TO PROMOTE TRANSPARENCY, ACCOUNTABILITY, AND REFORM WITHIN THE UNITED NATIONS SYSTEM, AND FOR OTHER PURPOSES

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

ON

H.R. 2829

OCTOBER 13, 2011

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TO PROMOTE TRANSPARENCY, ACCOUNTABILITY, AND REFORM WITHIN THE UNITED NATIONS SYSTEM, AND FOR OTHER PURPOSES

THURSDAY, OCTOBER 13, 2011

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 2:29 p.m. in room 2172, Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chairman of the committee) presiding.

Chairman ROS-LEHTINEN. The committee will come to order.

Before moving to today's business I would like to begin by offering the committee's condolences to the families of the three U.N. peacekeepers who were killed patrolling a refugee camp in northern Darfur on Monday. These individuals gave their lives in the pursuit of peace, and it is appropriate to honor their memory by working to strengthen the institution in which they served.

Now, pursuant to notice, the committee meets today to mark up H.R. 2829—my age and Howard Berman's age, right? I am 28 and you are 29, more or less—the United Nations Transparency, Accountability, and Reform Act of 2011. Members may have 5 legislative days to submit for the record remarks on today's bill or amendment.

Without objection, the bill is considered as read and is open for amendment at any point.

[H.R. 2829 follows:]

I

112TH CONGRESS
1ST SESSION

H. R. 2829

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 30, 2011

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

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A BILL

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

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

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

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

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

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

TITLE I—FUNDING OF THE UNITED NATIONS

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

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

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

TITLE III—UNITED STATES POLICY AT THE UNITED NATIONS

Sec. 301. Annual publication.
Sec. 302. Annual financial disclosure.
Sec. 303. Policy with respect to expansion of the security council.
Sec. 304. Access to reports and audits.
Sec. 305. Waiver of immunity.
Sec. 306. Terrorism and the United Nations.
Sec. 307. Report on United Nations personnel.
Sec. 308. United Nations treaty bodies.
Sec. 309. Equality at the United Nations.
Sec. 310. Anti-Semitism and the United Nations.
Sec. 311. Regional group inclusion of Israel.

TITLE IV—STATUS OF PALESTINIAN ENTITIES AT THE UNITED NATIONS

Sec. 401. Findings.
Sec. 402. Statement of policy.

Sec. 403. Implementation.

TITLE V—UNITED NATIONS HUMAN RIGHTS COUNCIL

Sec. 501. Findings.
Sec. 502. Human rights council membership and funding.

TITLE VI—GOLDSTONE REPORT

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

TITLE VII—DURBAN PROCESS

Sec. 701. Findings.
Sec. 702. Sense of congress; statement of policy.
Sec. 703. Non-participation in the Durban process.
Sec. 704. Withholding of funds; refund of United States taxpayer dollars.

TITLE VIII—UNRWA

Sec. 801. Findings.
Sec. 802. United States contributions to UNRWA.
Sec. 803. Sense of Congress.

TITLE IX—INTERNATIONAL ATOMIC ENERGY AGENCY

Sec. 901. Technical cooperation program.
Sec. 902. United States policy at the IAEA.
Sec. 903. Sense of Congress regarding the nuclear security action plan of the IAEA.

TITLE X—PEACEKEEPING

Sec. 1001. Reform of United Nations peacekeeping operations.
Sec. 1002. Policy relating to reform of United Nations peacekeeping operations.
Sec. 1003. Certification.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

(2) GENERAL ASSEMBLY.—The term "General Assembly" means the General Assembly of the United Nations.

(3) MEMBER STATE.—The term "Member State" means a Member State of the United Nations. Such term is synonymous with the term "country".

(4) SECRETARY.—The term "Secretary" means the Secretary of State.

(5) SECRETARY GENERAL.—The term "Secretary General" means the Secretary General of the United Nations.

(6) SECURITY COUNCIL.—The term "Security Council" means the Security Council of the United Nations.

(7) UN.—The term "UN" means the United Nations.

(8) UNITED NATIONS ENTITY.—The term "United Nations Entity" means any United Nations agency, commission, conference, council, court, department, forum, fund, institute, office, organization, partnership, program, subsidiary body, tribunal, trust, university or academic body, related organization or subsidiary body, wherever located, that flies the United Nations flag or is authorized to use

the United Nations logo, including but not limited to those United Nations affiliated agencies and bodies identified as recipients of United States contributions under section 1225(b)(3)(E) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

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

(10) UNITED STATES CONTRIBUTION.—The term "United States Contribution" means an assessed or voluntary contribution, whether financial, in-kind, or otherwise, from the United States Federal Government to a United Nations Entity, including contributions passed through other entities for ultimate use by a United Nations Entity. United States Contributions include, but are not limited to, those contributions identified pursuant to section 1225(b)(3)(E) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

(11) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

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

TITLE I—FUNDING OF THE UNITED NATIONS

SEC. 101. FINDINGS.

The Congress makes the following findings:

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

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

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

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

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

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

(7) Because of their need to justify future contributions from donors, voluntarily funded organizations have more incentive to be responsive and efficient in their operations than organizations funded

by compulsory contributions that are not tied to performance.

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

(9) Article XVII of the Charter of the United Nations, which states that "[t]he expenses of the Organization shall be borne by the Members as apportioned by the General Assembly", leaves to the discretion of the General Assembly the basis of apportionment, which could be done on the basis of voluntary pledges by Member States.

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

(11) The United States, which contributes generously to international organizations whose activities it recognizes as credible, worthwhile, and efficient, contributes more than 22 percent of the budget of certain voluntarily funded United Nations Specialized Agencies.

SEC. 102. APPORTIONMENT OF THE UNITED NATIONS REGULAR BUDGET ON A VOLUNTARY BASIS.

(a) UNITED STATES POLICY.—(1) It is the policy of the United States to seek to shift the funding mechanism for the regular budget of the United Nations from an assessed to a voluntary basis.

(2) The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to shift the funding mechanism for the regular budget of the United Nations to a voluntary basis, and to make it a priority to build support for such a transformational change among Member States, particularly key United Nations donors.

(b) CERTIFICATION OF PREDOMINANTLY VOLUNTARY UN REGULAR BUDGET FINDING.—A certification described in this section is a certification by the Secretary of State to the Appropriate Congressional Committees that at least 80 percent of the total regular budget

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

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

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

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

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

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

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

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

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

SEC. 104. REPORT ON UNITED NATIONS REFORM.

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

(b) CONTENTS.—The report required under subsection (a) shall describe—

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

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

(3) the status of the implementation of management reforms within the United Nations and its specialized agencies;

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

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

1 and its specific recommendations on oversight and
2 committee outputs, consistent with the March 2005
3 report of the Secretary General entitled "In larger
4 freedom: towards development, security and human
5 rights for all";
6 (6) the status of the review by the General As-
7 sembly of all mandates older than 5 years and how
8 resources have been redirected to new challenges,
9 consistent with such March 2005 report of the Sec-
10 retary General;
11 (7) the continued utility and relevance of the
12 Economic and Financial Committee and the Social,
13 Humanitarian, and Cultural Committee, in light of
14 the duplicative agendas of those committees and the
15 Economic and Social Council; and
16 (8) whether the United Nations or any of its
17 specialized agencies has contracted with any party
18 included on the Lists of Parties Excluded from Fed-
19 eral Procurement and Nonprocurement Programs.

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

SEC. 201. FINDINGS.

The Congress makes the following findings:

(1) As underscored by continuing revelations of waste, fraud, and abuse, oversight and accountability mechanisms within the United Nations system remain significantly deficient, despite decades of reform attempts, including those initiated by Secretaries General of the United Nations.

(2) Notwithstanding the personal intentions of any Secretary General of the United Nations to promote institutional transparency and accountability within the United Nations System, the Secretary General lacks the power to impose far reaching management reforms without the concurrence of the General Assembly.

(3) Groupings of Member States whose voting power in the General Assembly significantly outpaces their proportional contributions to the United Nations system have repeatedly and successfully defeated, delayed, and diluted various reform proposals

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

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

SEC. 202. DEFINITIONS.

In this title:

(1) TRANSPARENCY CERTIFICATION.—The term "Transparency Certification" means an annual, written affirmation by the head or authorized designee of a United Nations Entity to the Comptroller General of the United States that the Entity will cooperate with the Comptroller General and the Congress, including by providing the Comptroller General, the Government Accountability Office, and the Congress, upon request, with full, complete, and unfettered access to Oversight Information as defined in this title.

