

112TH CONGRESS
1ST SESSION

S. 1848

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2011

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

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 2011”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

- Sec. 101. Findings.
- Sec. 102. Apportionment of the United Nations regular budget on a voluntary basis.
- Sec. 103. Budget justification for United States contributions to the regular budget of the United Nations.
- Sec. 104. Report on United Nations reform.

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

- Sec. 201. Findings.
- Sec. 202. Definitions.
- Sec. 203. Independent and objective conduct of audits and investigations relating to United States contributions to the United Nations system.
- Sec. 204. Transparency for United States contributions.
- Sec. 205. Integrity for United States contributions.
- Sec. 206. Refund of monies owed by the United Nations to the United States.
- Sec. 207. Annual reports on United States contributions to the United Nations.

TITLE III—UNITED STATES POLICY AT THE UNITED NATIONS

- Sec. 301. Annual publication.
- Sec. 302. Annual financial disclosure.
- Sec. 303. Policy with respect to expansion of the United Nations Security Council.
- Sec. 304. Access to reports and audits.
- Sec. 305. Waiver of immunity.
- Sec. 306. Terrorism and the United Nations.
- Sec. 307. Report on United Nations personnel.
- Sec. 308. United Nations treaty bodies.
- Sec. 309. Anti-Semitism and the United Nations.
- Sec. 310. Regional group inclusion of Israel.
- Sec. 311. United States policy on tier 3 human rights violators.

TITLE IV—STATUS OF PALESTINIAN ENTITIES AT THE UNITED NATIONS

- Sec. 401. Findings.
- Sec. 402. Statement of policy.
- Sec. 403. Implementation.

TITLE V—UNITED NATIONS HUMAN RIGHTS COUNCIL

- Sec. 501. Findings.
- Sec. 502. United Nations Human Rights Council membership and funding.

TITLE VI—GOLDSTONE REPORT

- Sec. 601. Findings.
- Sec. 602. Statement of policy.
- Sec. 603. Withholding of funds; refund of United States taxpayer dollars.

TITLE VII—DURBAN PROCESS

- Sec. 701. Findings.
- Sec. 702. Sense of Congress; statement of policy.
- Sec. 703. Non-participation in the Durban process.

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

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

Sec. 801. Findings.

Sec. 802. United States contributions to UNRWA.

Sec. 803. Sense of Congress.

TITLE IX—INTERNATIONAL ATOMIC ENERGY AGENCY

Sec. 901. Technical Cooperation Program.

Sec. 902. United States policy at the IAEA.

Sec. 903. Sense of Congress regarding the Nuclear Security Action Plan of the
IAEA.

TITLE X—PEACEKEEPING

Sec. 1001. Reform of United Nations peacekeeping operations.

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

Sec. 1003. Certification.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) 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.

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

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

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

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

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

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

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

1 the United Nations logo, including but not limited to
2 those United Nations affiliated agencies and bodies
3 identified as recipients of United States contribu-
4 tions under section 1225(b)(3)(E) of the John War-
5 ner National Defense Authorization Act for Fiscal
6 Year 2007 (Public Law 109–364; 120 Stat. 2424).

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

11 (11) 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).

1 **TITLE I—FUNDING OF THE**
2 **UNITED NATIONS**

3 **SEC. 101. FINDINGS.**

4 Congress makes the following findings:

5 (1) The United States pays billions of dollars
6 into the United Nations system every year (almost
7 \$7,700,000,000 in 2010, according to the Office of
8 Management and Budget), significantly more than
9 any other nation.

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

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

20 (4) The United Nations system suffers from
21 unacceptably high levels of waste, fraud, and abuse,
22 which seriously impair the ability of the United Na-
23 tions to fulfill the ideals of its founding.

24 (5) Significant improvements in United Nations
25 transparency and accountability are necessary for

1 improving public perceptions of and United States
2 support for United Nations operations.

3 (6) Because of their need to justify future con-
4 tributions from donors, voluntarily funded organiza-
5 tions have more incentive to be responsive and effi-
6 cient in their operations than organizations funded
7 by compulsory contributions that are not tied to per-
8 formance.

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

20 (8) Article XVII of the Charter of the United
21 Nations, which states that “[t]he expenses of the
22 Organization shall be borne by the Members as ap-
23 portioned by the General Assembly”, leaves to the
24 discretion of the General Assembly the basis of ap-

1 portionment, which could be done on the basis of
2 voluntary pledges by Member States.

3 (9) Unlike United States assessed contributions
4 to the United Nations regular budget, which are
5 statutorily capped at 22 percent of the total, there
6 is no cap on voluntary contributions.

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

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

15 (a) UNITED STATES POLICY.—

16 (1) VOLUNTARY FUNDING.—It is the policy of
17 the United States to seek to shift the funding mech-
18 anism for the regular budget of the United Nations
19 from an assessed to a voluntary basis.

20 (2) REQUIREMENT TO SEEK CHANGE.—The
21 President shall direct the United States Permanent
22 Representative to the United Nations to use the
23 voice, vote, and influence of the United States at the
24 United Nations to shift the funding mechanism for
25 the regular budget of the United Nations to a vol-

1 untary basis, and to make it a priority to build sup-
2 port for such a transformational change among
3 Member States, particularly key United Nations do-
4 nors.

5 (b) CERTIFICATION OF PREDOMINANTLY VOL-
6 UNTARY UN REGULAR BUDGET FINDING.—A certifi-
7 cation described in this section is a certification by the
8 Secretary to the appropriate congressional committees
9 that at least 80 percent of the total regular budget (not
10 including extra-budgetary contributions) of the United
11 Nations is apportioned on a voluntary basis. Each such
12 certification shall be effective for a period of no more than
13 1 year, and shall be promptly revoked by the Secretary,
14 with notice to the appropriate congressional committees,
15 if the underlying circumstances change so as not to war-
16 rant such certification.

17 (c) WITHHOLDING OF NONVOLUNTARY CONTRIBU-
18 TIONS.—

19 (1) IN GENERAL.—Beginning 2 years after the
20 date of the enactment of this Act and notwith-
21 standing any other provision of law, no funds may
22 be obligated or expended for a United States as-
23 sessed contribution to the regular budget of the
24 United Nations in an amount greater than 50 per-
25 cent of the United States share of assessed contribu-

1 tions for the regular budget of the United Nations
2 unless there is in effect a certification by the Sec-
3 retary, as described in subsection (b).

4 (2) DISPOSITION OF WITHHELD FUNDS.—For a
5 period of 1 year after appropriation, funds appro-
6 priated for use as a United States contribution to
7 the regular budget of the United Nations but with-
8 held from obligation and expenditure pursuant to
9 paragraph (1) may be obligated and expended for
10 that purpose upon the certification described in sub-
11 section (b). After 1 year, in the absence of such cer-
12 tification, those funds shall revert to the United
13 States Treasury.

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

17 (a) DETAILED ITEMIZATION.—The President shall
18 include in the annual congressional budget justification a
19 detailed itemized request in support of the contribution
20 of the United States to the regular budget of the United
21 Nations.

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

24 (1) contain information relating to the amounts
25 requested in support of each of the various sections

1 and titles of the regular budget of the United Na-
2 tions; and

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

7 (c) ADJUSTMENTS AND NOTIFICATION.—If the
8 United Nations proposes an adjustment to its regular as-
9 sessed budget, the Secretary shall, at the time such adjust-
10 ment is presented to the Advisory Committee on Adminis-
11 trative and Budgetary Questions (ACABQ), notify and
12 consult with the appropriate congressional committees.

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

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

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

20 (1) progress toward the goal of shifting the
21 funding for the regular budget of the United Na-
22 tions to a voluntary basis as identified in section
23 102, and a detailed description of efforts and activi-
24 ties by United States diplomats and officials toward
25 that end;

1 (2) progress toward each of the policy goals
2 identified in this title, and a detailed, goal-specific
3 description of efforts and activities by United States
4 diplomats and officials toward those ends;

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

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

11 (5) the progress of the General Assembly to
12 modernize and streamline the committee structure
13 and its specific recommendations on oversight and
14 committee outputs, consistent with the March 2005
15 report of the Secretary-General entitled “In Larger
16 Freedom: Towards Development, Security and
17 Human Rights for All”;

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

23 (7) the continued utility and relevance of the
24 Economic and Financial Committee and the Social,
25 Humanitarian, and Cultural Committee, in light of

1 the duplicative agendas of those committees and the
2 Economic and Social Council; and

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

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

12 **SEC. 201. FINDINGS.**

13 Congress makes the following findings:

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

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

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

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

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

18 **SEC. 202. DEFINITIONS.**

19 In this title:

20 (1) **TRANSPARENCY CERTIFICATION.**—The term
21 “transparency certification” means an annual, writ-
22 ten affirmation by the head or authorized designee
23 of a United Nations entity to the Comptroller Gen-
24 eral of the United States that the entity will cooper-
25 ate with the Comptroller General and the appro-

1 appropriate congressional committees, including by pro-
2 viding the Comptroller General, and the appropriate
3 congressional committees, upon request, with full,
4 complete, and unfettered access to oversight infor-
5 mation.

6 (2) OVERSIGHT INFORMATION.—The term
7 “oversight information” includes—

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

11 (B) financial statements, records, and bill-
12 ing systems;

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

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

20 (E) analyses and reports regarding the
21 scale of assessments;

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

24 (G) documents or other records alleging or
25 involving improper use of resources, mis-

1 conduct, mismanagement, or other violations of
2 rules and regulations applicable to a United
3 Nations entity; and

4 (H) other documentation relevant to the
5 audit and investigative work of the Comptroller
6 General of the United States with respect to
7 United States contributions to the United Na-
8 tions system.

9 (3) ACCOUNTABILITY CERTIFICATION.—The
10 term “accountability certification” means an annual,
11 written affirmation by the head or authorized des-
12 ignee of a United Nations entity to the Comptroller
13 General of the United States that the entity—

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

18 (B) implements and upholds policies and
19 procedures to protect whistleblowers;

20 (C) implements and upholds policies and
21 procedures to require the filing of individual an-
22 nual financial disclosure forms by each of its
23 employees at the P-5 level and above and to re-
24 quire that such forms be made available to the

1 Office of Internal Oversight Services, to Mem-
2 ber States, and to the public;

3 (D) has established an effective ethics of-
4 fice;

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

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

11 (G) has established a cap on its adminis-
12 trative overhead costs.

