

115TH CONGRESS
1ST SESSION

S. 169

To counter anti-Semitism at the United Nations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 17, 2017

Mr. RUBIO (for himself and Mr. COTTON) introduced the following bill; which
was read twice and referred to the Committee on Foreign Relations

A BILL

To counter anti-Semitism at the United Nations, 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 “Countering Anti-Semitism and Anti-Israel Activities at
6 the United Nations Act of 2017”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Anti-Semitism and the United Nations.
- Sec. 4. Reform of United Nations Human Rights Council.
- Sec. 5. United States contributions to the United Nations Relief and Works
Agency for Palestine Refugees in the Near East.

Sec. 6. Report on United States contributions to the United Nations and to countries seeking to implement UN Security Council Resolution 2334.

Sec. 7. Report to Congress on voting practices in the United Nations.

Sec. 8. Report on anti-Semitic and anti-Israeli activity at the United Nations and its agencies.

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 Committee on Foreign Relations of
7 the Senate;

8 (B) the Committee on Appropriations of
9 the Senate;

10 (C) the Committee on Homeland Security
11 and Governmental Affairs of the Senate;

12 (D) the Committee on Foreign Affairs of
13 the House of Representatives;

14 (E) the Committee on Appropriations of
15 the House of Representatives; and

16 (F) the Committee on Oversight and Gov-
17 ernment Reform of the House of Representa-
18 tives.

19 (2) EMPLOYEE.—The term “employee” means
20 an individual who is employed in the general serv-
21 ices, professional staff, or senior management of the

1 United Nations, including consultants, contractors,
2 and subcontractors.

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

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

10 (5) REFUGEE.—The term “refugee” has the
11 meaning given the term in section 101(a)(42) of the
12 Immigration and Nationality Act (8 U.S.C.
13 1101(a)(42)).

14 (6) SECRETARY.—The term “Secretary” means
15 the Secretary of State.

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

19 (8) SECURITY COUNCIL.—The term “Security
20 Council” means the Security Council of the United
21 Nations.

22 (9) UNITED NATIONS ENTITY.—The term
23 “United Nations entity” means any United Nations
24 agency, commission, conference, council, court, de-
25 partment, forum, fund, institute, office, organiza-

1 tion, partnership, program, subsidiary body, tri-
 2 bunal, trust, university or academic body, related or-
 3 ganization or subsidiary body, wherever located, that
 4 flies the United Nations flag or is authorized to use
 5 the United Nations logo, including but not limited to
 6 those United Nations affiliated agencies and bodies
 7 identified as recipients of United States contribu-
 8 tions under section 1225(b)(3)(E) of the John War-
 9 ner National Defense Authorization Act for Fiscal
 10 Year 2007 (Public Law 109–364; 120 Stat. 2424).

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

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

24 (a) IN GENERAL.—The President shall direct the
 25 United States Permanent Representative to the United

1 Nations to use the voice, vote, and influence of the United
2 States at the United Nations to make every effort—

3 (1) to ensure the issuance and implementation
4 of a directive by the Secretary-General or the Secre-
5 tariat, as appropriate, that—

6 (A) requires all employees of the United
7 Nations and its specialized agencies to officially
8 and publicly condemn anti-Semitic statements
9 made at any session of the United Nations or
10 its specialized agencies, or at any other session
11 sponsored by the United Nations;

12 (B) requires employees of the United Na-
13 tions and its specialized agencies, programs,
14 and funds to be subject to punitive action, in-
15 cluding immediate dismissal, for making anti-
16 Semitic statements or references;

17 (C) proposes specific recommendations to
18 the General Assembly for the establishment of
19 mechanisms to hold accountable employees and
20 officials of the United Nations and its special-
21 ized agencies, programs, and funds, or Member
22 States, that make such anti-Semitic statements
23 or references in any forum of the United Na-
24 tions or of its specialized agencies;

1 (D) continues to develop and implement
2 education awareness programs about the Holo-
3 caust and anti-Semitism throughout the world
4 as part of an effort to combat intolerance and
5 hatred; and

6 (E) requires the Office of the United Na-
7 tions High Commissioner for Human Rights
8 (OHCHR) to develop programming and other
9 measures that address anti-Semitism;

10 (2) to secure the adoption of a resolution by the
11 General Assembly that establishes the mechanisms
12 described in paragraph (1)(C); and

13 (3) to continue working toward further reduc-
14 tion of anti-Semitism in the United Nations and its
15 specialized agencies, programs, and funds.