(2) OVERSIGHT INFORMATION.—The term "Oversight Information" includes—

1 (A) internally and externally commissioned
2 audits, investigatory reports, program reviews,
3 performance reports, and evaluations;
4 (B) financial statements, records, and bill-
5 ing systems;
6 (C) program budgets and program budget
7 implications, including revised estimates and re-
8 ports produced by or provided to the Secretary
9 General and the Secretary General's agents on
10 budget related matters;
11 (D) operational plans, budgets, and budg-
12 etary analyses for peacekeeping operations;
13 (E) analyses and reports regarding the
14 scale of assessments;
15 (F) databases and other data systems con-
16 taining financial or programmatic information;
17 (G) documents or other records alleging or
18 involving improper use of resources, mis-
19 conduct, mismanagement, or other violations of
20 rules and regulations applicable to the United
21 Nations Entity; and
22 (H) other documentation relevant to the
23 audit and investigative work of the Comptroller
24 General of the United States with respect to

1 United States contributions to the United Na-
2 tions system.
3 (3) ACCOUNTABILITY CERTIFICATION.—The
4 term "Accountability Certification" means an an-
5 nual, written affirmation by the head or authorized
6 designee of a United Nations Entity to the Comp-
7 troller General of the United States that the Enti-
8 ty—
9 (A) provides the public with full, complete,
10 and unfettered access to all relevant docu-
11 mentation relating to operations and activities,
12 including budget and procurement activities;
13 (B) implements and upholds policies and
14 procedures to protect whistleblowers;
15 (C) implements and upholds policies and
16 procedures to require the filing of individual an-
17 nual financial disclosure forms by each of its
18 employees at the P–5 level and above and to re-
19 quire that such forms be made available to the
20 Office of Internal Oversight Services, to Mem-
21 ber States, and to the public;
22 (D) has established an effective ethics of-
23 fice;

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

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

(G) has established a cap on its administrative overhead costs.

SEC. 203. INDEPENDENT AND OBJECTIVE CONDUCT OF AUDITS AND INVESTIGATIONS RELATING TO UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS SYSTEM.

(a) PURPOSE.—The purpose of this section is to make possible the independent and objective conduct of audits and investigations relating to United States Contributions to the United Nations System and the use of those contributions by United Nations Entities, in an effort to eliminate and deter waste, fraud, and abuse in the use of those contributions, and thereby to contribute to the development of greater transparency, accountability, and internal controls throughout the United Nations System.

(b) THE COMPTROLLER GENERAL.—

1 (1) DUTIES.—(A) The Comptroller General of
2 the United States shall conduct, supervise, and co-
3 ordinate audits and investigations of—
4 (i) the treatment, handling, expenditure,
5 and use of United States Contributions by and
6 to United Nations Entities; and
7 (ii) the adequacy of accounting, oversight,
8 and internal control mechanisms at United Na-
9 tions Entities that receive United States Con-
10 tributions.
11 (B) The Comptroller General shall collect and
12 maintain current records regarding Transparency
13 Certifications and Accountability Certifications by
14 all United Nations Entities that receive United
15 States Contributions.
16 (C) The Comptroller General shall keep the Ap-
17 propriate Congressional Committees fully and
18 promptly informed of how United Nations Entities
19 are spending United States Contributions by means
20 of reports, testimony, and briefings.
21 (2) REFERRALS.—(A) The Comptroller General
22 shall promptly report to the United States Attorney
23 General and to the Appropriate Congressional Com-
24 mittees when the Comptroller General has reason-
25 able grounds to believe a United States Federal

criminal law has been violated by a United Nations Entity or one of its employees, contractors, or representatives.

(B) The Comptroller General shall promptly report, when appropriate, to the Appropriate Congressional Committees, and to the Secretary General or to the head of the appropriate United Nations Entity, cases where the Comptroller General reasonably believes that mismanagement, misfeasance, or malfeasance is likely to have taken place within a United Nations Entity and disciplinary proceedings are likely justified.

(3) COOPERATION BY UNITED STATES GOVERNMENT ENTITIES.—(A) In carrying out the duties, responsibilities, and authorities of the Comptroller General under this section, the Comptroller shall receive the cooperation of other Federal Government agencies.

(B) Upon request of the Comptroller General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Comptroller General, or an authorized designee.

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

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

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

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

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

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

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

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

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

(A) PROMPT NOTICE BY COMPTROLLER GENERAL.—Whenever a United Nations Entity that has provided an Accountability Certification is, in the opinion of the Comptroller General, not in full compliance with any or all of the provisions of that certification, the Comptroller General shall notify the Appropriate Congressional Committees, the head of that particular United Nations Entity, and the Secretary General of the circumstances in writing, without delay.

(B) NOTICE OF COMPLIANCE.—If and when the United Nations Entity resumes full compliance with its Accountability Certification following the provision of the notification pursuant to subparagraph (A), the Comptroller General shall so notify in writing the Appropriate Congressional Committees and the head of that United Nations Entity.

(C) NONCOMPLIANCE.—If the United Nations Entity named in the notification in sub-

1 paragraph (A) does not resume full compliance
2 with its Accountability Certification to the sat-
3 isfaction of the Comptroller General within 90
4 days of that notification, then the United Na-
5 tions Entity that is the subject of the notifica-
6 tion is deemed to be noncompliant with its Ac-
7 countability Certification, and the Comptroller
8 General shall provide prompt, written notifica-
9 tion of that fact to the Appropriate Congres-
10 sional Committees, the head of that United Na-
11 tions Entity, the Secretary General, and any of-
12 fice or agency of the Federal Government that
13 has provided that United Nations Entity with
14 any United States Contribution during the
15 prior 2 years.
16 (D) RESTORATION OF COMPLIANCE.—
17 After the situation has been resolved to the sat-
18 isfaction of the Comptroller General, the Comp-
19 troller General shall promptly provide prompt,
20 written notification of that fact and of the res-
21 toration of compliance, along with a description
22 of the basis for the Comptroller General's deci-
23 sion, to the Appropriate Congressional Commit-
24 tees, the head of that United Nations Entity,
25 the Secretary General, and any office or agency

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

(6) REPORTS.—

(A) AUDIT AND INVESTIGATION REPORTS.—Promptly upon completion, the Comptroller General shall provide copies of each audit and investigation report completed pursuant to paragraph (1) to the Appropriate Congressional Committees, and, to the extent permissible under United States law, the head of each United Nations Entity that is the subject of that particular report.

(B) SEMIANNUAL REPORTS.—Not later than May 30, 2010, and semiannually thereafter, the Comptroller General shall submit to the Appropriate Congressional Committees a report that, among other things, includes a list of and detailed description of the circumstances surrounding any notification of noncompliance issued pursuant to paragraph (4)(C) or paragraph (5)(C) during the covered timeframe, and whether and when the Comptroller General has reversed such finding of noncompliance.

(C) PROHIBITED DISCLOSURES.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(i) specifically prohibited from disclosure by any other provision of law;

(ii) specifically required by Executive Order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(iii) a part of an ongoing criminal investigation.

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

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

(ii) accuses a particular person of a crime;

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

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

(E) PUBLICATION.—Subject only to the exceptions detailed in subparagraphs (C) and (D), the Comptroller General shall promptly publish each report under this subsection on the Web site of the Government Accountability Office.

SEC. 204. TRANSPARENCY FOR UNITED STATES CONTRIBUTIONS.

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

(1) the intended United Nations Entity recipient has not provided to the Comptroller General within the preceding year a Transparency Certification as defined in section 202(1);

(2) the intended United Nations Entity recipient is noncompliant with its Transparency Certification as described in section 203(b)(4)(C);

1 (3) the intended United Nations Entity recipi-
2 ent has not provided to the Comptroller General
3 within the preceding year an Accountability Certifi-
4 cation as defined in section 202(3); or
5 (4) the intended United Nations Entity is non-
6 compliant with its Accountability Certification as de-
7 scribed in section 203(b)(5)(C).
8 (b) TREATMENT OF FUNDS WITHHELD FOR NON-
9 COMPLIANCE.—At the conclusion of each fiscal year, any
10 funds that had been appropriated for use as a United
11 States Contribution to a United Nations Entity during
12 that fiscal year, but could not be obligated or expended
13 because of the restrictions of subsection (a), shall be re-
14 turned to the United States Treasury, and are not subject
15 to reprogramming for any other use. Any such funds re-
16 turned to the Treasury shall not be considered arrears to
17 be repaid to any United Nations Entity.
18 (c) PRESIDENTIAL WAIVER.—The President may
19 waive the limitations of this subsection with respect to a
20 particular United States Contribution to a particular
21 United Nations Entity within a single fiscal year if the
22 President determines that failure to do so would pose an
23 extraordinary threat to the national security of the United
24 States and provides notification and explanation of that

1 determination to the Appropriate Congressional Commit-
2 tees.