13 **SEC. 203. INDEPENDENT AND OBJECTIVE CONDUCT OF AU-**
14 **DITS AND INVESTIGATIONS RELATING TO**
15 **UNITED STATES CONTRIBUTIONS TO THE**
16 **UNITED NATIONS SYSTEM.**

17 (a) PURPOSE.—The purpose of this section is to
18 make possible the independent and objective conduct of
19 audits and investigations relating to United States con-
20 tributions to the United Nations system and the use of
21 those contributions by United Nations entities, in an effort
22 to eliminate and deter waste, fraud, and abuse in the use
23 of those contributions, and thereby to contribute to the
24 development of greater transparency, accountability, and
25 internal controls throughout the United Nations system.

1 (b) THE COMPTROLLER GENERAL.—

2 (1) DUTIES.—

3 (A) AUDITS AND INVESTIGATIONS.—The
4 Comptroller General of the United States shall
5 conduct, supervise, and coordinate audits and
6 investigations of—

7 (i) the treatment, handling, expendi-
8 ture, and use of United States contribu-
9 tions by and to United Nations entities;
10 and

11 (ii) the adequacy of accounting, over-
12 sight, and internal control mechanisms at
13 United Nations entities that receive United
14 States contributions.

15 (B) RECORDKEEPING.—The Comptroller
16 General shall collect and maintain current
17 records regarding transparency certifications
18 and accountability certifications by all United
19 Nations entities that receive United States con-
20 tributions.

21 (C) BRIEFINGS.—The Comptroller General
22 shall keep the appropriate congressional com-
23 mittees fully and promptly informed of how
24 United Nations entities are spending United

1 States contributions by means of reports, testi-
2 mony, and briefings.

3 (2) REFERRALS.—

4 (A) CRIMINAL LAW VIOLATIONS.—The
5 Comptroller General shall promptly report to
6 the United States Attorney General and to the
7 appropriate congressional committees when the
8 Comptroller General has reasonable grounds to
9 believe a United States Federal criminal law
10 has been violated by a United Nations entity or
11 one of its employees, contractors, or representa-
12 tives.

13 (B) MISMANAGEMENT.—The Comptroller
14 General shall promptly report, when appro-
15 priate, to the appropriate congressional commit-
16 tees, and to the Secretary-General or to the
17 head of the appropriate United Nations entity,
18 cases where the Comptroller General reasonably
19 believes that mismanagement, misfeasance, or
20 malfeasance is likely to have taken place within
21 a United Nations entity and disciplinary pro-
22 ceedings are likely justified.

23 (3) COOPERATION BY UNITED STATES GOVERN-
24 MENT ENTITIES.—

1 (A) IN GENERAL.—In carrying out the du-
2 ties, responsibilities, and authorities of the
3 Comptroller General under this section, the
4 Comptroller shall receive the cooperation of
5 other Federal agencies.

6 (B) RESPONSES TO REQUESTS.—Upon re-
7 quest of the Comptroller General for informa-
8 tion or assistance from any department, agency,
9 or other entity of the Federal Government, the
10 head of such entity shall, insofar as is prac-
11 ticable and not in contravention of any existing
12 law, furnish such information or assistance to
13 the Comptroller General, or an authorized des-
14 ignee.

15 (C) REPORTING OF LACK OF COOPERA-
16 TION.—Whenever information or assistance re-
17 quested by the Comptroller General is, in the
18 judgment of the Comptroller General, unreason-
19 ably refused or not provided, the Comptroller
20 General shall report the circumstances to the
21 appropriate congressional committees without
22 delay.

23 (4) CONFIRMATION OF TRANSPARENCY BY
24 UNITED NATIONS ENTITIES.—

1 (A) PROMPT NOTICE BY COMPTROLLER
2 GENERAL.—Whenever information or assistance
3 requested from a United Nations entity by the
4 Comptroller General pursuant to a trans-
5 parency certification is, in the opinion of the
6 Comptroller General, unreasonably refused or
7 not provided in a timely manner, the Comp-
8 troller General shall notify the appropriate con-
9 gressional committees, the head of that par-
10 ticular United Nations entity, and the Sec-
11 retary-General of the circumstances in writing,
12 without delay.

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

22 (C) NONCOMPLIANCE.—If the information
23 or assistance being sought by the Comptroller
24 General in connection with a notification pursu-
25 ant to subparagraph (A) is not provided to the

1 satisfaction of the Comptroller General within
2 90 days of that notification, then the United
3 Nations entity that is the subject of the notifi-
4 cation shall be deemed to be noncompliant with
5 its transparency certification.

6 (D) RESTORATION OF COMPLIANCE.—

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

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

21 (A) PROMPT NOTICE BY COMPTROLLER

22 GENERAL.—Whenever a United Nations entity
23 that has provided an accountability certification
24 is, in the opinion of the Comptroller General,
25 not in full compliance with any or all of the

1 provisions of that certification, the Comptroller
2 General shall notify the appropriate congress-
3 sional committees, the head of that particular
4 United Nations entity, and the Secretary-Gen-
5 eral of the circumstances in writing, without
6 delay.

7 (B) NOTICE OF COMPLIANCE.—If and
8 when the United Nations entity resumes full
9 compliance with its accountability certification
10 following the provision of the notification pursu-
11 ant to subparagraph (A), the Comptroller Gen-
12 eral shall so notify in writing the appropriate
13 congressional committees and the head of that
14 United Nations entity.

15 (C) NONCOMPLIANCE.—If the United Na-
16 tions entity named in the notification in sub-
17 paragraph (A) does not resume full compliance
18 with its accountability certification to the satis-
19 faction of the Comptroller General within 90
20 days of that notification, then the United Na-
21 tions entity that is the subject of the notifica-
22 tion shall be deemed to be noncompliant with
23 its accountability certification, and the Comp-
24 troller General shall provide prompt, written no-
25 tification of that fact to the appropriate con-

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

7 (D) RESTORATION OF COMPLIANCE.—

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

20 (6) REPORTS.—

21 (A) AUDIT AND INVESTIGATION RE-
22 PORTS.—Promptly upon completion, the Comp-
23 troller General shall provide copies of each
24 audit and investigation report completed pursu-
25 ant to paragraph (1) to the appropriate con-

1 gressional committees, and, to the extent per-
2 missible under United States law, the head of
3 each United Nations entity that is the subject
4 of that particular report.

5 (B) SEMIANNUAL REPORTS.—Not later
6 than 90 days after the date of the enactment of
7 this Act, and semiannually thereafter, the
8 Comptroller General shall submit to the appro-
9 priate congressional committees a report that
10 includes a list of and detailed description of the
11 circumstances surrounding any notification of
12 noncompliance issued pursuant to paragraph
13 (4)(C) or paragraph (5)(C) during the covered
14 timeframe, and whether and when the Comp-
15 troller General has reversed such finding of
16 noncompliance.

17 (C) PROHIBITED DISCLOSURES.—Nothing
18 in this subsection shall be construed to author-
19 ize the public disclosure of information that
20 is—

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

23 (ii) specifically required by executive
24 order to be protected from disclosure in
25 the interest of national defense or national

1 security or in the conduct of foreign af-
2 fairs; or

3 (iii) a part of an ongoing criminal in-
4 vestigation.

5 (D) PRIVACY PROTECTIONS.—The Comp-
6 troller General shall exempt from public diselo-
7 sure information received from a United Na-
8 tions entity or developed during an audit or in-
9 vestigation that the Comptroller General be-
10 lieves—

11 (i) constitutes a trade secret or privi-
12 leged and confidential personal financial
13 information;

14 (ii) accuses a particular person of a
15 crime;

16 (iii) would, if publicly disclosed, con-
17 stitute a clearly unwarranted invasion of
18 personal privacy; and

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

22 (E) PUBLICATION.—Subject to the excep-
23 tions detailed in subparagraphs (C) and (D),
24 the Comptroller General shall promptly publish

1 each report under this subsection on the Web
2 site of the Government Accountability Office.

3 **SEC. 204. 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 Comptroller General within
11 the preceding year a transparency certification;

12 (2) the intended United Nations entity recipient
13 is noncompliant with its transparency certification;

14 (3) the intended United Nations entity recipient
15 has not provided to the Comptroller General within
16 the preceding year an accountability certification; or

17 (4) the intended United Nations entity is non-
18 compliant with its accountability certification as de-
19 scribed in section 203(b)(5)(C).

20 (b) **TREATMENT OF FUNDS WITHHELD FOR NON-**
21 **COMPLIANCE.**—At the conclusion of each fiscal year, any
22 funds that had been appropriated for use as a United
23 States contribution to a United Nations entity during that
24 fiscal year, but could not be obligated or expended because
25 of the restrictions of subsection (a), shall be returned to

1 the United States Treasury, and are not subject to re-
2 programming for any other use. Any such funds returned
3 to the Treasury shall not be considered arrears to be re-
4 paid to any United Nations entity.

5 (c) PRESIDENTIAL WAIVER.—The President may
6 waive the limitations of this section with respect to a par-
7 ticular United States contribution to a particular United
8 Nations entity within a single fiscal year if the President
9 determines that failure to do so would pose an extraor-
10 dinary threat to the national security of the United States
11 and provides notification and explanation of that deter-
12 mination to the appropriate congressional committees.

13 **SEC. 205. INTEGRITY FOR UNITED STATES CONTRIBU-**
14 **TIONS.**

15 (a) LIMITATIONS.—

16 (1) CONTRIBUTIONS TO INTERNATIONAL ORGA-
17 NIZATIONS.—No funds made available for use under
18 the heading “Contributions to International Organi-
19 zations” may be used for any purpose other than an
20 assessed United States contribution to a United Na-
21 tions entity or other international organization.

22 (2) INTERNATIONAL ORGANIZATIONS AND PRO-
23 GRAMS.—No funds made available for use under the
24 heading “International Organizations and Pro-
25 grams” may be used for any purpose other than a

1 voluntary United States contribution to a United
2 Nations entity or other international organization.

3 (3) CONTRIBUTIONS TO INTERNATIONAL
4 PEACEKEEPING ACTIVITIES.—No funds made avail-
5 able for use under the heading “Contributions to
6 International Peacekeeping Activities” may be used
7 for any purpose other than a United States con-
8 tribution to United Nations peacekeeping activities,
9 to the International Criminal Tribunal for the
10 former Yugoslavia, or to the International Criminal
11 Tribunal for Rwanda.

