

6 “(2) A written report by the Secretary of State, based  
7 on all information available after diligent inquiry, and  
8 transmitted to the appropriate congressional committees  
9 along with a detailed description of the factual basis there-  
10 for, that—

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

14 “(i) is a member of a foreign terrorist or-  
15 ganization;

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

19 “(iii) has used any UNRWA resources, in-  
20 cluding publications or Internet websites, to  
21 propagate or disseminate political materials, in-  
22 cluding political rhetoric regarding the Israeli-  
23 Palestinian conflict;

24 “(B) no UNRWA school, hospital, clinic, other  
25 facility, or other infrastructure or resource is being



1       used by a foreign terrorist organization for oper-  
2       ations, planning, training, recruitment, fundraising,  
3       indoctrination, communications, sanctuary, storage  
4       of weapons or other materials, or any other pur-  
5       poses;

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

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

18              “(E) no recipient of UNRWA funds or loans is  
19      a member of a foreign terrorist organization; and

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

24      “(3) DEFINITIONS.—In this section:

1           “(A) APPROPRIATE CONGRESSIONAL COMMIT-  
 2           TEES.—The term ‘appropriate congressional com-  
 3           mittees’ means—

4                   “(i) the Committees on Foreign Relations,  
 5                   Appropriations, and Homeland Security and  
 6                   Governmental Affairs of the Senate; and

7                   “(ii) the Committees on Foreign Affairs,  
 8                   Appropriations, and Oversight and Government  
 9                   Reform of the House of Representatives.

10           “(B) FOREIGN TERRORIST ORGANIZATION.—  
 11           The term ‘foreign terrorist organization’ means an  
 12           organization designated as a foreign terrorist organi-  
 13           zation by the Secretary of State in accordance with  
 14           section 219(a) of the Immigration and Nationality  
 15           Act (8 U.S.C. 1189(a)).

16           “(4) LIMITATION.—The United States may not con-  
 17           tribute to the United Nations Relief and Works Agency  
 18           for Palestine Refugees in the Near East (UNRWA) or a  
 19           successor entity an annual amount—

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

23                   “(B) that, as a proportion of the total UNRWA  
 24                   budget, exceeds the proportion of the total budget

1 for the United Nations High Commissioner for Ref-  
2 ugees (UNHCR) paid by the United States; or

3 “(C) that exceeds 22 percent of the total budget  
4 of UNRWA.”.

5 **SEC. 702. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) the President and the Secretary should lead  
8 a high-level diplomatic effort to encourage other re-  
9 sponsible nations to withhold contributions to  
10 UNRWA, to any successor or related entity, or to  
11 the regular budget of the United Nations for the  
12 support of UNRWA or a successor entity (through  
13 staff positions provided by the United Nations Sec-  
14 retariat, or otherwise) until UNRWA has met the  
15 conditions listed in subparagraphs (A) through (F)  
16 of section 301(c)(2) of the Foreign Assistance Act of  
17 1961 (as added by section 701);

18 (2) citizens of recognized states should be re-  
19 moved from UNRWA’s jurisdiction;

20 (3) UNRWA’s definition of a “Palestine ref-  
21 ugee” should be changed to that used for a refugee  
22 by the Office of the United Nations High Commis-  
23 sioner for Refugees; and

24 (4) it should be the goal of the United States  
25 to eliminate UNRWA and give the Office of the

1 United Nations High Commissioner for Refugees  
2 full responsibility for Palestinian refugees as defined  
3 under paragraph (3).

4 **TITLE VIII—INTERNATIONAL**  
5 **ATOMIC ENERGY AGENCY**

6 **SEC. 801. TECHNICAL COOPERATION PROGRAM.**

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

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

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

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

24 (B) the Additional Protocol;

25 (C) the Nuclear Non-Proliferation Treaty;

1 (D) any relevant United Nations Security  
2 Council Resolution; or

3 (E) the Charter of the United Nations; or  
4 (3) is under investigation for a breach of or  
5 noncompliance with the obligations specified in para-  
6 graph (2).