16 (b) WITHHOLDING OF FUNDS.—Notwithstanding
17 any other provision of law, of the amounts appropriated
18 or otherwise made available for the United Nations and
19 its affiliated agencies under the heading “Contributions
20 for International Organizations” for fiscal year 2017 and
21 each fiscal year thereafter, no amounts may be obligated
22 or expended until the President certifies to the appropriate
23 congressional committees that no United Nations agency
24 or United Nations affiliated agency grants any official sta-
25 tus, accreditation, or recognition to any organization

1 which promotes or condones anti-Semitism, or which in-
 2 cludes any such organization as a subsidiary or member.
 3 Amounts appropriated in a fiscal year for use as a United
 4 States contribution to the United Nations, but withheld
 5 from obligation and expenditure pursuant to this sub-
 6 section, shall revert to the United States Treasury at the
 7 end of such fiscal year and shall not be considered arrears
 8 to be repaid to any United Nations entity.

9 (c) UNITED STATES POLICY REGARDING UNITED
 10 NATIONS SECURITY COUNCIL RESOLUTION 2334.—

11 (1) FINDINGS.—Congress makes the following
 12 findings:

13 (A) Clause 10 of section 8 of Article I of
 14 the Constitution of the United States reserves
 15 to Congress the power “To define and punish
 16 . . . Offenses against the Law of Nations”.

17 (B) United Nations Security Council Reso-
 18 lution 2334, adopted on December 23, 2016,
 19 seeks to reaffirm that “the establishment by
 20 Israel of settlements in the Palestinian territory
 21 occupied since 1967, including East Jerusalem
 22 . . . constitutes a flagrant violation under
 23 international law”.

1 (C) Congress has never included the build-
2 ing of such settlements in the definition of an
3 Offence against the Law of Nations.

4 (2) POLICY.—It shall be the policy of the
5 United States—

6 (A) to reject the premise in United Na-
7 tions Security Council Resolution 2334 that the
8 establishment by Israel of settlements in the
9 Palestinian territory occupied since 1967 con-
10 stitutes a violation of international law;

11 (B) to affirm that the establishment by
12 Israel of settlements in the Palestinian territory
13 occupied since 1967, including East Jerusalem,
14 does not constitute an Offence against the Law
15 of Nations, as defined by Congress; and

16 (C) to prohibit United States funding of
17 any United Nations entity that attempts to en-
18 force United Nations Security Council Resolu-
19 tion 2334.

20 **SEC. 4. REFORM OF UNITED NATIONS HUMAN RIGHTS**
21 **COUNCIL.**

22 (a) IN GENERAL.—Until the Secretary submits, to
23 the appropriate congressional committees, a certification
24 that the requirements described in subsection (b) have
25 been satisfied—

1 (1) the United States contribution to the reg-
2 ular budget of the United Nations shall be reduced
3 by an amount equal to the percentage of such con-
4 tribution that the Secretary determines would be al-
5 located by the United Nations to support the United
6 Nations Human Rights Council or any of its special
7 procedures;

8 (2) the Secretary shall not make a voluntary
9 contribution to the United Nations Human Rights
10 Council; and

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

13 (b) CERTIFICATION.—The annual certification re-
14 ferred to in subsection (a) is a certification made by the
15 Secretary to Congress that the agenda of the United Na-
16 tions Human Rights Council does not include a permanent
17 item related to the State of Israel or the Palestinian terri-
18 tories.