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

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

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) United States taxpayer funds overpaid to
2 United Nations entities and payable back to the
3 United States sometimes remain in the hands of the
4 United Nations because the United States has not
5 requested the return of those funds.

6 (2) Such funds have been paid into, among
7 other United Nations entities, the United Nations
8 Tax Equalization Fund (TEF), which was estab-
9 lished under the provisions of United Nations Gen-
10 eral Assembly Resolution 973 (1955), and which is
11 used to reimburse United Nations staff members
12 subject to United States income taxes for the cost
13 of those taxes.

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

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

24 (5) That balance was allowed to accrue notwith-
25 standing United Nations Financial Regulation 4.12,

1 which states that any such surpluses “shall be cred-
2 ited against the assessed contributions due from that
3 Member State the following year”.

4 (6) Allowing the United Nations to regularly
5 overcharge the United States and to retain those
6 overpayments, or to spend them on wholly unrelated
7 activities, is a disservice to United States taxpayers
8 and a subversion of the congressional budget pro-
9 cess.

10 (b) STATEMENT OF POLICY.—It is the policy of the
11 United States—

12 (1) to annually instruct the United Nations to
13 return to the United States any surplus assessed
14 contributions or other overpayments by the United
15 States to any United Nations entity; and

16 (2) to use the voice and vote of the United
17 States to press the United Nations to reform its
18 TEF assessment procedures to reduce the repeated
19 discrepancies between TEF income and expendi-
20 tures.

21 (c) CERTIFICATION AND WITHHOLDING.—For each
22 and every fiscal year beginning after the effective date of
23 this Act, until the Secretary submits to the appropriate
24 congressional committees a certification that the United
25 Nations has returned to the United States any surplus as-

1 sessed contributions or other overpayments by the United
2 States to any United Nations entity, the Secretary shall
3 withhold from the regular budget of the United Nations
4 an amount equal to the amount of the funds that the
5 United Nations has yet to return to the United States.

6 **SEC. 207. ANNUAL REPORTS ON UNITED STATES CON-**
7 **TRIBUTIONS TO THE UNITED NATIONS.**

8 (a) ANNUAL REPORT.—Not later than 90 days after
9 the date of the enactment of this Act and annually there-
10 after, the Director of the Office of Management and Budg-
11 et shall submit to Congress a report listing all assessed
12 and voluntary contributions of the United States Govern-
13 ment for the preceding fiscal year to the United Nations
14 and United Nations affiliated agencies and related bodies.

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

18 (1) The total amount of all assessed and vol-
19 untary contributions of the United States Govern-
20 ment to the United Nations and United Nations af-
21 filiated agencies and related bodies.

22 (2) The approximate percentage of United
23 States Government contributions to each United Na-
24 tions affiliated agency or body in such fiscal year

1 when compared with all contributions to such agency
2 or body from any source in such fiscal year.

3 (3) For each such contribution—

4 (A) the amount of such contribution;

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

7 (C) the department or agency of the
8 United States Government responsible for such
9 contribution;

10 (D) the purpose of such contribution; and

11 (E) the United Nations or United Nations
12 affiliated agency or related body receiving such
13 contribution.

14 **TITLE III—UNITED STATES POL-**
15 **ICY AT THE UNITED NATIONS**

16 **SEC. 301. ANNUAL PUBLICATION.**

17 The President shall direct the United States Perma-
18 nent Representative to the United Nations to use the
19 voice, vote, and influence of the United States at the
20 United Nations to ensure the United Nations publishes
21 annually, including on a publicly searchable internet Web
22 site, a list of all United Nations subsidiary bodies and
23 their functions, budgets, staff, and contributions, both vol-
24 untary and assessed, sorted by donor.

1 **SEC. 302. ANNUAL FINANCIAL DISCLOSURE.**

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 implement a system for the required
6 filing of individual annual financial disclosure forms by
7 each employee of the United Nations and its specialized
8 agencies, programs, and funds at the P-5 level and above,
9 which shall be made available to the Office of Internal
10 Oversight Services, to Member States, and to the public.

11 **SEC. 303. POLICY WITH RESPECT TO EXPANSION OF THE**
12 **UNITED NATIONS SECURITY COUNCIL.**

13 It is the policy of the United States to use the voice,
14 vote, and influence of the United States at the United Na-
15 tions to oppose any proposals on expansion of the Security
16 Council if such expansion would—

17 (1) diminish the influence of the United States
18 on the Security Council; or

19 (2) include veto rights for any new members of
20 the Security Council.

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

22 The President shall direct the United States Perma-
23 nent Representative to the United Nations to use the
24 voice, vote, and influence of the United States at the
25 United Nations to ensure that Member States may, upon

1 request, have access to all reports and audits completed
2 by the Board of External Auditors.

3 **SEC. 305. WAIVER OF IMMUNITY.**

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

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

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

25 (1) a definition of terrorism that—

1 (A) builds upon the recommendations of
2 the December 2004 report of the High-Level
3 Panel on Threats, Challenges, and Change;

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

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

17 (2) a comprehensive convention on terrorism
18 that includes the definition described in paragraph
19 (1).

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

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of the enactment of this Act, the Secretary shall sub-
23 mit to the appropriate congressional committees a re-
24 port—

1 (1) concerning the progress of the General As-
2 sembly to modernize human resource practices, con-
3 sistent with the March 2005 report of the Secretary-
4 General entitled “In Larger Freedom: Towards De-
5 velopment, Security and Human Rights for All”;
6 and

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

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

10 (1) a comprehensive evaluation of human re-
11 sources reforms at the United Nations, including an
12 evaluation of—

13 (A) tenure;

14 (B) performance reviews;

15 (C) the promotion system;

16 (D) a merit-based hiring system and en-
17 hanced regulations concerning termination of
18 employment of employees; and

19 (E) the implementation of a code of con-
20 duct and ethics training;

21 (2) the implementation of a system of proce-
22 dures for filing complaints and protective measures
23 for workplace harassment, including sexual harass-
24 ment;

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

4 (4) policy recommendations relating to the es-
5 tablishment of a prohibition preventing personnel
6 and officials assigned to the mission of a member
7 state to the United Nations from transferring to a
8 position within the United Nations Secretariat that
9 is compensated at the P-5 level and above;

10 (5) policy recommendations relating to a reduc-
11 tion in travel allowances and attendant oversight
12 with respect to accommodations and airline flights;
13 and

14 (6) an evaluation of the recommendations of the
15 Secretary-General relating to greater flexibility for
16 the Secretary-General in staffing decisions to accom-
17 modate changing priorities.

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

19 The United States shall withhold from United States
20 contributions to the regular assessed budget of the United
21 Nations for a biennial period amounts that are propor-
22 tional to the percentage of such budget that are expended
23 with respect to a United Nations human rights treaty
24 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. 309. ANTI-SEMITISM AND THE UNITED NATIONS.**

7 The President shall direct the United States perma-
8 nent representative to the United Nations to use the voice,
9 vote, and influence of the United States at the United Na-
10 tions 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-Semitic language and anti-Israel resolutions
23 in the United Nations and its specialized agencies,
24 programs, and funds.

1 **SEC. 310. REGIONAL GROUP INCLUSION OF ISRAEL.**

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 expand the Western European and Oth-
6 ers Group (WEOG) in the United Nations in Geneva to
7 include Israel as a permanent member with full rights and
8 privileges.

9 **SEC. 311. UNITED STATES POLICY ON TIER 3 HUMAN**
10 **RIGHTS VIOLATORS.**

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 ensure that no representative of a coun-
15 try designated by the Department of State pursuant to
16 section 110 of the Trafficking Victims Protection Act of
17 2000 (22 U.S.C. 7107) as a Tier 3 country presides as
18 Chair or President of any United Nations Entity.

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

22 **SEC. 401. FINDINGS.**

23 Congress makes the following findings:

24 (1) In 1989, the Palestine Liberation Organiza-
25 tion (PLO) launched an effort to evade direct nego-
26 tiations for peace with the State of Israel by instead

1 pursuing Palestinian membership in international
2 organizations, which could imply de facto recognition
3 of a Palestinian state by the United Nations.

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

13 (3) The United States success in this case dem-
14 onstrates that withholding contributions and placing
15 conditions on their payment can result in real re-
16 forms, stop counterproductive developments, and ad-
17 vance United States interests at the United Nations.

18 (4) The Palestinian leadership has recently re-
19 sumed its effort to evade direct negotiations for
20 peace with the State of Israel by seeking recognition
21 of a Palestinian state from foreign governments and
22 in international forums.

23 (5) Efforts to bypass negotiations and to unilat-
24 erally declare a Palestinian state, or to appeal to the
25 United Nations or other international forums or to

1 foreign governments for recognition of a Palestinian
2 state or membership or other upgraded status for
3 the Palestinian observer mission at those forums,
4 would violate the underlying principles of the Oslo
5 Accords, the Road Map, and other relevant Middle
6 East peace process efforts.

7 (6) On June 18, 2011, the Senate passed Sen-
8 ate Resolution 185 (112th Congress), in which the
9 Senate—

10 (A) “reaffirms its strong support for a ne-
11 gotiated solution to the Israeli-Palestinian con-
12 flict resulting in two states, a democratic, Jew-
13 ish state of Israel and a viable, democratic Pal-
14 estinian state, living side-by-side in peace, secu-
15 rity, and mutual recognition”;

16 (B) “reiterates its strong opposition to any
17 attempt to establish or seek recognition of a
18 Palestinian state outside of an agreement nego-
19 tiated between leaders in Israel and the Pal-
20 estinians”;

21 (C) “supports the Administration’s opposi-
22 tion to a unilateral declaration of a Palestinian
23 state and to veto by the United States on Feb-
24 ruary 18, 2011, of the most recent United Na-
25 tions Security Council resolution regarding a

1 key issue of the Israeli-Palestinian process”;
2 and

3 (D) “calls upon the President to announce
4 that the United States will veto any resolution
5 on Palestinian statehood that comes before the
6 United Nations Security Council which is not a
7 result of agreements reached between the Gov-
8 ernment of Israel and the Palestinians”.