7 (b) WITHHOLDING OF VOLUNTARY CONTRIBU-  
8 TIONS.—Not later than 30 days after the date of the en-  
9 actment of this Act, the Secretary shall withhold from the  
10 United States voluntary contribution to the IAEA an  
11 amount proportional to that spent by the IAEA in the pe-  
12 riod from 2007 to 2008 on assistance through its Tech-  
13 nical Cooperation Program to countries described in sub-  
14 section (a).

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

23 (d) WAIVER.—The provisions in subsections (b) and  
24 (c) 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 (a); or

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

8       (e) 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 (a).

15      (f) REPORT.—Not later than 180 days 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. 802. 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 the 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 with the Statute of the IAEA and  
11          the Treaty on the Non-Proliferation of Nu-  
12          clear Weapons (21 UST 483) (commonly  
13          referred to as the “Nuclear Nonprolifera-  
14          tion Treaty” or the “NPT”) and provide  
15          recommendations to the IAEA Board of  
16          Governors concerning penalties to be im-  
17          posed on IAEA Member States that fail to  
18          fulfill their obligations under IAEA Board  
19          resolutions;

20          (ii) base its assessments and rec-  
21          ommendations on IAEA inspection reports;  
22          and

23          (iii) take into consideration informa-  
24          tion provided by IAEA Board Members  
25          that are 1 of the 5 nuclear weapons states

1 recognized by the Nuclear Nonproliferation  
2 Treaty.

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

8 (2) COMMITTEE ON SAFEGUARDS AND  
9 VERIFICATION.—The President shall direct the  
10 United States Permanent Representative to the  
11 IAEA to use the voice, vote, and influence of the  
12 United States at the IAEA to ensure that the Com-  
13 mittee on Safeguards and Verification established in  
14 2005 shall develop and seek to put into force a  
15 workplan of concrete measures that will—

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

21 (B) enhance the ability of the IAEA, be-  
22 yond the verification mechanisms and authori-  
23 ties contained in the Additional Protocol to the  
24 Safeguards Agreements between the IAEA and  
25 Member States of the IAEA, to detect with a



1 high degree of confidence undeclared nuclear  
2 activities by a Member State.

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

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

14 (i) limiting its ability to vote on its  
15 case;

16 (ii) being prevented from receiving  
17 any technical assistance; and

18 (iii) being prevented from hosting  
19 meetings.

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

1           (4) PENALTIES WITH RESPECT TO THE NU-  
2       CLEAR NONPROLIFERATION TREATY.—The Presi-  
3       dent shall direct the United States Permanent Rep-  
4       resentative to the IAEA to use the voice, vote, and  
5       influence of the United States at the IAEA to en-  
6       sure that a Member State of the IAEA that is found  
7       to be in breach of, in noncompliance with, or has  
8       withdrawn from the Nuclear Nonproliferation Treaty  
9       shall return to the IAEA all nuclear materials and  
10      technology received from the IAEA, any Member  
11      State of the IAEA, or any Member State of the Nu-  
12      clear Nonproliferation Treaty.

13      (b) UNITED STATES CONTRIBUTIONS.—

14           (1) VOLUNTARY CONTRIBUTIONS.—Voluntary  
15      contributions of the United States to the IAEA  
16      should primarily be used to fund activities relating  
17      to nuclear safety and security or activities relating  
18      to nuclear verification.

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

23                   (A) ensure that funds for safeguards in-  
24      spections are prioritized for countries that have

1 newly established nuclear programs or are initi-  
2 ating nuclear programs; and

3 (B) block the allocation of funds for any  
4 other IAEA development, environmental, or nu-  
5 clear science assistance or activity to a coun-  
6 try—

7 (i) the government of which the Sec-  
8 retary has determined, for purposes of sec-  
9 tion 6(j) of the Export Administration Act  
10 of 1979, section 620A of the Foreign As-  
11 sistance Act of 1961, section 40 of the  
12 Arms Export Control Act, or other provi-  
13 sion of law, is a government that has re-  
14 peatedly provided support for acts of inter-  
15 national terrorism and which the Secretary  
16 has determined has not dismantled its  
17 weapons of mass destruction programs and  
18 surrendered all related materials under  
19 international verification;

20 (ii) that is under investigation for a  
21 breach of or noncompliance with its IAEA  
22 obligations or the purposes and principles  
23 of the Charter of the United Nations; or

1 (iii) that is in violation of its IAEA  
2 obligations or the purposes and principles  
3 of the Charter of the United Nations.