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

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

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

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

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

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

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

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

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

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

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

1 United States apparently overpaying into the TEF
2 by $52.2 million in the 2008–2009 timeframe alone.
3 (4) According to the United Nations Financial
4 Report and Audited Financial Statements released
5 on July 29, 2010, "As of 31 December 2009, an
6 amount of $179.0 million was payable to the United
7 States of America pending instructions as to its dis-
8 position.".
9 (5) That balance was allowed to accrue notwith-
10 standing United Nations Financial Regulation 4.12,
11 which states that any such surpluses "shall be cred-
12 ited against the assessed contributions due from that
13 Member State the following year.".
14 (6) Allowing the United Nations to regularly
15 overcharge the United States and to retain those
16 overpayments, or to spend them on wholly unrelated
17 activities, is a disservice to American taxpayers and
18 a subversion of the Congressional budget process.
19 (b) STATEMENT OF POLICY.—It is the policy of the
20 United States—
21 (1) to annually instruct the United Nations to
22 return to the United States any surplus assessed
23 contributions or other overpayments by the United
24 States to any United Nations Entity; and

(2) to use the voice and vote of the United States to press the United Nations to reform its TEF assessment procedures to reduce the repeated discrepancies between TEF income and expenditures.

(c) CERTIFICATION AND WITHHOLDING.—For each and every fiscal year subsequent to the effective date of this Act, until the Secretary of State submits to the appropriate congressional committees a certification that the United Nations has returned to the United States any surplus assessed contributions or other overpayments by the United States to any United Nations Entity, the Secretary of State shall withhold from the regular budget of the United Nations an amount equal to the amount of the funds that the United Nations has yet to return to the United States.

SEC. 207. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report listing all assessed and voluntary contributions of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) CONTENTS.—Each report required under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

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

(D) the purpose of such contribution; and

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

TITLE III—UNITED STATES POLICY AT THE UNITED NATIONS

SEC. 301. ANNUAL PUBLICATION.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to ensure the United Nations publishes annually, including on a publicly searchable internet Web site, a list of all United Nations subsidiary bodies and their functions, budgets, staff, and contributions, both voluntary and assessed, sorted by donor.

SEC. 302. ANNUAL FINANCIAL DISCLOSURE.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to implement a system for the required filing of individual annual financial disclosure forms by each employee of the United Nations and its specialized agencies, programs, and funds at the P–5 level and above, which shall be made available to the Office of Internal Oversight Services, to Member States, and to the public.

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

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

1 tions to oppose any proposals on expansion of the Security
2 Council if such expansion would—
3 (1) diminish the influence of the United States
4 on the Security Council; or
5 (2) include veto rights for any new members of
6 the Security Council.

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

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

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

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

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

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

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

11 (1) a definition of terrorism that—

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

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

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

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

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

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of the enactment of this Act, the Secretary of State
9 shall submit to the appropriate congressional committees
10 a report—
11 (1) concerning the progress of the General As-
12 sembly to modernize human resource practices, con-
13 sistent with the March 2005 report of the Secretary
14 General entitled "In larger freedom: towards devel-
15 opment, security and human rights for all"; and
16 (2) containing the information described in sub-
17 section (b).
18 (b) CONTENTS.—The report shall include—
19 (1) a comprehensive evaluation of human re-
20 sources reforms at the United Nations, including an
21 evaluation of—
22 (A) tenure;
23 (B) performance reviews;
24 (C) the promotion system;

1 (D) a merit-based hiring system and en-
2 hanced regulations concerning termination of
3 employment of employees; and
4 (E) the implementation of a code of con-
5 duct and ethics training;
6 (2) the implementation of a system of proce-
7 dures for filing complaints and protective measures
8 for work-place harassment, including sexual harass-
9 ment;
10 (3) policy recommendations relating to the es-
11 tablishment of a rotation requirement for non-
12 administrative positions;
13 (4) policy recommendations relating to the es-
14 tablishment of a prohibition preventing personnel
15 and officials assigned to the mission of a member
16 state to the United Nations from transferring to a
17 position within the United Nations Secretariat that
18 is compensated at the P–5 level and above;
19 (5) policy recommendations relating to a reduc-
20 tion in travel allowances and attendant oversight
21 with respect to accommodations and airline flights;
22 and
23 (6) an evaluation of the recommendations of the
24 Secretary General relating to greater flexibility for

the Secretary General in staffing decisions to accommodate changing priorities.

SEC. 308. UNITED NATIONS TREATY BODIES.

The United States shall withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended with respect to a United Nations human rights treaty monitoring body or committee that was established by—

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

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

SEC. 309. EQUALITY AT THE UNITED NATIONS.

(a) DEPARTMENT OF STATE REVIEW AND REPORT.—

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

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

1 (B) submit to the appropriate congres-
2 sional committees a report containing audit
3 findings and conclusions, and recommendations
4 for the elimination of such duplicative entities
5 and efforts.
6 (2) ENTITIES.—The entities referred to in
7 paragraph (1)(A) are the following:
8 (A) The United Nations Division for Pales-
9 tinian Rights.
10 (B) The Committee on the Exercise of the
11 Inalienable Rights of the Palestinian People.
12 (C) The United Nations Special Coordi-
13 nator for the Middle East Peace Process and
14 Personal Representative to the Palestine Lib-
15 eration Organization and the Palestinian Au-
16 thority.
17 (D) The NGO Network on the Question of
18 Palestine.
19 (E) The Special Committee to Investigate
20 Israeli Practices Affecting the Human Rights of
21 the Palestinian People and Other Arabs of the
22 Occupied Territories.
23 (F) Any other entity the Secretary deter-
24 mines results in duplicative efforts or funding

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

(b) IMPLEMENTATION BY PERMANENT REPRESENTATIVE.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations contained in the report required under subsection (a)(1)(B).

(2) WITHHOLDING OF FUNDS.—Until such recommendations have been implemented, the United States shall withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended for such entities.

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

(1) the status of the implementation of the recommendations contained in the report required under subsection (a)(1)(B); and

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

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

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

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

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

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

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

1 ized agencies, programs, and funds, or Member
2 States, that make such anti-Semitic statements
3 or references in any forum of the United Na-
4 tions or of its specialized agencies;
5 (D) continues to develop and implements
6 education awareness programs about the Holo-
7 caust and anti-Semitism throughout the world,
8 as part of an effort to combat intolerance and
9 hatred; and
10 (E) requires the Office of the United Na-
11 tions High Commissioner for Human Rights
12 (OHCHR) to develop programming and other
13 measures that address anti-Semitism;
14 (2) secure the adoption of a resolution by the
15 General Assembly that establishes the mechanisms
16 described in paragraph (1)(C); and
17 (3) continue working toward further reduction
18 of anti-Semitic language and anti-Israel resolutions
19 in the United Nations and its specialized agencies,
20 programs, and funds.
21 **SEC. 311. REGIONAL GROUP INCLUSION OF ISRAEL.**
22 The President shall direct the United States Perma-
23 nent Representative to the United Nations to use the
24 voice, vote, and influence of the United States at the
25 United Nations to expand the Western European and Oth-

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

TITLE IV—STATUS OF PALESTINIAN ENTITIES AT THE UNITED NATIONS

SEC. 401. FINDINGS.

The Congress makes the following findings:

(1) In 1989, the Palestine Liberation Organization (PLO) launched an effort to evade direct negotiations for peace with the State of Israel by instead pursuing Palestinian membership in international organizations, which could imply de facto recognition of a Palestinian state by the United Nations.