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

17 **SEC. 402. STATEMENT OF POLICY.**

18 It is the policy of the United States to oppose the
19 recognition of a Palestinian state by any United Nations
20 entity, or any upgrade, including full membership or non-
21 member-state observer status, in the status of the Pales-
22 tinian observer mission at the United Nations, the Pal-
23 estine Liberation Organization, the Palestinian Authority,
24 or any other Palestinian administrative organization or
25 governing entity, at any United Nations entity, prior to

1 the achievement of a final peace agreement negotiated be-
2 tween and agreed to by Israel and the Palestinians.

3 **SEC. 403. IMPLEMENTATION.**

4 (a) **IN GENERAL.**—The President shall direct the
5 United States Permanent Representative to the United
6 Nations to use the voice, vote, and influence of the United
7 States at the United Nations to advance the policy stated
8 in section 402.

9 (b) **WITHHOLDING OF FUNDS.**—The Secretary shall
10 withhold United States contributions from any United Na-
11 tions entity that recognizes a Palestinian state or up-
12 grades in any way, including full membership or non-mem-
13 ber-state observer status, the status of the Palestinian ob-
14 server mission at the United Nations, the Palestine Lib-
15 eration Organization, the Palestinian Authority, or any
16 other Palestinian administrative organization or governing
17 entity, at that United Nations entity, prior to the achieve-
18 ment of complete and final peace agreement negotiated be-
19 tween and agreed to by Israel and the Palestinians. Funds
20 appropriated for use as a United States contribution to
21 the United Nations but withheld from obligation and ex-
22 penditure pursuant to this section shall immediately revert
23 to the United States Treasury and shall not be considered
24 arrears to be repaid to any United Nations entity.

1 **TITLE V—UNITED NATIONS**
2 **HUMAN RIGHTS COUNCIL**

3 **SEC. 501. FINDINGS.**

4 Congress makes the following findings:

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

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

19 (3) The structure and composition of the
20 United Nations Human Rights Council have made it
21 subject to gross political manipulation, with the re-
22 sult that, during its almost five years of operation,
23 the Council has passed over 40 resolutions censuring
24 the democratic, Jewish State of Israel, as compared
25 to only a handful censuring the dictatorships in

1 Burma and North Korea, just one addressing the se-
2 vere, ongoing human rights abuses in Libya, Iran,
3 Syria, and Belarus, and none addressing the severe,
4 ongoing human rights abuses in China, Cuba, Rus-
5 sia, Zimbabwe, Venezuela, and elsewhere.

6 (4) The United Nations Human Rights Coun-
7 cil's agenda contains a permanent item for criticism
8 of the democratic, Jewish State of Israel, but no
9 permanent items criticizing any other state.

10 (5) The United Nations Human Rights Council
11 has established, or preserved the existence of, a
12 number of "Special Procedures" mechanisms to ad-
13 dress country-specific situations or thematic issues.
14 These mechanisms include a number of "special
15 rapporteurs" whose expenses and staff support are
16 paid for by contributions to the United Nations.

17 (6) The United Nations Human Rights Council
18 has also established an "Advisory Committee" whose
19 expenses and staff support are paid for by contribu-
20 tions to the United Nations.

21 (7) The ongoing five-year review of the United
22 Nations Human Rights Council concluded on June
23 17, 2011, and failed make any significant reforms to
24 its fundamental and severe structural flaws, includ-

1 ing its absence of substantive membership criteria,
2 or to remove the permanent agenda item on Israel.

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

21 (9) United States membership in the Human
22 Rights Council has not led to reform of its funda-
23 mental flaw or diminished the Council’s virulently
24 anti-Israel behavior. The Council has passed 14 res-

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

3 **SEC. 502. UNITED NATIONS HUMAN RIGHTS COUNCIL MEM-**
4 **BERSHIP AND FUNDING.**

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

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

16 (2) the Secretary shall not make a voluntary
17 contribution to the United Nations Human Rights
18 Council; and

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

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

24 (1) the United Nations Human Rights Coun-
25 cil’s mandate from the United Nations General As-

1 sembly explicitly and effectively prohibits candidacy
2 for Human Rights Council membership of a United
3 Nations Member State—

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

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

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

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

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

14 (C) that the Secretary has determined, for
15 purposes of section 6(j) of the Export Adminis-
16 tration Act of 1979 (as continued in effect pur-
17 suant to the International Emergency Economic
18 Powers Act; 50 U.S.C. 1701 et seq.), section 40
19 of the Arms Export Control Act (22 U.S.C.
20 2780), section 620A of the Foreign Assistance
21 Act of 1961 (22 U.S.C. 2371), or other provi-
22 sion of law, is a government that has repeatedly
23 provided support for acts of international ter-
24 rorism;

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

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

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

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

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

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

3 (3) that the Secretary has determined, for pur-
4 poses of section 6(j) of the Export Administration
5 Act of 1979 (as continued in effect pursuant to the
6 International Emergency Economic Powers Act),
7 section 40 of the Arms Export Control Act, section
8 620A of the Foreign Assistance Act of 1961, or
9 other provision of law, is a government that has re-
10 peatedly provided support for acts of international
11 terrorism;

12 (4) designated by the Department of State pur-
13 suant to section 110 of the Trafficking Victims Pro-
14 tection Act of 2000 (22 U.S.C. 7107) as a Tier 3
15 country; and

16 (5) that the President has designated as a
17 country of particular concern for religious freedom
18 under section 402(b) of the International Religious
19 Freedom Act of 1998 (22 U.S.C. 6442(b)).

20 (d) REVERSION OF FUNDS.—Funds appropriated for
21 use as a United States contribution to the United Nations
22 but withheld from obligation and expenditure pursuant to
23 this section shall immediately revert to the United States
24 Treasury and shall not be considered arrears to be repaid
25 to any United Nations entity.

1 **TITLE VI—GOLDSTONE REPORT**

2 **SEC. 601. FINDINGS.**

3 Congress makes the following findings:

4 (1) On January 12, 2009, the United Nations
5 Human Rights Council passed Resolution S-91, au-
6 thORIZING a “fact-finding mission” regarding the con-
7 duct of the Government of Israel during Operation
8 Cast Lead between December 27, 2008, and Janu-
9 ary 18, 2009.

10 (2) The resolution prejudged the outcome of the
11 “fact-finding mission” by mandating that it inves-
12 tigate “violations of international humanitarian law
13 by the occupying power, Israel, against the Pales-
14 tinian people”.

15 (3) On September 15, 2009, the “United Na-
16 tions Fact Finding Mission on the Gaza Conflict”
17 released its report, now known as the “Goldstone re-
18 port”, named for its chair, South African Richard
19 Goldstone.

20 (4) The report made numerous unsubstantiated
21 assertions against Israel, in particular accusing the
22 Government of Israel of committing war crimes by
23 deliberately targeting civilians during its operations
24 in Gaza.

1 (5) The report downplayed the overwhelming
2 evidence that Hamas deliberately used Palestinian
3 civilians and civilian institutions as human shields
4 against Israel and deliberately targeted Israeli civil-
5 ians with rocket fire for over eight years prior to the
6 operation.

7 (6) The United Nations Human Rights Council
8 voted to welcome the report, to endorse its rec-
9 ommendations, and to condemn Israel without men-
10 tioning Hamas.

11 (7) As a result of the report, the United Na-
12 tions General Assembly has passed two resolutions
13 endorsing the report's findings, the United Nations
14 Secretary-General has been requested to submit sev-
15 eral reports on implementation of its recommenda-
16 tions, and the Human Rights Council is scheduled to
17 follow up on implementation of the report during fu-
18 ture sessions.

19 (8) The findings of the Goldstone report and
20 the subsequent and continued United Nations mem-
21 ber state actions following up on those findings have
22 caused and continue to cause extensive harm to
23 Israel's standing in the world and could potentially
24 create legal problems for Israel and its leaders.

1 (9) On April 2, 2011, Justice Richard
2 Goldstone publicly retracted the central claims of the
3 report he authored.

4 (10) On April 14, 2011, the Senate passed by
5 unanimous consent Senate Resolution 138 (112th
6 Congress), which stated that the Senate—

7 (A) “calls on the United Nations Human
8 Rights Council members to reflect the author’s
9 repudiation of the Goldstone report’s central
10 findings, rescind the report, and reconsider fur-
11 ther Council actions with respect to the report’s
12 findings”;

13 (B) “urges United Nations Secretary-Gen-
14 eral Ban Ki Moon to work with United Nations
15 member states to reform the United Nations
16 Human Rights Council so that it no longer un-
17 fairly, disproportionately, and falsely criticizes
18 Israel on a regular basis”;

19 (C) “requests Secretary-General Ban Ki
20 Moon to do all in his power to redress the dam-
21 age to Israel’s reputation caused by the
22 Goldstone report”;

23 (D) “asks the Secretary-General to do all
24 he can to urge member states to prevent any

1 further United Nations action on the report’s
2 findings”; and

3 (E) “urges the United States to take a
4 leadership role in getting the United Nations
5 and its bodies to prevent any further action on
6 the report’s findings and limit the damage that
7 this libelous report has caused to our close ally
8 Israel and to the reputation of the United Na-
9 tions”.

10 (11) Efforts to delegitimize the democratic
11 State of Israel and deny it the right to defend its
12 citizens and its existence can be used to delegitimize
13 other democracies and deny them the same right.

14 **SEC. 602. STATEMENT OF POLICY.**

15 It is the policy of the United States to—

16 (1) consider the Goldstone Report irredeemably
17 biased and unworthy of further consideration or le-
18 gitimacy;

19 (2) strongly and unequivocally oppose any con-
20 sideration, legitimization, or endorsement of the
21 Goldstone Report, or any other measures stemming
22 from this report, in multilateral fora;

23 (3) lead a high-level diplomatic campaign in
24 support of the revocation and repudiation, by the
25 United Nations General Assembly, of the Goldstone

1 Report and any United Nations resolutions stem-
2 ming from the report, including—

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

5 (B) United Nations Human Rights Council
6 resolutions A–HRC–S–12–1, A/HRC/13/L.30,
7 and A/HRC/16/L.31; and

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

12 **SEC. 603. WITHHOLDING OF FUNDS; REFUND OF UNITED**
13 **STATES TAXPAYER DOLLARS.**

14 (a) WITHHOLDING OF FUNDS.—The Secretary shall
15 withhold from the United States contribution to the reg-
16 ular budget of the United Nations an amount that is equal
17 to the percentage of such contribution that the Secretary
18 determines would be or has been expended by the United
19 Nations for any part of the Goldstone Report or its pre-
20 paratory or follow-on activities.