4 (3) DETAIL OF EXPENDITURES.—The Presi-  
5 dent shall direct the United States Permanent Rep-  
6 resentative to the IAEA to use the voice, vote, and  
7 influence of the United States at the IAEA to se-  
8 cure, as part of the regular budget presentation of  
9 the IAEA to Member States of the IAEA, a detailed  
10 breakdown by country of expenditures of the IAEA  
11 for safeguards inspections and nuclear security ac-  
12 tivities.

13 (c) MEMBERSHIP.—

14 (1) IN GENERAL.—The President shall direct  
15 the United States Permanent Representative to the  
16 IAEA to use the voice, vote, and influence of the  
17 United States at the IAEA to block the membership  
18 on the Board of Governors of the IAEA of a Mem-  
19 ber State of the IAEA that has not signed and rati-  
20 fied the Additional Protocol and—

21 (A) is under investigation for a breach of  
22 or noncompliance with its IAEA obligations or  
23 the purposes and principles of the Charter of  
24 the United Nations; or

1 (B) that is in violation of its IAEA obliga-  
2 tions or the purposes and principles of the  
3 Charter of the United Nations.

4 (2) CRITERIA.—The United States Permanent  
5 Representative to the IAEA shall make every effort  
6 to modify the criteria for Board membership to re-  
7 flect the principles described in paragraph (1).

8 (d) SMALL QUANTITIES PROTOCOL.—The President  
9 shall direct the United States Permanent Representative  
10 to the IAEA to use the voice, vote, and influence of the  
11 United States at the IAEA to make every effort to ensure  
12 that the IAEA changes the policy regarding the Small  
13 Quantities Protocol in order to—

14 (1) rescind and eliminate the Small Quantities  
15 Protocol;

16 (2) require that any IAEA Member State that  
17 has previously signed a Small Quantities Protocol to  
18 sign, ratify, and implement the Additional Protocol,  
19 provide immediate access for IAEA inspectors to its  
20 nuclear-related facilities, and agree to the strongest  
21 inspections regime of its nuclear efforts; and

22 (3) require that any IAEA Member State that  
23 does not comply with paragraph (2) to be ineligible  
24 to receive nuclear material, technology, equipment,  
25 or assistance from any IAEA Member State and

1 subject to the penalties described in subsection  
2 (a)(3).

3 (e) NUCLEAR PROGRAM OF IRAN.—

4 (1) UNITED STATES ACTION.—The President  
5 shall direct the United States Permanent Represent-  
6 ative to the IAEA to use the voice, vote, and influ-  
7 ence of the United States at the IAEA to make  
8 every effort to ensure the adoption of a resolution by  
9 the IAEA Board of Governors that, in addition to  
10 the restrictions already imposed, makes Iran ineli-  
11 gible to receive any nuclear material, technology,  
12 equipment, or assistance from any IAEA Member  
13 State and ineligible for any IAEA assistance not re-  
14 lated to safeguards inspections or nuclear security  
15 until the IAEA Board of Governors determines that  
16 Iran—

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

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

21 (C) has permanently ceased and disman-  
22 tled all activities and programs related to nu-  
23 clear-enrichment and reprocessing.

24 (2) PENALTIES.—If an IAEA Member State is  
25 determined to have violated the prohibition on as-

1       sistance to Iran described in paragraph (1) before  
2       the IAEA Board of Governors determines that Iran  
3       has satisfied the conditions described in subpara-  
4       graphs (A) through (C) of such paragraph, such  
5       Member State shall be subject to the penalties de-  
6       scribed in subsection (a)(3), shall be ineligible to re-  
7       ceive nuclear material, technology, equipment, or as-  
8       sistance from any IAEA Member State, and shall be  
9       ineligible to receive any IAEA assistance not related  
10      to safeguards inspections or nuclear security until  
11      such time as the IAEA Board of Governors makes  
12      such determination with respect to Iran.

13      (f) REPORT.—Not later than 180 days after the date  
14      of the enactment of this Act, and annually for 2 years  
15      thereafter, the President shall submit to the appropriate  
16      congressional committees a report on the implementation  
17      of this section.