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

(3) The United States success in this case demonstrates that withholding contributions and placing

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

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

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

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

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

1 (B) "supports the Administration's opposi-
2 tion to a unilateral declaration of a Palestinian
3 state"; and
4 (C) "calls upon the Administration to . . .
5 lead a diplomatic effort to persuade other na-
6 tions to oppose a unilateral declaration of a
7 Palestinian state and to oppose recognition of a
8 Palestinian state by other nations, within the
9 United Nations, and in other international fo-
10 rums prior to achievement of a final agreement
11 between Israel and the Palestinians.".
12 (7) Ambassador Rosemary DiCarlo, United
13 States Deputy Permanent Representative to the
14 United Nations, stated on July 26, 2011, "Let there
15 be no doubt: symbolic actions to isolate Israel at the
16 United Nations in September will not create an
17 independent Palestinian state . . . The United
18 States will not support unilateral campaigns at the
19 United Nations in September or any other time.".
20 **SEC. 402. STATEMENT OF POLICY.**
21 It is the policy of the United States to oppose the
22 recognition of a Palestinian state by any United Nations
23 Entity, or any upgrade, including but not limited to full
24 membership or non-member-state observer status, in the
25 status of the Palestinian observer mission at the United

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

7 **SEC. 403. IMPLEMENTATION.**

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

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

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

TITLE V—UNITED NATIONS HUMAN RIGHTS COUNCIL

SEC. 501. FINDINGS.

The Congress makes the following findings:

(1) Since its establishment in 2006, the United Nations Human Rights Council has failed to meaningfully promote the protection of internationally recognized human rights, and has proven to be even more problematic than the United Nations Human Rights Commission that it was created to replace.

(2) The United Nations Human Rights Council suffers from fundamental and severe structural flaws present since its establishment by the United Nations General Assembly, such as the fact that it draws its members from the General Assembly without any substantive membership criteria, with the perverse result that a number of the world's worst human rights abusers are members of the council.

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

House. Only a minority of members were rated "Free".

(4) The structure and composition of the United Nations Human Rights Council have made it subject to gross political manipulation, with the result that, during its almost five years of operation, the Council has passed over 40 resolutions censuring the democratic, Jewish State of Israel, as compared to only a handful censuring the dictatorships in Burma and North Korea, just one addressing the severe, ongoing human rights abuses in Libya, Iran, Syria, and Belarus, and none addressing the severe, ongoing human rights abuses in China, Cuba, Russia, Zimbabwe, Venezuela, and elsewhere.

(5) The United Nations Human Rights Council's agenda contains a permanent item for criticism of the democratic, Jewish State of Israel, but no permanent items criticizing any other state.

(6) The United Nations Human Rights Council has established, or preserved the existence of, a number of "Special Procedures" mechanisms to address country-specific situations or thematic issues. These mechanisms include a number of "special rapporteurs" whose expenses and staff support are paid for by contributions to the United Nations.

1 (7) The United Nations Human Rights Council
2 has also established an "Advisory Committee" whose
3 expenses and staff support are paid for by contribu-
4 tions to the United Nations.
5 (8) Some of these special rapporteurs and mem-
6 bers of the Advisory Committee have displayed con-
7 sistent bias against the United States, Israel, and
8 the Jewish people, while providing support to human
9 rights abusers.
10 (9) Richard Falk, the United Nations "Special
11 Rapporteur on the situation of human rights in Pal-
12 estinian territories occupied since 1967", has com-
13 pared Israel's treatment of the Palestinians to the
14 Holocaust, questioned the veracity of the events of
15 September 11, 2001, and posted a cartoon on his
16 blog depicting Americans and Jews as bloodthirsty
17 dogs.
18 (10) Jean Ziegler, a member of the United Na-
19 tions Human Rights Council Advisory Committee
20 and former United Nations "Special Rapporteur on
21 the Right to Food", has accused former President
22 George W. Bush and former Israeli Prime Minister
23 Ariel Sharon of committing "state terrorism", has
24 called for an investigation of Israel by the Inter-
25 national Criminal Court for "war crimes" following

1 Israel's war against Hezbollah in 2006, has visited
2 Cuba and praised the Cuban regime's provision of
3 food to the Cuban people, and has stated that
4 Zimbabwean dictator Robert Mugabe "has history
5 and morality with him". Ziegler was also involved in
6 the establishment of the "Al-Gaddafi International
7 Prize for Human Rights", a prize established by,
8 funded by, and named after Libyan dictator Muam-
9 mar al-Gaddafi, and awarded in the past to Fidel
10 Castro, Hugo Chavez, Louis Farrakhan, and Roger
11 Garaudy, who has denied the Holocaust, questioned
12 the veracity of the events of September 11, 2001,
13 and supported Iranian leader Mahmoud
14 Ahmadinejad's call for Israel to be "wiped off the
15 map".
16 (11) Miguel D'Escoto Brockmann, a member of
17 the United Nations Human Rights Council Advisory
18 Committee who has previously served as President of
19 the United Nations General Assembly and as foreign
20 minister for the Sandinista regime in Nicaragua, has
21 implicitly accused the United States of "terrorism",
22 has called former President Ronald Reagan a
23 "butcher", has called for a international boycott of
24 Israel, has stated that the Palestinians were being
25 "crucified" by Israel, has called Israel's defensive

1 Operation Cast Lead in the Gaza Strip a "mon-
2 strosity" and "genocide", has urged the United Na-
3 tions to use the term "apartheid" in discussing
4 Israeli treatment of Palestinians, has embraced Ira-
5 nian leader Mahmoud Ahmadinejad after
6 Ahmadinejad delivered an anti-American, anti-Israel
7 address to the United Nations General Assembly,
8 has stated that charges of genocide against Suda-
9 nese dictator Omar Hassan al Bashir are "racist",
10 and has declared Fidel Castro "World Hero of Soli-
11 darity", stating that Castro "embod[ied] virtues and
12 values worth emulation by all of us".
13 (12) Halima Warzazi, a member of the United
14 Nations Human Rights Council Advisory Committee,
15 has compared Israel to Nazi Germany, and used her
16 previous membership in a United Nations apparatus
17 to shield Saddam Hussein from censure for gassing
18 Iraqi Kurds in Halabja.
19 (13) The ongoing five-year review of the United
20 Nations Human Rights Council concluded on June
21 17, 2011, and failed make any significant reforms to
22 its fundamental and severe structural flaws, includ-
23 ing its absence of substantive membership criteria,
24 or to remove the permanent agenda item on Israel.

1 (14) On June 17, 2011, John F, Sammis,
2 United States Deputy Representative to the Eco-
3 nomic and Social Council, stated that "The Geneva
4 process [of the five-year review] failed to yield even
5 minimally positive results, forcing us to dissociate
6 from the outcome . . . the final resolution [for the
7 five-year review] also fails to address the core prob-
8 lems that still plague the Human Rights Council
9 . . . The United States has therefore voted 'no' on
10 the resolution . . . the Council's effectiveness and
11 legitimacy will always be compromised so long as
12 one country in all the world is unfairly and uniquely
13 singled out while others, including chronic human
14 rights abusers, escape scrutiny . . . The resolution
15 before us today does nothing to address the Coun-
16 cil's failures nor move it any closer to the founding
17 values of the UN Charter and the Universal Dec-
18 laration of Human Rights.".
19 (15) U.S. membership in the Human Rights
20 Council has not led to reform of its fundamental
21 flaws diminished the Council's virulently anti-Israel
22 behavior. The Council has passed fourteen resolu-
23 tions criticizing Israel since the U.S. joined in 2009.

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

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

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

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

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

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

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

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

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

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

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

(A) subject to sanctions by the Security Council;

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

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

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

1 freedom under section 402(b) of the Inter-
2 national Religious Freedom Act of 1998; and
3 (3) the United Nations Human Rights Coun-
4 cil's agenda or programme of work does not include
5 a permanent item with regard to the State of Israel.
6 (c) SPECIAL PROCEDURES.—The Secretary of State
7 shall withhold from a United States contribution each year
8 to a regular budget of the United Nations an amount that
9 is equal to the percentage of such contribution that the
10 Secretary determines would be allocated by the United
11 Nations to support the United Nations "Special
12 Rapporteur on the situation of human rights in Pales-
13 tinian territories occupied since 1967", and any other
14 United Nations Human Rights Council "Special Proce-
15 dures" used to display bias against the United States or
16 the State of Israel or to provide support for the govern-
17 ment of any United Nations Member State—
18 (1) subject to sanctions by the Security Council;
19 (2) under a Security Council-mandated inves-
20 tigation for human rights abuses;
21 (3) which the Secretary of State has deter-
22 mined, for purposes of section 6(j) of the Export Ad-
23 ministration Act of 1979 (as continued in effect pur-
24 suant to the International Emergency Economic
25 Powers Act), section 40 of the Arms Export Control

1 Act, section 620A of the Foreign Assistance Act of
2 1961, or other provision of law, is a government that
3 has repeatedly provided support for acts of inter-
4 national terrorism; or
5 (4) which the President has designated as a
6 country of particular concern for religious freedom
7 under section 402(b) of the International Religious
8 Freedom Act of 1998.
9 (d) REVERSION OF FUNDS.—Funds appropriated for
10 use as a United States contribution to the United Nations
11 but withheld from obligation and expenditure pursuant to
12 this section shall immediately revert to the United States
13 Treasury and shall not be considered arrears to be repaid
14 to any United Nations Entity.