21 (b) REFUND OF UNITED STATES TAXPAYER DOL-
22 LARS.—Funds appropriated for use as a United States
23 contribution to the regular budget of the United Nations
24 but withheld from obligation and expenditure pursuant to
25 subsection (a) shall immediately revert to the United

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

3 **TITLE VII—DURBAN PROCESS**

4 **SEC. 701. FINDINGS.**

5 Congress makes the following findings:

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

10 (2) Expensive and politically skewed inter-
11 national conferences can deserve and undermine the
12 worthy goals that they are ostensibly convened to
13 support.

14 (3) The goals of the 2001 United Nations
15 World Conference Against Racism—held in Durban,
16 South Africa, and commonly referred to as “Durban
17 I”—were undermined by hateful, anti-Jewish rhet-
18 oric, and anti-Israel political agendas, prompting
19 both Israel and the United States to withdraw their
20 delegations from the Conference.

21 (4) The official government declaration adopted
22 by Durban I, the “Durban Declaration and Program
23 of Action”, focused on the “plight of the Palestinian
24 people under foreign occupation”, and thereby sin-
25 gled out one regional conflict for discussion and im-

1 plicitly launched a false accusation against Israel of
2 intolerance towards the Palestinians.

3 (5) On September 3, 2001, Secretary of State
4 Colin Powell explained the withdrawal of the United
5 States delegation from Durban I by stating that
6 “you do not combat racism by conferences that
7 produce declarations containing hateful language,
8 some of which is a throwback to the ‘days of Zion-
9 ism’ equals racism; or supports the idea that we
10 have made too much of the Holocaust; or suggests
11 that apartheid exists in Israel; or that singles out
12 only one country in the world—Israel—for censure
13 and abuse”.

14 (6) The late United States Representative Tom
15 Lantos, who participated as a member of the United
16 States delegation to the Durban Conference, sup-
17 ported that delegation’s withdrawal and wrote in
18 2002 that the conference “provided the world with
19 a glimpse into the abyss of international hate, dis-
20 crimination and, indeed, racism”.

21 (7) On December 19, 2006, the United Nations
22 General Assembly approved a resolution initiating
23 preparations for a Durban Review Conference (com-
24 monly referred to as “Durban II”), which was held

1 between April 20 and 24, 2009, in Geneva, Switzer-
2 land.

3 (8) The chair of the preparatory committee for
4 Durban II was Libya, and the co-chairs included
5 Iran and Cuba.

6 (9) Throughout the preparatory process for
7 Durban II, member states of the Organization of the
8 Islamic Conference urged that the conference again
9 focus criticism on Israel and single out the Israeli-
10 Palestinian conflict for discussion, and also urged
11 that the conference advocate global speech codes
12 that would impose restrictions contrary to funda-
13 mental freedoms recognized in the provisions of the
14 Universal Declaration of Human Rights.

15 (10) In testimony before the House of Rep-
16 resentatives on April 2, 2008, then-Assistant Sec-
17 retary of State for International Organizations
18 Kirsten Silverier stated that the United States had
19 decided against participating in preparatory activi-
20 ties for Durban II because “[there is] absolutely no
21 case to be made for participating in something that
22 is going to be a repeat of Durban I. We don’t have
23 any confidence that this will be any better than Dur-
24 ban I”.

1 (11) During February 2009, the United States
2 actively participated in intergovernmental consulta-
3 tions on Durban II’s “draft outcome document” and
4 engaged in high-level diplomatic efforts to dramati-
5 cally reverse the path of Durban II by directing it
6 towards meaningful efforts to combat intolerance
7 and bigotry and directing it away from efforts to un-
8 dermine the cause of fighting discrimination through
9 singling out Israel for implicit criticism and calling
10 for restrictions on fundamental freedoms.

11 (12) On February 27, 2009, a Department of
12 State spokesman stated that, despite United States
13 efforts to redirect the path of Durban II, “the docu-
14 ment being negotiated has gone from bad to worse,
15 and the current text of the draft outcome document
16 is not salvageable. . . . A conference based on this
17 text would be a missed opportunity to speak clearly
18 about the persistent problem of racism” and there-
19 fore, the United States would not participate in fur-
20 ther consultations and negotiations regarding the
21 “draft outcome document,” and would not partici-
22 pate in Durban II itself unless the “draft outcome
23 document” was radically shortened and revised to
24 eliminate objectionable material.

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

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

22 (15) Canada, Israel, Italy, Germany, the Neth-
23 erlands, Poland, Australia, and New Zealand also
24 did not participate in Durban II, and the Czech Re-

1 public walked out of the Conference during its pro-
2 ceedings, never to return.

3 (16) Libya was the chair of the Main Com-
4 mittee of Durban II, and vice presidents of Durban
5 II included Libya, Iran, and Cuba.

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

14 (18) On December 18, 2009, the United Na-
15 tions General Assembly approved Resolution A/RES/
16 64/148, which urged the “full and effective imple-
17 mentation of the Durban Declaration and Pro-
18 gramme of Action” and called for a “one-day ple-
19 nary event to commemorate the ten-year anniversary
20 [of Durban I] during the high-level segment of the
21 General Assembly to be devoted to racism, racial dis-
22 crimination, xenophobia, and related intolerance dur-
23 ing its sixty-fifth session, in 2011”. The United
24 States, joined by 12 other nations, voted against this
25 resolution.

1 (19) On December 24, 2010, the United Na-
2 tions General Assembly adopted Resolution A/RES/
3 65/240, authorizing the holding of a “one-day high-
4 level meeting of the General Assembly to commemo-
5 rate the tenth anniversary of the adoption of the
6 Durban Declaration and Programme of Action, at
7 the level of Heads of State and Government, on the
8 second day of the general debate of the sixty-sixth
9 session” in September of 2011. The resolution also
10 states that the meeting (commonly referred to as
11 “Durban III”) will adopt a “political declaration
12 aimed at mobilizing political will at the national, re-
13 gional, and international levels for the full and effec-
14 tive implementation of the Durban Declaration and
15 Programme of Action and its follow-up processes”.
16 The resolution also requests that the United Nations
17 Secretary-General “establish a programme of out-
18 reach, with the involvement of Member States and
19 United Nations funds and programmes as well as
20 civil society, including non-governmental organiza-
21 tions, to appropriately commemorate the tenth anni-
22 versary of the adoption of the Durban Declaration
23 and Programme of Action”. The resolution also re-
24 quests that “the Office of the United Nations High
25 Commissioner for Human Rights and the Depart-

1 ment of Public Information of the Secretariat . . .
2 launch a public information campaign for the com-
3 memoration of the tenth anniversary of the adoption
4 of the Durban Declaration and Programme of Ac-
5 tion”. The United States, joined by 21 other na-
6 tions, voted against this resolution.

7 (20) The Government of Canada has announced
8 that it will not participate in the Durban III meet-
9 ing. Canada Minister of Citizenship, Immigration,
10 and Multiculturalism Jason Kenney stated, “Our
11 government has lost faith in the entire tainted Dur-
12 ban process. Canada will not participate in this cha-
13 rade any longer. We will not lend our country’s good
14 name to a commemoration of what has widely been
15 characterized as a hatefest. . . . Canada is clearly
16 committed to the fight against racism, but the Dur-
17 ban process commemorates an agenda that actually
18 promotes racism rather than combats it.”.

19 (21) The Government of Israel has announced
20 that it will not participate in the Durban III meet-
21 ing, stating, “Israel is part of the international
22 struggle against racism. The Jewish people was
23 itself a victim of racism throughout history. Israel
24 regrets that a resolution on an important subject—
25 elimination of racism—has been diverted and politi-

1 cized by the automatic majority at the UN, by link-
2 ing it to the Durban Declaration and Programme of
3 Action (2001) that many states would prefer to for-
4 get. The Durban Conference of 2001, with its
5 antisemitic undertones and displays of hatred for
6 Israel and the Jewish World, left us with scars that
7 will not heal quickly. . . . Under the present cir-
8 cumstances, as long as the [Durban III] meeting is
9 defined as part of the infamous ‘Durban process’,
10 Israel will not participate . . .”.

11 (22) On June 2, 2011, the United States pub-
12 licly announced that it would not participate in the
13 Durban III meeting. A Department of State deputy
14 spokesman stated, “Durban process includes dis-
15 plays of intolerance and anti-Semitism, and we don’t
16 want to see that commemorated. In our conversa-
17 tions about this commemoration, we’ve not seen the
18 kind of progress that we think is indicative. We re-
19 main unconvinced that the conference is moving in
20 a new direction.”.

21 (23) The Governments of the Czech Republic,
22 the Netherlands, and Italy have announced that they
23 will not participate in the Durban III meeting.

24 (24) The Durban I and Durban II Conferences,
25 and the preparatory and follow-on activities for both,

1 have made little or no demonstrable contribution to
2 combating racism, racial discrimination, xenophobia,
3 and related intolerance.

4 (25) The United States is the largest contrib-
5 utor to the United Nations system, and is assessed
6 for a full 22 percent of the United Nations regular
7 budget, which is funded by assessed contributions
8 from Member States.

9 (26) Funding for Durban I, Durban II, and
10 their preparatory and follow-on activities through
11 the United Nations regular budget has resulted in
12 United States taxpayer dollars being used for those
13 purposes.

14 (27) Congress, through its adoption of the Con-
15 solidated Appropriations Act, 2008 (Public Law
16 110–161) withheld from the United States assessed
17 contribution for fiscal year 2008 to the United Na-
18 tions regular budget an amount equivalent to the
19 United States share of the United Nations Human
20 Rights Council budget, including its share of the
21 Council-administered preparatory process for Dur-
22 ban II.

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

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

1 (1) the Durban I and Durban II conferences,
2 and their preparatory and follow-on activities, were
3 subverted by members of the Organization of the Is-
4 lamic Conference and irredeemably distorted into a
5 forum for anti-Israel, anti-Semitic, and anti-freedom
6 activity;

7 (2) by walking out of the Durban I conference,
8 not participating in the Durban II conference, and
9 announcing that it would not participate in the Dur-
10 ban III meeting, the United States Government
11 upheld and reaffirmed the fundamental commitment
12 of the United States to combating racism, racial dis-
13 crimination, xenophobia, and related intolerance;

14 (3) the Governments of Canada, Israel, Italy,
15 Germany, the Netherlands, Poland, Australia, New
16 Zealand, and the Czech Republic should be com-
17 mended for their decision to not participate or cease
18 participation in the Durban II conference;

19 (4) the Governments of Canada, Israel, the
20 Czech Republic, the Netherlands, Italy, and any
21 other government that decides not to participate in
22 the Durban III meeting, should be commended for
23 that decision; and

24 (5) the United States Government should expe-
25 ditiously and unequivocally announce that it will not

1 participate in, support, or legitimize any part of the
2 Durban process.