18      **SEC. 803. SENSE OF CONGRESS REGARDING THE NUCLEAR**  
19                                   **SECURITY ACTION PLAN OF THE IAEA.**

20      It is the sense of Congress that the national security  
21      interests of the United States are enhanced by the Nuclear  
22      Security Action Plan of the IAEA and that the Board of  
23      Governors should recommend, and the General Conference  
24      should adopt, a resolution incorporating the Nuclear Secu-  
25      rity Action Plan into the regular budget of the IAEA.

## **TITLE IX—PEACEKEEPING**

### **SEC. 901. POLICY RELATING TO REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.**

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

#### **(1) PLANNING AND MANAGEMENT.—**

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

(B) PROCUREMENT AND TRANSPARENCY.—The logistics established within the United Nations Department of Field Support should be streamlined and strengthened to ensure that all peacekeeping missions are resourced appropriately, transparently, and in a timely fashion while individual accountability for waste, fraud, and abuse within United Nations peacekeeping missions is uniformly enforced.



1 (C) REVIEW OF MANDATES AND CLOSING  
2 OPERATIONS.—In conjunction with the audit  
3 described in subparagraph (A), the United Na-  
4 tions Department of Peacekeeping Operations  
5 should conduct a comprehensive review of all  
6 United Nations peacekeeping operation man-  
7 dates, with a view toward identifying objectives  
8 that are practical and achievable, and report its  
9 findings to the Security Council. In particular,  
10 the review should consider the following:

11 (i) Except in extraordinary cases, in-  
12 cluding genocide, the United Nations De-  
13 partment of Peacekeeping Operations  
14 should not be tasked with activities that  
15 are impractical or unachievable without the  
16 cooperation of the Member State(s)  
17 hosting a United Nations peacekeeping op-  
18 eration, or which amount to de-facto trust-  
19 eeship outside of the procedures estab-  
20 lished for such under Chapter XII of the  
21 United Nations Charter, thereby creating  
22 unrealistic expectations and obfuscating  
23 the primary responsibility of the Member  
24 States themselves for creating and main-  
25 taining conditions for peace.

1 (ii) Long-standing operations that are  
 2 static and cannot fulfill their mandate  
 3 should be downsized or closed.

4 (iii) Where there is legitimate concern  
 5 that the withdrawal from a country of an  
 6 otherwise static United Nations peace-  
 7 keeping operation would result in the re-  
 8 sumption of major conflict, a burden-shar-  
 9 ing arrangement that reduces the level of  
 10 assessed contributions, similar to that cur-  
 11 rently supporting the United Nations  
 12 Peacekeeping Force in Cyprus, should be  
 13 explored and instituted.

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

22 (E) PRE-DEPLOYMENT TRAINING.—Pre-de-  
 23 ployment training on interpretation of the man-  
 24 date of the operation, specifically in the areas  
 25 of use of force, civilian protection and field con-

1           ditions, the Code of Conduct, HIV/AIDS, and  
 2           human rights should be mandatory, and all per-  
 3           sonnel, regardless of category or rank, should  
 4           be required to sign an oath that each has re-  
 5           ceived and understands such training as a con-  
 6           dition of participation in the operation.

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

19          (2) CONDUCT AND DISCIPLINE.—

20          (A) ADOPTION OF A UNIFORM CODE OF  
 21          CONDUCT.—A single, uniform Code of Conduct  
 22          that has the status of a binding rule and ap-  
 23          plies equally to all personnel serving in United  
 24          Nations peacekeeping operations, regardless of  
 25          category or rank, including military personnel,

1 should be adopted and incorporated into legal  
2 documents governing participation in such an  
3 operation, including all contracts and Memorandums of Understanding, promulgated and effectively enforced.