15 TITLE VI—GOLDSTONE REPORT

16 **SEC. 601. FINDINGS.**

17 Congress finds the following:
18 (1) On January 12, 2009, the United Nations
19 Human Rights Council passed Resolution A/HRC/S–
20 9/L.1, which authorized a "fact-finding mission" re-
21 garding Israel's conduct of Operation Cast Lead
22 against violent militants in the Gaza Strip between
23 December 27, 2008, and January 18, 2009.
24 (2) The resolution pre-judged the outcome of its
25 investigation by one-sidedly mandating the "fact-

finding mission" to "investigate all violations of international human rights law and International Humanitarian Law by . . . Israel, against the Palestinian people . . . particularly in the occupied Gaza Strip, due to the current aggression".

(3) The mandate of the "fact-finding mission" makes no mention of the relentless rocket and mortar attacks, which numbered in the thousands and spanned a period of eight years, by Hamas and other violent militant groups in Gaza against civilian targets in Israel, that necessitated Israel's defensive measures.

(4) The "fact-finding mission" included a member who, before joining the mission, had already declared Israel guilty of committing atrocities in Operation Cast Lead by signing a public letter on January 11, 2009, published in the Sunday Times, that called Israel's actions "war crimes".

(5) The mission's flawed and biased mandate gave serious concern to many United Nations Human Rights Council Member States which refused to support it, including Bosnia and Herzegovina, Cameroon, Canada, France, Germany, Italy, Japan, the Netherlands, the Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, and

1 the United Kingdom of Great Britain and Northern
2 Ireland.
3 (6) The mission's flawed and biased mandate
4 was never broadened or revised by any plenary meet-
5 ing of the United Nations Human Rights Council,
6 and troubled many distinguished individuals who re-
7 fused invitations to head the mission.
8 (7) On September 15, 2009, the "United Na-
9 tions Fact Finding Mission on the Gaza Conflict"
10 released its report, which is commonly referred to as
11 the "Goldstone Report".
12 (8) The Goldstone Report repeatedly made
13 sweeping and unsubstantiated determinations that
14 the Israeli military had deliberately attacked civil-
15 ians during Operation Cast Lead.
16 (9) The authors of the Goldstone Report admit
17 that we did not deal with the issues . . . "regarding
18 the problems of conducting military operations in ci-
19 vilian areas and second-guessing decisions made by
20 soldiers and their commanding officers in the fog of
21 war".
22 (10) In the October 16, 2009 edition of the
23 Jewish Daily Forward, Richard Goldstone, the head
24 of the "United Nations Fact Finding Mission on the
25 Gaza Conflict", is quoted as saying, with respect to

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

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

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

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

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

(15) In one notable instance, the Goldstone Report stated that it did not consider the admission of a Hamas official that Hamas often "created a human shield of women, children, the elderly and the mujahideen, against [the Israeli military]" specifically to "constitute evidence that Hamas forced Palestinian civilians to shield military objectives against attack".

(16) Hamas was able to significantly shape the findings of the investigation mission's Goldstone Report by selecting and prescreening some of the witnesses and intimidating others, as the Goldstone Report acknowledges when it notes that "those interviewed in Gaza appeared reluctant to speak about the presence of or conduct of hostilities by the Palestinian armed groups . . . from a fear of reprisals".

(17) Even though Israel is a vibrant democracy with a vigorous and free press, the Goldstone Report erroneously asserts that "actions of the Israeli government . . . have contributed significantly to a political climate in which dissent with the government and its actions . . . is not tolerated".

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

1 implementation, and refer the report to the United
2 Nations Security Council, the Prosecutor of the
3 International Criminal Court, and the United Na-
4 tions General Assembly for further action.
5 (19) The Goldstone Report recommended that
6 the United Nations Security Council—
7 (A) require the Government of Israel to
8 launch further investigations of its conduct dur-
9 ing Operation Cast Lead and report back to the
10 Security Council within six months;
11 (B) simultaneously appoint an "inde-
12 pendent committee of experts" to monitor and
13 report on any domestic legal or other pro-
14 ceedings undertaken by the Government of
15 Israel within that 6-month period; and
16 (C) refer the case to the Prosecutor of the
17 International Criminal Court after that 6-
18 month period.
19 (20) The Goldstone Report recommended that
20 the United Nations General Assembly consider fur-
21 ther action on the report and establish an escrow
22 fund, to be funded entirely by the State of Israel, to
23 "pay adequate compensation to Palestinians who
24 have suffered loss and damage" during Operation
25 Cast Lead.

1 (21) The Goldstone Report ignored the issue of
2 compensation to Israelis who have been killed or
3 wounded, or suffered other loss and damage, as a re-
4 sult of years of past and continuing rocket and mor-
5 tar attacks by Hamas and other violent militant
6 groups in Gaza against civilian targets in southern
7 Israel.
8 (22) The Goldstone Report recommended "that
9 States Parties to the Geneva Conventions of 1949
10 start criminal investigations [of Operation Cast
11 Lead] in national courts, using universal jurisdic-
12 tion" and that "following investigation, alleged per-
13 petrators should be arrested and prosecuted".
14 (23) The concept of "universal jurisdiction" has
15 frequently been used in attempts to detain, charge,
16 and prosecute Israeli and United States officials and
17 former officials in connection with unfounded allega-
18 tions of war crimes and has often unfairly impeded
19 the travel of those individuals.
20 (24) On September 20, 2009, United Nations
21 High Commissioner for Human Rights Navanethem
22 Pillay wrote, "I lend my full support to Justice
23 Goldstone's report and its recommendations".
24 (25) The State of Israel, like many other free
25 democracies, has an independent judicial system

with a robust investigatory capacity and has already launched numerous investigations, many of which remain ongoing, of Operation Cast Lead and individual incidents therein.

(26) Several nations have indicated that they intend to further pursue consideration of the Goldstone Report and implementation of its recommendations by the United Nations Security Council, the United Nations General Assembly, the United Nations Human Rights Council, and other multilateral fora.

(27) On September 30, 2009, Secretary of State Hillary Clinton described the underlying mandate for the Goldstone Report as "one-sided".

(28) On September 17, 2009, Ambassador Susan Rice, United States Permanent Representative to the United Nations, expressed the United States' "very serious concern with the mandate" underlying the Goldstone Report and noted that the United States views the mandate "as unbalanced, one-sided and basically unacceptable".

(29) Israeli President Shimon Peres has called the Goldstone Report a "blood libel".

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

(31) The Goldstone Report is being exploited by Israel's enemies to excuse the actions of violent militant groups and their state sponsors, and to justify isolation of and punitive measures against the democratic, Jewish State of Israel.

(32) On November 3, 2009, the House of Representatives overwhelmingly adopted House Resolution 867, which stated that the House of Representatives:

(A) "considers the [Goldstone Report] to be irredeemably biased and unworthy of further consideration or legitimacy";

(B) "supports the Administration's efforts to combat anti-Israel bias at the United Nations, its characterization of the [Goldstone Report] as 'unbalanced, one-sided and basically unacceptable', and its opposition to the resolution on the report";

(C) "calls on the President and the Secretary of State to continue to strongly and unequivocally oppose any endorsement of the [Goldstone Report] in multilateral fora, includ-

ing through leading opposition to any United Nations General Assembly resolution and through vetoing, if necessary, any United Nations Security Council resolution that endorses the contents of this report, seeks to act upon the recommendations contained in this report, or calls on any other international body to take further action regarding this report";

(D) "calls on the President and the Secretary of State to strongly and unequivocally oppose any further consideration of the 'Report of the United Nations Fact Finding Mission on the Gaza Conflict' and any other measures stemming from this report in multilateral fora"; and

(E) "reaffirms its support for the democratic, Jewish State of Israel, for Israel's security and right to self-defense, and, specifically, for Israel's right to defend its citizens from violent militant groups and their state sponsors".