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

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

7 (A) not to participate in, support, legiti-
8 mize, or fund any portion of the Durban III
9 meeting, its preparatory or follow-on activities,
10 or any other part of the Durban process; and

11 (B) to withhold from their respective con-
12 tributions to the regularly assessed biennial
13 budget of the United Nations an amount that
14 is equal to the percentage of such respective
15 contributions that they determine would be or
16 has been allocated by the United Nations for
17 any part of the Durban III meeting or its pre-
18 paratory or follow-on activities, or for any other
19 part of the Durban process; and

20 (2) lead a high-level diplomatic effort to explore
21 credible, alternative forums for combating racism,
22 racial discrimination, xenophobia, and related intol-
23 erance.

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

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

6 **SEC. 704. WITHHOLDING OF FUNDS; REFUND OF UNITED**
7 **STATES TAXPAYER DOLLARS.**

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

17 (1) the “public information campaign for the
18 commemoration of the tenth anniversary of the
19 adoption of the Durban Declaration and Programme
20 of Action” requested by United Nations General As-
21 ssembly Resolution ARES/65/240;

22 (2) the Intergovernmental Working Group on
23 the Effective Implementation of the Durban Dec-
24 laration and Programme of Action;

1 (3) the “group of independent eminent experts
2 on the implementation of the Durban Declaration
3 and Programme of Action”; and

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

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

20 (c) REFUND OF UNITED STATES TAXPAYER DOL-
21 LARS.—

22 (1) CONTRIBUTIONS TO REGULAR BUDGET OF
23 UNITED NATIONS.—Funds appropriated for use as a
24 United States contribution to the regular budget of
25 the United Nations but withheld from obligation and

1 expenditure pursuant to subsection (a) shall imme-
2 diately revert to the United States Treasury and
3 shall not be considered arrears to be repaid to any
4 United Nations entity.

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

17 (d) CERTIFICATION.—The certification referred to in
18 subsection (b) is a certification made by the Secretary to
19 the appropriate congressional committees concerning the
20 following:

21 (1) The specified conference, meeting, or other
22 multilateral forum did not reaffirm, call for the im-
23 plementation of, or otherwise support the Durban
24 Declaration and Programme of Action (2001) or the

1 outcome document of the Durban II conference
2 (2009) or the Durban III meeting (2011).

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

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

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

15 (5) The leadership of the specified conference
16 or forum does not include a Member State, or a rep-
17 resentative from a Member State—

18 (A) subject to sanctions by the Security
19 Council;

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

22 (C) the government of which the Secretary
23 has determined, for purposes of section 6(j) of
24 the Export Administration Act of 1979 (as con-
25 tinued in effect pursuant to the International

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

7 **TITLE VIII—UNITED NATIONS**
8 **RELIEF AND WORKS AGENCY**
9 **FOR PALESTINE REFUGEES**
10 **IN THE MIDDLE EAST**

11 **SEC. 801. FINDINGS.**

12 Congress makes the following findings:

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

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

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

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

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

19 (5) UNRWA’s overly inclusive definition of a
20 “Palestine refugee” has resulted in an increase in
21 UNRWA’s reported number of “Palestine refugees”
22 from under 1,000,000 in 1950 to over 4,500,000 in
23 2011, encompassing multiple generations of descend-
24 ants of the original Palestinian refugees.

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

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

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

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

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

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

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

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

20 (14) In contravention of United States law,
21 UNRWA does not ask its personnel or aid recipients
22 if they are members of foreign terrorist organiza-
23 tions.

24 (15) Even though the United States remains
25 the largest single contributing country to UNRWA,

1 UNRWA does not screen its prospective or present
2 staff and aid recipients through United States watch
3 lists, including that of the Department of the Treas-
4 ury’s Office of Foreign Assets Control, and refused
5 a United States request to do so in 2005.

6 (16) UNRWA claims that it has fulfilled its ob-
7 ligations under section 301(c) of the Foreign Assist-
8 ance Act of 1961 by screening personnel through the
9 United Nations Consolidated List pursuant to
10 United Nations Security Council Resolution 1267,
11 but the names on that list are largely members of
12 al-Qaeda and the Taliban, not of Palestinian foreign
13 terrorist organizations such as Hamas, Fatah’s al-
14 Aqsa Martyrs’ Brigades, or Palestinian Islamic
15 Jihad.

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

20 (18) A number of UNRWA personnel have been
21 discovered to be affiliated with foreign terrorist or-
22 ganizations, including the following people:

23 (A) Issa Batran (now deceased), a com-
24 mander of Hamas’s al-Aqsa Martyrs’ Brigades

1 and senior rocket-maker who taught at an
2 UNRWA school in Gaza;

3 (B) Humam Khalil Abu Mulal al-Balawi
4 (now deceased), who reportedly carried out a
5 homicide bombing that killed 7 Americans and
6 one Jordanian at Forward Operating Base
7 Chapman in Afghanistan on December 30,
8 2009, reportedly worked as a physician at an
9 UNRWA clinic in Amman, Jordan, and had
10 longstanding ties to violent Islamist extremism;

11 (C) Said Siam (now deceased), a longtime
12 Hamas official who eventually served as
13 Hamas's Interior Minister in Gaza, and who
14 taught at an UNRWA school in Gaza;

15 (D) Awad al-Qiq (now deceased), a rocket-
16 builder for Palestinian Islamic Jihad who
17 served as headmaster of an UNRWA school in
18 Gaza;

19 (E) Nahd Atallah, an UNRWA staff mem-
20 ber in Gaza, who was arrested, convicted, and
21 sentenced to 15 years' imprisonment by a mili-
22 tary court in Israel for using his UN travel doc-
23 ument to bypass Israeli checkpoints in Gaza in
24 order to transport armed Palestinian militants;
25 and

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

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

11 (20) UNRWA refugee camps in Lebanon have
12 frequently been controlled by foreign terrorist orga-
13 nizations and used for numerous unacceptable activi-
14 ties.

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

17 (A) “UNRWA . . . obviously does not take
18 ‘all possible measures’ in practice” to assure
19 that United States contributions do not provide
20 assistance to any refugee with ties to foreign
21 terrorist organizations, in accordance with sec-
22 tion 301(c) of the Foreign Assistance Act of
23 1961;

24 (B) “UNRWA makes no attempt to weed
25 out individuals who support extremist positions

1 . . . UNRWA has taken very few steps to de-
2 tect and eliminate terrorists from the ranks of
3 its staff or its beneficiaries, and no steps at all
4 to prevent members of terrorist organizations,
5 such as Hamas, from joining its staff.”;

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

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

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

24 (23) The Arab Bank is reportedly at the center
25 of United States investigations into how tens of mil-

1 lions of dollars have flowed to Palestinian groups
2 that allegedly used some of those funds to pay off
3 suicide bombers and their relatives, and is also re-
4 portedly being sued in Federal court by United
5 States victims of attacks in Israel, with attorneys for
6 the victims accusing the bank of facilitating acts of
7 international terrorism.

8 (24) On May 11, 2004, the Department of the
9 Treasury designated CBS as a financial institution
10 of “primary money laundering concern” pursuant to
11 section 311 of the USA Patriot Act (Public Law
12 107–56; 115 Stat. 298), stating that “CBS had
13 been used by terrorists and their sympathizers and
14 acted as a conduit for the laundering of proceeds
15 generated from the illicit sale of Iraqi oil” and that
16 “numerous transactions that may be indicative of
17 terrorist financing and money laundering have been
18 transferred through CBS, including two accounts at
19 CBS that reference a reputed financier for Usama
20 bin Laden.”.

21 (25) CBS is controlled by the Government of
22 Syria, a state sponsor of terrorism.

23 (26) The curriculum of UNRWA schools, which
24 use the textbooks of their respective host govern-
25 ments or authorities, has long contained materials

1 that are anti-Israel, anti-Semitic, and supportive of
2 violent extremism.

3 (27) As far back as over 40 years ago, former
4 UNRWA commissioner-general Laurence Michel-
5 more admitted that UNRWA schools were sup-
6 porting a “bitterly hostile attitude to Israel.”.

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

13 (29) UNRWA officials have compromised
14 UNRWA’s strictly humanitarian mandate by engag-
15 ing in political agitation, propaganda, and advocacy
16 agitation against Israel and in favor of Hamas, as
17 reflected by the following actions:

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

23 (B) UNRWA officials have repeatedly cas-
24 tigated Israel for the actions by the Govern-
25 ment of Israel to defend innocent civilians from

1 rocket and mortar attacks from violent extrem-
2 ist groups in Gaza and from other acts of inter-
3 national terrorism, and has repeatedly blamed
4 Israel, not Hamas and other violent extremist
5 groups, for present restrictions on access to
6 Gaza.

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

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

1 (30) Despite UNRWA’s contravention of
2 United States law and activities that compromise its
3 strictly humanitarian mandate, UNRWA continues
4 to receive United States contributions, including
5 \$237,800,000 in fiscal year 2010.

6 (31) The bilateral “Framework for Coopera-
7 tion” that the United States concluded with
8 UNRWA for 2010 actually “commends” UNRWA
9 and does not commit UNRWA to vetting its per-
10 sonnel and aid recipients through United States
11 watch lists.

12 (32) Assistance from the United States and
13 other responsible nations allows UNRWA to claim
14 that criticisms of the agency’s behavior are un-
15 founded. UNRWA spokesman Christopher Gunness
16 has dismissed concerns by stating, “If these baseless
17 allegations were even halfway true, do you really
18 think the U.S. and [European Commission] would
19 give us hundreds of millions of dollars per year?”.

20 (33) Former UNRWA general counsel James
21 Lindsay noted in a 2009 report the following:

22 (A) “The United States, despite funding
23 nearly 75 percent of UNRWA’s national budget
24 and remaining its largest single country donor,
25 has mostly failed to make UNRWA reflect U.S.