6 (B) UNDERSTANDING THE CODE OF CONDUCT.—All personnel, regardless of category or  
7 rank, should receive training on the Code of  
8 Conduct prior to deployment with a peace-keeping operation, in addition to periodic follow-on training. In particular—

12 (i) all personnel, regardless of category or rank, should be provided with a  
13 personal copy of the Code of Conduct that  
14 has been translated into the national language of such personnel, regardless of  
15 whether such language is an official language of the United Nations;

19 (ii) all personnel, regardless of category or rank, should sign an oath that  
20 each has received a copy of the Code of  
21 Conduct, that each pledges to abide by the  
22 Code of Conduct, and that each understands the consequences of violating the  
23 Code of Conduct, including immediate ter-

mination of participation in and permanent exclusion from all current and future peacekeeping operations, as well as the assumption of personal liability and victims compensation, where appropriate, as a condition of appointment to any such operation; and

(iii) peacekeeping operations should continue and enhance educational outreach programs to reach local communities where peacekeeping personnel of such operations are based, including explaining prohibited acts on the part of United Nations peacekeeping personnel and identifying the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

(C) MONITORING MECHANISMS.—Dedicated monitoring mechanisms, such as the Conduct and Discipline Teams already deployed to support most United Nations peacekeeping operations, should be present in each operation to monitor compliance with the Code of Conduct, and should report simultaneously to the Head

1 of Mission, the United Nations Department of  
2 Field Support, the United Nations Department  
3 of Peacekeeping Operations, and the Associate  
4 Director of the Office of Internal Oversight  
5 Services for Peacekeeping Operations.

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

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

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

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

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

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 that have been taken  
10 by the United Nations or by the individ-  
11 ual's Member State, and sharing such in-  
12 formation with the Security Council, the  
13 Department of Peacekeeping Operations,  
14 the Head of Mission, and the community  
15 hosting the peacekeeping operation; and

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

19 (F) FINANCIAL LIABILITY AND VICTIMS  
20 ASSISTANCE.—Although peacekeeping oper-  
21 ations should provide immediate medical assist-  
22 ance to victims of sexual abuse or exploitation,  
23 the responsibility for providing longer-term  
24 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. 902. 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 cer-  
9 tifies that the requirements described in para-  
10 graph (2) have been satisfied, the President  
11 shall direct the United States Permanent Rep-  
12 resentative 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 the expansion of existing, United Na-  
16 tions 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.

## 9 **TITLE X—REPORTING** 10 **REQUIREMENTS**

### 11 **SEC. 1001. REPORT ON UNITED NATIONS REFORM.**

12 Section 4 of the United Nations Participation Act of  
 13 1945 (22 U.S.C. 287b(c)(3)) is amended—

14 (1) by redesignating subparagraph (C) as sub-  
 15 paragraph (R); and

16 (2) by inserting after subparagraph (B) the fol-  
 17 lowing new subparagraphs:

18 “(C) A description of progress toward the  
 19 goal of shifting funding for the regular budget  
 20 of the United Nations to voluntary funding as  
 21 described in section 101 of the United Nations  
 22 Transparency, Accountability, and Reform Act  
 23 of 2013, and a detailed description of efforts  
 24 and activities by United States diplomats and  
 25 officials toward that end.

1           “(D) A description of progress toward each  
2 of the policy goals identified in title I of the  
3 United Nations Transparency, Accountability,  
4 and Reform Act of 2013, and a detailed, goal-  
5 specific description of efforts and activities by  
6 United States diplomats and officials toward  
7 those ends.

8           “(E) A description of the status of the im-  
9 plementation of management reforms within the  
10 United Nations and its specialized entities.

11           “(F) An accounting of the number of out-  
12 puts, reports, or other mandates generated by  
13 General Assembly and Security Council resolu-  
14 tions, a description of the status of the review  
15 by the General Assembly of all mandates older  
16 than 5 years and how resources have been redi-  
17 rected to new challenges, and the number of  
18 mandates that have been eliminated since the  
19 date of the enactment of the United Nations  
20 Transparency, Accountability, and Reform Act  
21 of 2013.

22           “(G) A description of the progress of the  
23 General Assembly to modernize and streamline  
24 the committee structure and its specific rec-  
25 ommendations on oversight and committee out-

puts, consistent with the March 2005 report of the Secretary-General entitled ‘In Larger Freedom: Towards Development, Security and Human Rights for All’.

“(H) An assessment of the continued utility and relevance of the Economic and Financial Committee and the Social, Humanitarian, and Cultural Committee, in light of the duplicative agendas of those committees and the Economic and Social Council.