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

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

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

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

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

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

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

(E) recommended "that the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, undertake as soon as possible the steps necessary to reconvene a Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention" in the West Bank, the Gaza Strip, and "East Jerusalem".

(35) On February 26, 2010, the United Nations General Assembly voted 98–7 (with 31 Member States abstaining, and with the United States voting against) to adopt resolution A/RES/64/254, which built on the determinations of A/RES/64/10.

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

(A) called upon "all concerned parties, including United Nations bodies, to ensure their implementation of the recommendations contained in the [Goldstone Report]";

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

a "progress report on the implementation of the present resolution to the [Human Rights] Council at its fourteenth session" in May and June 2010; and

(C) decided to "follow up on the implementation of the present resolution at [the] fifteenth session" of the Human Rights Council in September 2010.

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

(A) called upon "all concerned parties, including United Nations bodies, to ensure the full and immediate implementation of the recommendations contained in the [Goldstone Report]";

(B) recommended that the United Nations General Assembly again consider the Goldstone Report at its sixty-sixth session, and urged the General Assembly to submit the report to the United Nations Security Council "for its consideration and appropriate action," including

1 referral to the prosecutor of the International
2 Criminal Court;
3 (C) requested that the United Nations
4 High Commissioner for Human Rights submit
5 a "progress report on the implementation of the
6 present resolution to the Human Rights Council
7 at its eighteenth session of September 2011";
8 and
9 (D) decided to "follow up on the imple-
10 mentation of the present resolution at [the]
11 nineteenth session [of the Human Rights Coun-
12 cil] of March 2012".
13 (38) On April 1, 2011, Richard Goldstone, the
14 head of the "United Nations Fact Finding Mission
15 on the Gaza Conflict" that authored the Goldstone
16 Report, wrote an op-ed in the Washington Post that
17 renounced the Goldstone Report's claim that the
18 Israeli military deliberately attacked civilians during
19 Operation Cast Lead. Goldstone wrote that the
20 Israeli military's investigations with respect to inci-
21 dents in Operation Cast Lead "indicate that civilians
22 were not intentionally targeted as a matter of pol-
23 icy".
24 (39) Efforts to delegitimize the democratic
25 State of Israel and deny it the right to defend its

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

SEC. 602. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) consider the Goldstone Report irredeemably biased and unworthy of further consideration or legitimacy;

(2) strongly and unequivocally oppose any consideration, legitimization, or endorsement of the Goldstone Report, or any other measures stemming from this report, in multilateral fora;

(3) lead a high-level diplomatic campaign in support of the revocation and repudiation, by the United Nations General Assembly, of the Goldstone Report and any United Nations resolutions stemming from the report, including:

(A) United Nations General Assembly resolutions A/RES/64/10 and A/RES/64/254; and

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

(4) lead a high-level diplomatic effort to encourage other responsible countries not to endorse, support, or legitimize the Goldstone Report or any other measures stemming from the report.

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

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

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

17 **TITLE VII—DURBAN PROCESS**

18 **SEC. 701. FINDINGS.**

19 The Congress makes the following findings:

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

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

1 worthy goals that they are ostensibly convened to
2 support.
3 (3) The goals of the 2001 United Nations
4 World Conference Against Racism—held in Durban,
5 South Africa, and commonly referred to as "Durban
6 I"—were undermined by hateful, anti-Jewish rhet-
7 oric, and anti-Israel political agendas, prompting
8 both Israel and the United States to withdraw their
9 delegations from the Conference.
10 (4) The official government declaration adopted
11 by Durban I, the "Durban Declaration and Program
12 of Action", focused on the "plight of the Palestinian
13 people under foreign occupation", and thereby sin-
14 gled out one regional conflict for discussion and im-
15 plicitly launched a false accusation against Israel of
16 intolerance towards the Palestinians.
17 (5) On September 3, 2001, Secretary of State
18 Colin Powell explained the withdrawal of the United
19 States delegation from Durban I by stating that
20 "you do not combat racism by conferences that
21 produce declarations containing hateful language,
22 some of which is a throwback to the 'days of Zion-
23 ism' equals racism; or supports the idea that we
24 have made too much of the Holocaust; or suggests
25 that apartheid exists in Israel; or that singles out

1 only one country in the world—Israel—for censure
2 and abuse".
3 (6) The late United States Representative Tom
4 Lantos, who participated as a member of the United
5 States delegation to the Durban Conference, sup-
6 ported that delegation's withdrawal and wrote in
7 2002 that the conference "provided the world with
8 a glimpse into the abyss of international hate, dis-
9 crimination and, indeed, racism".
10 (7) On December 19, 2006, the United Nations
11 General Assembly approved a resolution initiating
12 preparations for a Durban Review Conference (com-
13 monly referred to as "Durban II"), which was held
14 between April 20 and 24, 2009, in Geneva, Switzer-
15 land.
16 (8) The chair of the preparatory committee for
17 Durban II was Libya, and the co-chairs included
18 Iran and Cuba.
19 (9) Throughout the preparatory process for
20 Durban II, member states of the Organization of the
21 Islamic Conference urged that the conference again
22 focus criticism on Israel and single out the Israeli-
23 Palestinian conflict for discussion, and also urged
24 that the conference advocate global speech codes
25 that would impose restrictions contrary to funda-

1 mental freedoms recognized in the provisions of the
2 Universal Declaration of Human Rights.
3 (10) In testimony before the House of Rep-
4 resentatives on April 2, 2008, then-Assistant Sec-
5 retary of State for International Organizations
6 Kristen Silverberg stated that the United States had
7 decided against participating in preparatory activi-
8 ties for Durban II because "[there is] absolutely no
9 case to be made for participating in something that
10 is going to be a repeat of Durban I. We don't have
11 any confidence that this will be any better than Dur-
12 ban I".
13 (11) On September 23, 2008, the House of
14 Representatives passed House Resolution 1361,
15 which, among other things, called on the President
16 to "urge other heads of state to condition participa-
17 tion in the 2009 [Durban II] Conference on concrete
18 action by the United Nations and United Nations
19 Member States to ensure that it is not a forum to
20 demonize any group, or incite anti-Semitism, hatred,
21 or violence against members of any group or to call
22 into question the existence of any state" and urged
23 all United Nations Member States "not to support
24 a 2009 Durban Review Conference process that fails
25 to adhere to established human rights standards and

to reject an agenda that incites hatred against any group in the guise of criticism of a particular government or that seeks to forge a global blasphemy code".

(12) The present United Nations High Commissioner for Human Rights, Dr. Navanethem Pillay, who served as Secretary General of Durban II, has repeatedly sought to downplay the level of hateful, anti-Jewish rhetoric and anti-Israel political agendas present at Durban I, describing it as merely "the virulent anti-Semitic behavior of a few non-governmental organizations on the sidelines" and praising the biased 2001 Durban Declaration and Programme of Action as "[t]he legacy of this Conference", has repeatedly sought to downplay the level of hateful, anti-Jewish rhetoric and anti-Israel political agendas present at Durban II and its preparatory activities, and has repeatedly praised and urged the full implementation of the Durban Declaration and Programme of Action.

(13) High Commissioner Pillay has repeatedly and publicly criticized nations, including the United States, which announced that they would not participate in Durban II, but has almost never publicly criticized governments who succeeded in using the

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

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

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

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

is not salvageable . . . A conference based on this text would be a missed opportunity to speak clearly about the persistent problem of racism" and therefore, the United States would not participate in further consultations and negotiations regarding the "draft outcome document," and would not participate in Durban II itself unless the "draft outcome document" was radically shortened and revised to eliminate objectionable material.

(17) On April 17, 2009, the third and final session of the preparatory committee for Durban II proposed a final "draft outcome document" that contained a number of provisions advocating restrictions on freedom of expression, and that also implicitly singled out and criticized Israel for racism by reaffirming, in its very first paragraph, the 2001 Durban Declaration and Programme of Action.