1 foreign policy objectives. . . . Recent U.S. ef-
2 forts to shape UNRWA appear to have been in-
3 effective”;

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

8 (C) “A number of changes in UNRWA
9 could benefit the refugees, the Middle East, and
10 the United States, but those changes will not
11 occur unless the United States, ideally with
12 support from UNRWA’s other main financial
13 supporter, the European Union, compels the
14 agency to enact reforms.”; and

15 (D) “If the [UNRWA commissioner-gen-
16 eral’s] power is used in ways that are conflict
17 with the donors’ political objectives, it is up to
18 the donors to take the necessary actions to en-
19 sure that their interests are respected. When
20 they have done so, UNRWA—given the tight fi-
21 nancial leash it has been on for most of its ex-
22 istence—has tended to follow their dictates,
23 even if sometimes slowly.”.

24 (34) The Government of Canada has recently
25 placed restrictions on its contributions to UNRWA,

1 demonstrating consequences for UNRWA’s malfea-
2 sance and setting an example for the United States
3 and other donor governments.

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

5 Section 301 of the Foreign Assistance Act of 1961
6 (22 U.S.C. 2221) is amended by amending subsection (c)
7 to read as follows:

8 “(c)(1) Contributions by the United States to the
9 United Nations Relief and Works Agency for Palestine
10 Refugees in the Near East (UNRWA), to any successor
11 or related entity, or to the regular budget of the United
12 Nations for the support of UNRWA or a successor entity
13 (through staff positions provided by the United Nations
14 Secretariat, or otherwise), may be provided only during
15 a period for which a certification described in paragraph
16 (2) is in effect.

17 “(2) A certification described in this paragraph is a
18 written determination by the Secretary of State, based on
19 all information available after diligent inquiry, and trans-
20 mitted to the appropriate congressional committees along
21 with a detailed description of the factual basis therefor,
22 that—

23 “(A) no official, employee, consultant, con-
24 tractor, subcontractor, representative, or affiliate of
25 UNRWA—

1 “(i) is a member of a foreign terrorist or-
2 ganization;

3 “(ii) has propagated, disseminated, or in-
4 cited anti-American, anti-Israel, or anti-Semitic
5 rhetoric or propaganda; or

6 “(iii) has used any UNRWA resources, in-
7 cluding publications or Internet websites, to
8 propagate or disseminate political materials, in-
9 cluding political rhetoric regarding the Israeli-
10 Palestinian conflict;

11 “(B) no UNRWA school, hospital, clinic, other
12 facility, or other infrastructure or resource is being
13 used by a foreign terrorist organization for oper-
14 ations, planning, training, recruitment, fundraising,
15 indoctrination, communications, sanctuary, storage
16 of weapons or other materials, or any other pur-
17 poses;

18 “(C) UNRWA is subject to comprehensive fi-
19 nancial audits by an internationally recognized third
20 party independent auditing firm and has imple-
21 mented an effective system of vetting and oversight
22 to prevent the use, receipt, or diversion of any
23 UNRWA resources by any foreign terrorist organiza-
24 tion or members thereof;

1 “(D) no UNRWA-funded school or educational
2 institution uses textbooks or other educational mate-
3 rials that propagate or disseminate anti-American,
4 anti-Israel, or anti-Semitic rhetoric, propaganda or
5 incitement;

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

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

12 “(3) DEFINITIONS.—In this section:

13 “(A) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term ‘appropriate congressional com-
15 mittees’ means—

16 “(i) the Committees on Foreign Relations,
17 Appropriations, and Homeland Security and
18 Governmental Affairs of the Senate; and

19 “(ii) the Committees on Foreign Affairs,
20 Appropriations, and Oversight and Government
21 Reform of the House of Representatives.

22 “(B) FOREIGN TERRORIST ORGANIZATION.—
23 The term ‘foreign terrorist organization’ means an
24 organization designated as a foreign terrorist organi-
25 zation by the Secretary of State in accordance with

1 section 219(a) of the Immigration and Nationality
2 Act (8 U.S.C. 1189(a)).

3 “(4) EFFECTIVE DURATION OF CERTIFICATION.—

4 The certification described in paragraph (2) shall be effec-
5 tive for a period of 180 days from the date of transmission
6 to the appropriate congressional committees, or until the
7 Secretary receives information rendering that certification
8 factually inaccurate, whichever is earliest. In the event
9 that a certification becomes ineffective, the Secretary shall
10 promptly transmit to the appropriate congressional com-
11 mittees a description of any information that precludes the
12 renewal or continuation of the certification.

13 “(5) LIMITATION.—During a period for which a cer-
14 tification described in paragraph (2) is in effect, the
15 United States may not contribute to the United Nations
16 Relief and Works Agency for Palestine Refugees in the
17 Near East (UNRWA) or a successor entity an annual
18 amount—

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

22 “(B) that, as a proportion of the total UNRWA
23 budget, exceeds the proportion of the total budget
24 for the United Nations High Commissioner for Ref-
25 ugees (UNHCR) paid by the United States; or

1 “(C) that exceeds 22 percent of the total budget
2 of UNRWA.”.

3 **SEC. 803. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the President and the Secretary should lead
6 a high-level diplomatic effort to encourage other re-
7 sponsible nations to withhold contributions to
8 UNRWA, to any successor or related entity, or to
9 the regular budget of the United Nations for the
10 support of UNRWA or a successor entity (through
11 staff positions provided by the United Nations Sec-
12 retariat, or otherwise) until UNRWA has met the
13 conditions listed in subparagraphs (A) through (F)
14 of section 301(c)(2) of the Foreign Assistance Act of
15 1961 (as added by section 802);

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

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

22 (4) in order to alleviate the suffering of Pales-
23 tinian refugees, responsibility for those refugees
24 should be fully transferred to the Office of the
25 United Nations High Commissioner for Refugees.

1 **TITLE IX—INTERNATIONAL**
2 **ATOMIC ENERGY AGENCY**

3 **SEC. 901. TECHNICAL COOPERATION PROGRAM.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The International Atomic Energy Agency
7 (IAEA) was established in 1957 with the objectives
8 of seeking to “accelerate and enlarge the contribu-
9 tion of atomic energy to peace, health and prosperity
10 throughout the world” and to “ensure . . . that as-
11 sistance provided by it or at its request or under its
12 supervision or control is not used in such a way as
13 to further any military purpose.”.

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

17 (3) In 1959, the IAEA established what is now
18 called the Technical Cooperation Program, financed
19 primarily through voluntary contributions by mem-
20 ber states to the Technical Cooperation Fund, to
21 provide nuclear technical cooperation (TC) for
22 peaceful purposes to countries worldwide.

23 (4) The United States is the largest financial
24 contributor to the IAEA’s Technical Cooperation
25 Fund.

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

9 (6) The GAO report also found that
10 “[t]ogether, [Cuba, Iran, Sudan, and Syria] received
11 more than \$55 million in TC assistance from 1997
12 through 2007”. These four countries have received
13 continued assistance since 2007.

14 (7) The GAO report also found that “prolifera-
15 tion concerns about the [Technical Cooperation Pro-
16 gram] have persisted because of the assistance it has
17 provided to certain countries and because nuclear
18 equipment, technology, and expertise can be dual-
19 use—capable of serving peaceful purposes . . . but
20 also useful in contributing to nuclear weapons devel-
21 opment.”.

22 (8) The GAO report also found that “[the De-
23 partment of State] reported in 2007 that three TC
24 projects in [Iran] were directly related to the Iranian
25 nuclear power plant at Bushehr”.

1 (9) The GAO report also found, “The prolifera-
2 tion concerns associated with the [Technical Co-
3 operation Program] are difficult for the United
4 States to fully identify, assess, and resolve . . . [be-
5 cause] there is no formal mechanism for obtaining
6 TC project information during the proposal develop-
7 ment phase . . . [l]imited [Department of] State
8 documentation on how proliferation concerns of TC
9 proposals were resolved . . . [and s]hortcomings in
10 U.S. policies and IAEA procedures [including moni-
11 toring proliferation risks] related to TC program fel-
12 lowships.”.

13 (10) The GAO report noted that “IAEA offi-
14 cials told us that the [Technical Cooperation Pro-
15 gram] does not attempt to exclude countries on the
16 basis of their status as U.S.-designated state spon-
17 sors of terrorism or other political considerations,”
18 and that, according to the Deputy Director General
19 for the Technical Cooperation Program, “there are
20 no good countries and there are no bad countries”
21 with respect to provision of technical cooperation by
22 the IAEA.

23 (11) The GAO report also found that “given
24 the limited information available on TC projects and
25 the dual-use nature of some nuclear technologies and

1 expertise, we do not believe [the Department of
2 State] can assert with complete confidence that TC
3 assistance has not advanced [weapons of mass de-
4 struction] programs in U.S.-designated state spon-
5 sors of terrorism”.

6 (12) The GAO report also found that “the GAO
7 did not share the Department of State’s confidence
8 in IAEA’s internal safeguards to prevent TC
9 projects from contributing to weapons development”.

10 (13) The Foreign Assistance Act of 1961 (22
11 U.S.C. 2151 et seq.) prohibits any of the funds au-
12 thorized to be appropriated for “International Orga-
13 nizations and Programs” from being made available
14 for the United States proportionate share for pro-
15 grams for Libya, Iran, Cuba, or the Palestine Lib-
16 eration Organization, inter alia.

17 (14) The Foreign Operations, Export Financ-
18 ing, and Related Programs Appropriations Act,
19 1998 (Public Law 105–118) prohibits any of the
20 funds made available by such Act for the IAEA from
21 being made available for programs and projects of
22 the IAEA in Cuba.

23 (15) The Foreign Affairs Reform and Restruc-
24 turing Act of 1998 (division G Public Law 105–277)
25 required the United States to withhold a propor-

1 tionate share of funding to the IAEA for projects in
2 Cuba regarding the Juragua Nuclear Power Plant
3 and the Pedro Pi Nuclear Research Center.

4 (16) The GAO report described in paragraph
5 (5) asked Congress “to consider directing [the De-
6 partment of State] to withhold a share of future an-
7 nual contributions to the [Technical Cooperation
8 Fund] that is proportionate to the amount of fund-
9 ing provided from the fund for U.S.-designated state
10 sponsors of terrorism and other countries of concern,
11 noting that such a withholding is a matter of funda-
12 mental principle and intended to foster a more con-
13 sistent U.S. policy toward such nations”.