19 (c) REVERSION OF FUNDS.—Amounts appropriated
20 and available for a United States contribution to the
21 United Nations, but withheld from obligation and expendi-
22 ture pursuant to this section shall immediately revert to
23 the United States Treasury. The United States Govern-
24 ment shall not consider such amounts to be arrears to be
25 repaid to any United Nations entity.

1 **SEC. 5. UNITED STATES CONTRIBUTIONS TO THE UNITED**
 2 **NATIONS RELIEF AND WORKS AGENCY FOR**
 3 **PALESTINE REFUGEES IN THE NEAR EAST.**

4 (a) IN GENERAL.—Section 301(c) of the Foreign As-
 5 sistance Act of 1961 (22 U.S.C. 2221(c)) is amended to
 6 read as follows:

7 “(c) PALESTINE REFUGEES; CONSIDERATIONS AND
 8 CONDITIONS FOR FURNISHING ASSISTANCE.—The United
 9 States may not provide contributions to the United Na-
 10 tions Relief and Works Agency for Palestine Refugees in
 11 the Near East (UNRWA) for programs in the West Bank
 12 and Gaza, a successor entity or any related entity, or to
 13 the regular budget of the United Nations for the support
 14 of UNRWA or a successor entity for programs in the West
 15 Bank and Gaza, until the Secretary certifies to the appro-
 16 priate congressional committees (as defined in section
 17 226) that—

18 “(1) no official, employee, consultant, con-
 19 tractor, subcontractor, representative, or affiliate of
 20 UNRWA—

21 “(A) is a member of Hamas or any United
 22 States-designated terrorist group; or

23 “(B) has propagated, disseminated, or in-
 24 cited anti-Israel, or anti-Semitic rhetoric or
 25 propaganda;

1 “(2) no UNRWA school, hospital, clinic, other
2 facility, or other infrastructure or resource is being
3 used by Hamas or an affiliated group for operations,
4 planning, training, recruitment, fundraising, indoc-
5 trination, communications, sanctuary, storage of
6 weapons or other materials, or any other purposes;

7 “(3) UNRWA is subject to comprehensive fi-
8 nancial audits by an internationally recognized third
9 party independent auditing firm and has imple-
10 mented an effective system of vetting and oversight
11 to prevent the use, receipt, or diversion of any
12 UNRWA resources by Hamas or any United States-
13 designated terrorist group, or their members; and

14 “(4) no recipient of UNRWA funds or loans is
15 a member of Hamas or any United States-des-
16 ignated terrorist group.”.

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

19 (1) the President and the Secretary should lead
20 a high-level diplomatic effort to encourage other re-
21 sponsible nations to withhold contributions to the
22 United Nations Relief and Works Agency for Pal-
23 estine Refugees in the Near East (referred to in this
24 section as “UNRWA”) to any successor or related
25 entity, or to the regular budget of the United Na-

1 tions for the support of UNRWA or a successor en-
 2 tity (through staff positions provided by the United
 3 Nations Secretariat, or otherwise) until UNRWA
 4 has met the conditions listed in subparagraphs (A)
 5 through (F) of section 301(c) of the Foreign Assist-
 6 ance Act of 1961, as added by subsection (a);

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

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

13 (4) it should be the goal of the United States
 14 to eliminate UNRWA and give the Office of the
 15 United Nations High Commissioner for Refugees
 16 full responsibility for Palestine refugees (as defined
 17 by the Office of the United Nations High Commis-
 18 sioner for Refugees).

19 (c) REPORT.—The Secretary of State shall—

20 (1)(A) fulfill the reporting requirement relating
 21 to the United Nations Relief and Works Agency
 22 under the Protracted Refugee Situations subheading
 23 in Senate Report 112–172, as referenced under the
 24 Migration and Refugee Assistance heading in Senate
 25 Report 113–81 and Senate Report 113–195; and

1 (B) publish an unclassified version of the report
 2 not later than 60 days after the date of the enact-
 3 ment of this Act; or

4 (2) if the Secretary is unable to fulfill the re-
 5 quirement under paragraph (1), submit a written
 6 justification to the Committee on Foreign Relations
 7 of the Senate and the Committee on Foreign Affairs
 8 of the House of Representatives that describes the
 9 specific reasons why such requirement cannot be
 10 met.