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

1 with relatively new additions to the text regarding
2 'incitement', that run counter to the U.S. commit-
3 ment to unfettered free speech.".
4 (19) On April 19, 2009, the President stated at
5 a press conference that "I would love to be involved
6 in a useful conference that addressed continuing
7 issues of racism and discrimination around the globe
8 . . . we expressed in the run-up to this conference
9 our concerns that if you incorporated—if you adopt-
10 ed all the language from 2001, that's just not some-
11 thing we could sign up for . . . our participation
12 would have involved putting our imprimatur on
13 something that we just don't believe . . . Hopefully
14 . . . we can partner with other countries on to actu-
15 ally reduce discrimination around the globe. But this
16 wasn't an opportunity to do it.".
17 (20) Canada, Israel, Italy, Germany, the Neth-
18 erlands, Poland, Australia, and New Zealand also
19 did not participate in Durban II, and the Czech Re-
20 public walked out of the Conference during its pro-
21 ceedings, never to return.
22 (21) Libya was the chair of the Main Com-
23 mittee of Durban II, and vice presidents of Durban
24 II included Libya, Iran, and Cuba.

(22) Speaking at Durban II on April 20, 2009, Iranian leader Mahmoud Ahmadinejad called the democratic State of Israel "totally racist" and "the most cruel and repressive racist regime", and called for Israel's destruction, stating that "Efforts must be made to put an end to the abuse by Zionists . . . Governments must be encouraged and supported in their fights aimed at eradicating this barbaric racism".

(23) In his speech at Durban II, Ahmadinejad also propagated anti-Semitic conspiracy theories, saying that "Those who control huge economic resources and interests in the world . . . mobilize all the resources, including their economic and political influence and world media, to render support in vain to the Zionist regime".

(24) Disgusted by Ahmadinejad's biased and incendiary statements, delegates from about two dozen nations walked out of the assembly hall in protest, but most delegations remained, and a large number of delegations and observers repeatedly applauded Ahmadinejad's remarks.

(25) On April 21, 2009, governments participating in Durban II adopted by consensus an "outcome document" that contained a number of provi-

sions advocating restrictions on freedom of expression, and that also implicitly singled out and criticized Israel for racism by reaffirming, in its very first paragraph, the 2001 Durban Declaration and Program of Action.

(26) Throughout Durban II, many speakers singled out Israel for criticism or called for restrictions on fundamental freedoms, including representatives of Iran, Libya, Cuba, Sudan, Syria, Venezuela, Vietnam, Saudi Arabia, Pakistan, Indonesia, Qatar, Algeria, the United Arab Emirates, Kuwait, Egypt, Lebanon, Yemen, Bahrain, Tunisia, Bangladesh, Switzerland, the Organization of the Islamic Conference, the Arab League, the Palestine Liberation Organization, and a number of other organizations and countries.

(27) During Durban II, several speakers who sought to draw attention to genuine instances of racism, racial discrimination, xenophobia, related intolerance, and human rights violations by the governments of Iran, Libya, and China were repeatedly interrupted by the delegations from those governments and instructed by the conference's chair to not refer specifically to those governments.

(28) On December 18, 2009, the United Nations General Assembly approved Resolution A/RES/64/148, which urged the "full and effective implementation of the Durban Declaration and Programme of Action" and called for a "one-day plenary event to commemorate the ten-year anniversary [of Durban I] during the high-level segment of the General Assembly to be devoted to racism, racial discrimination, xenophobia, and related intolerance during its sixty-fifth session, in 2011". The United States, joined by 12 other nations, voted against this resolution.

(29) On December 24, 2010, the United Nations General Assembly adopted Resolution A/RES/65/240, authorizing the holding of a "one-day high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, at the level of Heads of State and Government, on the second day of the general debate of the sixty-sixth session" in September of 2011. The resolution also states that the meeting (commonly referred to as "Durban III") will adopt a "political declaration aimed at mobilizing political will at the national, regional, and international levels for the full and effec-

1 tive implementation of the Durban Declaration and
2 Programme of Action and its follow-up processes.".
3 The resolution also requests that the United Nations
4 Secretary General "establish a programme of out-
5 reach, with the involvement of Member States and
6 United Nations funds and programmes as well as
7 civil society, including non-governmental organiza-
8 tions, to appropriately commemorate the tenth anni-
9 versary of the adoption of the Durban Declaration
10 and Programme of Action." The resolution also re-
11 quests that "the Office of the United Nations High
12 Commissioner for Human Rights and the Depart-
13 ment of Public Information of the Secretariat . . .
14 launch a public information campaign for the com-
15 memoration of the tenth anniversary of the adoption
16 of the Durban Declaration and Programme of Ac-
17 tion". The United States, joined by 21 other na-
18 tions, voted against this resolution.
19 (30) The Government of Canada has announced
20 that it will not participate in the Durban III meet-
21 ing. Canadian Minister of Citizenship, Immigration,
22 and Multiculturalism Jason Kenney stated that
23 "Our government has lost faith in the entire tainted
24 Durban process. Canada will not participate in this
25 charade any longer. We will not lend our country's

1 good name to a commemoration of what has widely
2 been characterized as a hatefest . . . Canada is
3 clearly committed to the fight against racism, but
4 the Durban process commemorates an agenda that
5 actually promotes racism rather than combats it.".
6 (31) The Government of Israel has announced
7 that it will not participate in the Durban III meet-
8 ing, stating that "Israel is part of the international
9 struggle against racism. The Jewish people was
10 itself a victim of racism throughout history. Israel
11 regrets that a resolution on an important subject—
12 elimination of racism—has been diverted and politi-
13 cized by the automatic majority at the UN, by link-
14 ing it to the Durban Declaration and Programme of
15 Action (2001) that many states would prefer to for-
16 get. The Durban Conference of 2001, with its
17 antisemitic undertones and displays of hatred for
18 Israel and the Jewish World, left us with scars that
19 will not heal quickly . . . Under the present cir-
20 cumstances, as long as the [Durban III] meeting is
21 defined as part of the infamous 'Durban process',
22 Israel will not participate . . .".
23 (32) On June 2, 2011, the United States pub-
24 licly announced that it would not participate in the
25 Durban III meeting. U.S. State Department deputy

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

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

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

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

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

1 (37) Funding for Durban I, Durban II, and
2 their preparatory and follow-on activities through
3 the United Nations regular budget has resulted in
4 United States taxpayer dollars being used for those
5 purposes.
6 (38) The United States Congress, through its
7 adoption of the Consolidated Appropriations Act,
8 2008 (Public Law 110–161) withheld from the
9 United States assessed contribution for fiscal year
10 2008 to the United Nations regular budget an
11 amount equivalent to the United States share of the
12 United Nations Human Rights Council budget, in-
13 cluding its share of the Council-administered pre-
14 paratory process for Durban II.

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

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—
18 (1) the Durban I and Durban II conferences,
19 and their preparatory and follow-on activities, were
20 subverted by members of the Organization of the Is-
21 lamic Conference and irredeemably distorted into a
22 forum for anti-Israel, anti-Semitic, and anti-freedom
23 activity;
24 (2) by walking out of the Durban I conference,
25 not participating in the Durban II conference, and

1 announcing that it would not participate in the Dur-
2 ban III meeting, the United States Government
3 upheld and reaffirmed the fundamental commitment
4 of the United States to combating racism, racial dis-
5 crimination, xenophobia, and related intolerance;
6 (3) the Governments of Canada, Israel, Italy,
7 Germany, the Netherlands, Poland, Australia, New
8 Zealand, and the Czech Republic should be com-
9 mended for their decision to not participate or cease
10 participation in the Durban II conference.
11 (4) the Governments of Canada, Israel, the
12 Czech Republic, the Netherlands, Italy, and any
13 other government that decides not to participate in
14 the Durban III meeting, should be commended for
15 that decision; and
16 (5) the Administration should expeditiously and
17 unequivocally announce that it will not participate
18 in, support, or legitimize any part of the Durban
19 process.
20 (b) STATEMENT OF POLICY.—It shall be the policy
21 of the United States to—
22 (1) lead a high-level diplomatic effort to encour-
23 age other responsible countries—
24 (A) not to participate in, support, legiti-
25 mize, or fund any portion of the Durban III

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

(B) to withhold from their respective contributions to the regularly assessed biennial budget of the United Nations an amount that is equal to the percentage of such respective contributions that they determine would be or has been allocated by the United Nations for any part of the Durban III meeting or its preparatory or follow-on activities, or for any other part of the Durban process;

(2) lead a high-level diplomatic effort to explore credible, alternative forums for combating racism, racial discrimination, xenophobia, and related intolerance.