“(I) An examination of whether the United Nations or any of its specialized agencies has contracted with any party included on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

“(J) A description of progress made by the General Assembly in modernizing human resource practices, consistent with the report described in subparagraph (G).

“(K) A comprehensive evaluation of human resources reforms at the United Nations, including an evaluation of—

“(i) tenure;

“(ii) performance reviews;

“(iii) the promotion system;

1                   “(iv) a merit-based hiring system and  
2                   enhanced regulations concerning termi-  
3                   nation of employment; and

4                   “(v) the adoption and implementation  
5                   of a United Nations systemwide code of  
6                   conduct and ethics training.

7                   “(L) A description of the implementation  
8                   at the United Nations of a system of proce-  
9                   dures for filing complaints and protective meas-  
10                  ures for workplace harassment, including sexual  
11                  harassment.

12                  “(M) Policy recommendations relating to  
13                  the establishment at the United Nations of a  
14                  rotation requirement for nonadministrative po-  
15                  sitions.

16                  “(N) Policy recommendations relating to  
17                  the establishment of limitations on the transfer  
18                  of personnel and officials assigned to the mis-  
19                  sion of a member state to the United Nations  
20                  to positions within the United Nations Secre-  
21                  tariat that are compensated at the P-5 level  
22                  and above.

23                  “(O) Policy recommendations relating to a  
24                  reduction in travel allowances for United Na-

1           tions personnel and attendant oversight with re-  
2           spect to accommodations and airline flights.

3           “(P) An evaluation of the recommenda-  
4           tions of the Secretary-General relating to great-  
5           er flexibility for the Secretary-General in staff-  
6           ing decisions to accommodate changing prior-  
7           ities.”.

8   **SEC. 1002. REPORT ON UNITED STATES CONTRIBUTIONS TO**  
9                           **THE UNITED NATIONS.**

10       (a) IN GENERAL.—Not later than 90 days after the  
11       date of the enactment of this Act, and annually thereafter,  
12       the Director of the Office of Management and Budget  
13       shall submit to Congress a report on all assessed and vol-  
14       untary contributions, including in-kind, of the United  
15       States Government to the United Nations and its affili-  
16       ated agencies and related bodies during the previous fiscal  
17       year.

18       (b) CONTENT.—The report required under subsection  
19       (a) shall include the following elements:

20           (1) The total amount of all assessed and vol-  
21       untary contributions, including in-kind, of the  
22       United States Government to the United Nations  
23       and United Nations affiliated agencies and related  
24       bodies.

1           (2) The approximate percentage of United  
2       States Government contributions to each United Na-  
3       tions affiliated agency or body in such fiscal year  
4       when compared with all contributions to such agency  
5       or body from any source in such fiscal year.

6           (3) For each such contribution—

7                (A) the amount of the contribution;

8                (B) a description of the contribution (in-  
9       cluding whether assessed or voluntary);

10               (C) the department or agency of the  
11       United States Government responsible for the  
12       contribution;

13               (D) the purpose of the contribution; and

14               (E) the United Nations or United Nations  
15       affiliated agency or related body receiving the  
16       contribution.

17       (c) PUBLIC AVAILABILITY OF INFORMATION.—Not  
18       later than 14 days after submitting a report required  
19       under subsection (a), the Director of the Office of Man-  
20       agement and Budget shall post a public version of the re-  
21       port on a text-based, searchable, and publicly available  
22       Internet website.

1 **SEC. 1003. REPORT TO CONGRESS ON VOTING PRACTICES**  
2 **IN THE UNITED NATIONS.**

3 Section 406(b) of the Foreign Relations Authoriza-  
4 tion Act, Fiscal Years 1990 and 1991 (22 U.S.C.  
5 2414a(b)) is amended—

6 (1) in paragraph (5), by striking “; and” and  
7 inserting a semicolon;

8 (2) in paragraph (6), by striking the period at  
9 the end and inserting “; and”; and

10 (3) by adding at the end the following new  
11 paragraph:

12 “(7) a table detailing the amount of direct  
13 United States foreign assistance provided to each  
14 member country alongside a voting comparison as  
15 described in paragraph (5).”.

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