14 (17) The IAEA has repeatedly reported that
15 the Government of Iran continues its work on heavy
16 water-related projects and its enrichment of ura-
17 nium, in violation of United Nations Security Coun-
18 cil Resolutions 1696 (2006), 1737 (2006), 1747
19 (2007), 1803 (2008), 1835 (2008), and 1929
20 (2010).

21 (18) United Nations Security Council Resolu-
22 tion 1737 (2006) decided “that technical cooperation
23 provided to Iran by the IAEA or under its auspices
24 shall only be for food, agricultural, medical, safety or
25 other humanitarian purposes [inter alia] . . . but

1 that no such technical cooperation shall be provided
2 that relates to . . . proliferation sensitive nuclear
3 activities . . .”.

4 (19) The IAEA Director General reported to
5 the IAEA Board of Governors on February 25,
6 2011, that the Government of Iran now has approxi-
7 mately 7,000 centrifuges for enriching uranium, is
8 running almost 5,000 of them, and has increased its
9 stockpile of low-enriched uranium to over 3,600 kilo-
10 grams, considered sufficient for further enrichment
11 into enough high-enriched uranium for more than
12 one atomic bomb. The Government of Iran has also
13 reportedly produced a stockpile of over 40 kilograms
14 of uranium enriched up to 20 percent U-235.

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

20 (21) The IAEA Director General has repeatedly
21 reported to the IAEA Board of Governors, including
22 in his report of February 25, 2011, that “the
23 [IAEA] remains concerned about the possible exist-
24 ence in Iran of past or current undisclosed nuclear
25 related activities involving military-related organiza-

1 tions, including activities related to the development
2 of a nuclear payload for a missile”.

3 (22) The IAEA Director General has repeatedly
4 reported to the IAEA Board of Governors, including
5 in his report of February 19, 2009, that “Iran has
6 not implemented the Additional Protocol, which is a
7 prerequisite for [the IAEA] to provide credible as-
8 surance about the absence of undeclared nuclear ma-
9 terial and activities. Nor has [Iran] agreed to [the
10 IAEA’s] request that Iran provide, as a trans-
11 parency measure, access to additional locations re-
12 lated, inter alia, to the manufacturing of centrifuges,
13 research and development on uranium enrichment,
14 and uranium mining and milling, as also required by
15 the Security Council.”.

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

24 (24) Iran has refused to comply with resolu-
25 tions adopted by the IAEA Board of Governors on

1 September 12, 2003, November 26, 2003, March 15,
2 2004, June 18, 2004, November 29, 2004, August
3 11, 2005, September 24, 2005, February 4, 2006,
4 and July 31, 2006, regarding “Iran’s many failures
5 and breaches of its obligations to comply with its
6 NPT Safeguards Agreement” and continues to block
7 IAEA inspections of its nuclear facilities, in violation
8 of its NPT Safeguards Agreement.

9 (25) In April 2008, United States Government
10 officials publicly revealed that Syria was building at
11 the Dair Alzour site, with assistance from the Gov-
12 ernment of North Korea, a secret nuclear reactor
13 that was based on a North Korean model capable of
14 producing plutonium for nuclear weapons and that
15 was weeks away from becoming operational before
16 an Israeli air strike reportedly destroyed the reactor
17 in September 2007.

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

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

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

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

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

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

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

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

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

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

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

25 (B) the Additional Protocol;

1 (C) the Nuclear Non-Proliferation Treaty;

2 (D) any relevant United Nations Security

3 Council Resolution; or

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

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

6 noncompliance with the obligations specified in para-

7 graph (2).

8 (c) WITHHOLDING OF VOLUNTARY CONTRIBU-

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

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

11 United States voluntary contribution to the IAEA an

12 amount proportional to that spent by the IAEA in the pe-

13 riod from 2007 to 2008 on assistance through its Tech-

14 nical Cooperation Program to countries described in sub-

15 section (b).

16 (d) WITHHOLDING OF ASSESSED CONTRIBUTIONS.—

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

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

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

20 ance provided through its Technical Cooperation Program

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

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

23 from the United States assessed contribution to the IAEA.

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

25 (d) may be waived if—

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

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

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

15 (g) REPORT.—Not later than 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. 902. UNITED STATES POLICY AT THE IAEA.**

20 (a) ENFORCEMENT AND COMPLIANCE.—

21 (1) OFFICE OF COMPLIANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (iii) being prevented from hosting
17 meetings.

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

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

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

10 (b) UNITED STATES CONTRIBUTIONS.—

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

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

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

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

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

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

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

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

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

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

7 (c) MEMBERSHIP.—

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

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

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

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

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

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

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

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

21 (e) NUCLEAR PROGRAM OF IRAN.—

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

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

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

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

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

17 (2) PENALTIES.—If an IAEA Member State is
18 determined to have violated the prohibition on as-
19 sistance to Iran described in paragraph (1) before
20 the IAEA Board of Governors determines that Iran
21 has satisfied the conditions described in subpara-
22 graphs (A) through (C) of such paragraph, such
23 Member State shall be subject to the penalties de-
24 scribed in subsection (a)(3), shall be ineligible to re-
25 ceive nuclear material, technology, equipment, or as-

1 assistance from any IAEA Member State, and shall be
2 ineligible to receive any IAEA assistance not related
3 to safeguards inspections or nuclear security until
4 such time as the IAEA Board of Governors makes
5 such determination with respect to Iran.

6 (f) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, and annually for 2 years
8 thereafter, the President shall submit to the appropriate
9 congressional committees a report on the implementation
10 of this section.

11 **SEC. 903. SENSE OF CONGRESS REGARDING THE NUCLEAR**
12 **SECURITY ACTION PLAN OF THE IAEA.**

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

19 **TITLE X—PEACEKEEPING**

20 **SEC. 1001. REFORM OF UNITED NATIONS PEACEKEEPING**
21 **OPERATIONS.**

22 It is the sense of Congress that—

23 (1) although United Nations peacekeeping oper-
24 ations have contributed greatly toward the pro-
25 motion of peace and stability for over 6 decades and

1 the majority of peacekeeping personnel who have
2 served under the United Nations flag have done so
3 with honor and courage, the record of United Na-
4 tions peacekeeping has been severely tarnished by
5 operational failures and unconscionable acts of mis-
6 conduct;

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

18 (3) despite the fact that the United Nations has
19 had over a decade to implement many of these re-
20 forms, nearly four years to implement the reforms in
21 the Zeid Report, and the fact that Secretary-General
22 Ban Ki-Moon, his predecessor Kofi Annan, and the
23 Special Committee on Peacekeeping Operations re-
24 peatedly have expressed their commitment “to imple-
25 menting fundamental, systematic changes as a mat-

1 ter of urgency,” a number of critical reforms con-
2 tinue to be blocked or delayed by Members States
3 who arguably benefit from maintenance of the status
4 quo;

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

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

18 **SEC. 1002. POLICY RELATING TO REFORM OF UNITED NA-**
19 **TIONS PEACEKEEPING OPERATIONS.**

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

23 (1) PLANNING AND MANAGEMENT.—

24 (A) GLOBAL AUDIT.—As the size, cost,
25 and number of United Nations peacekeeping

1 operations have increased substantially over the
2 past decade, independent audits of each such
3 operation should be conducted annually, with a
4 view toward “right-sizing” operations and en-
5 suring that all operations are efficient and cost
6 effective.

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

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

1 findings to the Security Council. In particular,
2 the review should consider the following:

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

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

21 (iii) Where there is legitimate concern
22 that the withdrawal from a country of an
23 otherwise static United Nations peace-
24 keeping operation would result in the re-
25 sumption of major conflict, a burden-shar-

1 ing arrangement that reduces the level of
2 assessed contributions, similar to that cur-
3 rently supporting the United Nations
4 Peacekeeping Force in Cyprus, should be
5 explored and instituted.

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

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

24 (F) GRATIS MILITARY PERSONNEL.—The
25 General Assembly should seek to strengthen the

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

11 (2) CONDUCT AND DISCIPLINE.—

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

23 (B) UNDERSTANDING THE CODE OF CON-
24 DUCT.—All personnel, regardless of category or
25 rank, should receive training on the Code of

1 Conduct prior to deployment with a peace-
2 keeping operation, in addition to periodic fol-
3 low-on training. In particular—

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

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

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

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

1 Director of the Office of Internal Oversight
2 Services for Peacekeeping Operations.

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

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

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

1 and preserved in a manner consistent with
2 the military law of such Member State.

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

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

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

22 (i) promulgating measures to prevent
23 misconduct;

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

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

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

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

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

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

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

23 (iv) In the case of misconduct by a ci-
24 vilian employee or contractor of the United
25 Nations, appropriate wages shall be gar-

1 nished from such individual or fines shall
2 be imposed against such individual, con-
3 sistent with existing United Nations Staff
4 Rules, and retirement funds shall not be
5 shielded from liability.

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

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

1 conduct or other criminal activities, regardless
2 of category or rank, are permanently barred
3 from participation in future peacekeeping oper-
4 ations.

5 (I) COOPERATION OF MEMBER STATES.—
6 If a Member State routinely refuses to cooper-
7 ate with the directives contained herein or acts
8 to shield its nationals from personal liability,
9 that Member State should be barred from con-
10 tributing troops or personnel to future peace-
11 keeping operations.

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

21 **SEC. 1003. CERTIFICATION.**

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

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

3 (A) CERTIFICATION.—Except as provided
4 in subparagraph (B), until the Secretary cer-
5 tifies that the requirements described in para-
6 graph (2) have been satisfied, the President
7 shall direct the United States Permanent Rep-
8 resentative to the United Nations to use the
9 voice, vote, and influence of the United States
10 at the United Nations to oppose the creation of
11 new, or expansion of existing, United Nations
12 peacekeeping operations.

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

1 appropriate congressional committees of such deter-
2 mination and resulting waiver.

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

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

23 (B) All personnel, regardless of category or
24 rank, serving in a peacekeeping operation have
25 been trained concerning the requirements of the

1 Code of Conduct and each has been given a per-
2 sonal copy of the Code, translated into the na-
3 tional language of such personnel.

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

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

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

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

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

24 (ii) designate a competent legal au-
25 thority, preferably a prosecutor with exper-

1 tise in the area of sexual exploitation and
2 abuse where appropriate, to participate in
3 any investigation into an allegation of mis-
4 conduct brought against an individual of
5 such Member State;

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

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

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

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

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

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