11 **SEC. 6. REPORT ON UNITED STATES CONTRIBUTIONS TO**
 12 **THE UNITED NATIONS AND TO COUNTRIES**
 13 **SEEKING TO IMPLEMENT UN SECURITY**
 14 **COUNCIL RESOLUTION 2334.**

15 (a) IN GENERAL.—Not later than 90 days after the
 16 date of the enactment of this Act, and annually thereafter,
 17 the Director of the Office of Management and Budget
 18 shall submit a report to Congress that—

19 (1) details all assessed and voluntary United
 20 States contributions, including in-kind contributions,
 21 to the United Nations and its affiliated agencies and
 22 related bodies during the previous fiscal year; and

23 (2) identifies the United States assistance pro-
 24 vided during the previous fiscal year to countries

1 that are actively seeking to implement United Na-
2 tions Security Council Resolution 2334.

3 (b) CONTENT.—The report required under subsection
4 (a) shall include—

5 (1) the total amount of assessed and voluntary
6 United States contributions, including in-kind con-
7 tributions, to the United Nations and United Na-
8 tions affiliated agencies and related bodies;

9 (2) the approximate percentage of United
10 States contributions to each United Nations affili-
11 ated agency or body in such fiscal year compared to
12 all contributions to such agency or body from any
13 source in such fiscal year;

14 (3) for each such contribution—

15 (A) the amount of the contribution;

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

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

21 (D) the purpose of the contribution; and

22 (E) the United Nations or United Nations
23 affiliated agency or related body receiving the
24 contribution; and

1 (4) for each country that is actively seeking to
 2 implement United Nations Security Council Resolu-
 3 tion 2334, the total amount of assistance provided
 4 by the United States Government during the pre-
 5 vious fiscal year.

6 (c) PUBLIC AVAILABILITY OF INFORMATION.—Not
 7 later than 14 days after submitting each report required
 8 under subsection (a), the Director of the Office of Man-
 9 agement and Budget shall post a public version of the re-
 10 port on a text-based, searchable, and publicly available
 11 Internet website.

12 **SEC. 7. REPORT TO CONGRESS ON VOTING PRACTICES IN**
 13 **THE UNITED NATIONS.**

14 Section 406(b) of the Foreign Relations Authoriza-
 15 tion Act, Fiscal Years 1990 and 1991 (22 U.S.C.
 16 2414a(b)) is amended—

17 (1) in paragraph (5), by striking “; and” and
 18 inserting “, including a separate section detailing
 19 the voting records of each member country on reso-
 20 lutions that condemn the Government of Israel;”

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

23 (3) by adding at the end the following:

24 “(7) a table detailing the amount of direct
 25 United States foreign assistance provided to each

1 member country alongside the voting comparison de-
2 scribed in paragraph (5).”.

3 **SEC. 8. REPORT ON ANTI-SEMITIC AND ANTI-ISRAELI AC-**
4 **TIVITY AT THE UNITED NATIONS AND ITS**
5 **AGENCIES.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, and annually thereafter, the Secretary
8 shall submit a report to the appropriate congressional
9 committees that describes—

10 (1) all activities at the United Nations and its
11 subagencies that can be construed to exhibit an anti-
12 Israel or anti-Semitic bias, including official state-
13 ments, proposed resolutions, and United Nations in-
14 vestigations;

15 (2) the use of United Nations resources to pro-
16 mote anti-Semitic or anti-Israel views, including
17 publications, Internet websites, and textbooks or
18 other educational materials used to propagate or dis-
19 seminate political materials, including political rhet-
20 oric regarding the Israeli-Palestinian conflict;

21 (3) the propagation, dissemination, or incite-
22 ment of anti-Israel or anti-Semitic rhetoric or propa-
23 ganda at the United Nations; and

24 (4) specific actions taken by the United States
25 Government to address the instances of anti-Israel

- 1 or anti-Semitic activity at the United Nations de-
- 2 scribed under paragraphs (1) through (3).