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

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

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

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

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

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

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

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

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

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

1 tribution to the regular budget of the United Nations an
2 amount that is equal to the percentage of such contribu-
3 tion that the Secretary determines has been allocated by
4 the United Nations for any conference, meeting, or other
5 multilateral forum, or the preparatory or follow-on activi-
6 ties of any conference, meeting, or other multilateral
7 forum, that is organized under the aegis or jurisdiction
8 of the United Nations or of any United Nations Entity.
9 (c) REFUND OF UNITED STATES TAXPAYER DOL-
10 LARS.—(1) Funds appropriated for use as a United States
11 contribution to the regular budget of the United Nations
12 but withheld from obligation and expenditure pursuant to
13 subsection (a) shall immediately revert to the United
14 States Treasury and shall not be considered arrears to be
15 repaid to any United Nations Entity.
16 (2) Funds appropriated for use as a United States
17 contribution to the regularly assessed biennial budget of
18 the United Nations but withheld from obligation and ex-
19 penditure pursuant to subsection (b) may be obligated and
20 expended for that purpose upon the certification described
21 in subsection (d). Such funds shall revert to the United
22 States Treasury if no such certification is made by the
23 date that is one year after such appropriation, and shall
24 not be considered arrears to be repaid to any United Na-
25 tions Entity.

1 (d) CERTIFICATION.—The certification referred to in
2 subsection (b) is a certification made by the Secretary of
3 State to the appropriate congressional committees con-
4 cerning the following:
5 (1) The specified conference, meeting, or other
6 multilateral forum did not reaffirm, call for the im-
7 plementation of, or otherwise support the Durban
8 Declaration and Programme of Action (2001) or the
9 outcome document of the Durban II conference
10 (2009) or the Durban III meeting (2011).
11 (2) The specified conference or forum was not
12 used to single out the United States or the State of
13 Israel for unfair or unbalanced criticism.
14 (3) The specified conference or forum was not
15 used to propagate racism, racial discrimination, anti-
16 Semitism, denial of the Holocaust, incitement to vio-
17 lence or genocide, xenophobia, or related intolerance.
18 (4) The specified conference or forum was not
19 used to advocate for restrictions on the freedoms of
20 speech, expression, religion, the press, assembly, or
21 petition, or for restrictions on other fundamental
22 human rights and freedoms.
23 (5) The leadership of the specified conference
24 or forum does not include a Member State, or a rep-
25 resentative from a Member State—

(A) subject to sanctions by the Security Council;

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

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

TITLE VIII—UNRWA

SEC. 801. FINDINGS.

The Congress makes the following findings:

(1) United Nations General Assembly Resolution 302 (1949) created the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) with the temporary, strictly humanitarian mandate to "carry out . . . direct relief and works programmes" for Palestinian refugees.

1 (2) UNRWA has acknowledged that it is the
2 "only UN agency that reports directly to the UN
3 General Assembly, and whose beneficiary population
4 stems from one nation-group", and is responsible
5 solely for Palestinian refugees, while the United Na-
6 tions High Commissioner for Refugees (UNHCR) is
7 responsible for other refugees across the world.
8 (3) UNHCR's definition of a refugee is, in ac-
9 cordance with the 1951 Convention Relating to the
10 Status of Refugees, any person who "owing to a
11 well-founded fear of being persecuted for reasons of
12 race, religion, nationality, membership of a par-
13 ticular social group, or political opinion, is outside
14 the country of his nationality, and is unable to or,
15 owing to such fear, is unwilling to avail himself of
16 the protection of that country . . .".
17 (4) UNRWA's much broader definition of a
18 "Palestine refugee" is any person, and his descend-
19 ants, whose "normal place of residence was [the
20 former British Mandate of] Palestine during the pe-
21 riod 1 June 1946 to 15 May 1948 and who lost both
22 home and means of livelihood as a result of the 1948
23 conflict.".
24 (5) UNRWA's overly inclusive definition of a
25 "Palestine refugee" has resulted in an increase in

1 UNRWA's reported number of "Palestine refugees"
2 from under one million in 1950 to over 4.5 million
3 today, encompassing multiple generations of de-
4 scendants of the original Palestinian refugees.
5 (6) Hundreds of thousands of "Palestine refu-
6 gees" are citizens of recognized states, including
7 Jordan.
8 (7) UNRWA, unlike UNHCR, does not offer
9 refugees the option of resettlement and reintegration
10 into their country of refuge or a third country. Ef-
11 forts by UN officials in the 1950s to offer resettle-
12 ment and reintegration as an option for Palestinian
13 refugees were dropped under fierce opposition from
14 Arab governments, and have not been taken up
15 since.
16 (8) Through its overly inclusive definition of a
17 "Palestine refugee" and its refusal to offer refugees
18 the option of resettlement and reintegration,
19 UNRWA contributes to the perpetuation of the suf-
20 fering of Palestinian refugees, who have been ex-
21 ploited by Arab governments and Palestinian mili-
22 tant groups for over six decades as a political tool
23 with which to assail Israel.

1 (9) Almost all of UNRWA's almost 30,000 staff
2 are Palestinian refugees themselves, presenting a
3 clear conflict of interest.
4 (10) UNRWA's total annual budget, including
5 its core programs, emergency activities and special
6 projects, exceeds $1 billion.
7 (11) The United States has long been the larg-
8 est single contributing country to UNRWA.
9 (12) From 1950 to 2010, the United States has
10 contributed almost $3.9 billion to UNRWA, includ-
11 ing an average of over $210 million per year be-
12 tween fiscal years 2007 and 2010.
13 (13) Section 301(c) of the Foreign Assistance
14 Act of 1961, as amended (22 U.S. Code 2221(c))
15 states that "No contributions by the United States
16 shall be made to the United Nations Relief and
17 Works Agency for Palestine Refugees in the Near
18 East except on the condition that the United Na-
19 tions Relief and Works Agency take all possible
20 measures to assure that no part of the United States
21 contribution shall be used to furnish assistance to
22 any refugee who is receiving military training as a
23 member of the so-called Palestine Liberation Army
24 or any other guerrilla type organization or who has
25 engaged in any act of terrorism.".

1 (14) Then-Deputy Secretary of State Jacob J.
2 Lew testified before the House Committee on For-
3 eign Affairs on May 13, 2009 that "We have the
4 highest level of scrutiny in terms of UNRWA".
5 (15) However, in contravention of United
6 States law, UNRWA does not ask its personnel or
7 aid recipients if they are members of Foreign Ter-
8 rorist Organizations.
9 (16) Even though the United States remains
10 the largest single contributing country to UNRWA,
11 UNRWA does not screen its prospective or present
12 staff and aid recipients through United States watch
13 lists, including that of the Department of the Treas-
14 ury's Office of Foreign Assets Control, and refused
15 a United States request to do so in 2005.
16 (17) UNRWA claims that it has fulfilled its ob-
17 ligations under section 301(c) of the Foreign Assist-
18 ance Act of 1961 by screening personnel through the
19 United Nations Consolidated List pursuant to
20 United Nations Security Council Resolution 1267,
21 but the names on that list are largely members of
22 Al-Qaeda and the Taliban, not of Palestinian For-
23 eign Terrorist Organizations such as Hamas,
24 Fatah's al-Aqsa Martyrs' Brigades, or Palestinian
25 Islamic Jihad.

1 (18) Former UNRWA commissioner-general
2 Peter Hansen, stated in 2004 that "I am sure that
3 there are Hamas members on the UNRWA payroll
4 and I don't see that as a crime.".
5 (19) A number of UNRWA personnel have been
6 discovered to be affiliated with Foreign Terrorist Or-
7 ganizations, including, inter alia:
8 (A) Issa Batran (now deceased), a com-
9 mander of Hamas's al-Aqsa Martyrs' Brigades
10 and senior rocket-maker who taught at an
11 UNRWA school in Gaza;
12 (B) Humam Khalil Abu Mulal al-Balawi
13 (now deceased), who reportedly carried out a
14 homicide bombing that killed seven Americans
15 and one Jordanian at Forward Operating Base
16 Chapman in Afghanistan on December 30,
17 2009, reportedly worked as a physician at an
18 UNRWA clinic in Amman, Jordan, and had
19 longstanding ties to violent Islamist extremism;
20 (C) Said Siam (now deceased), a longtime
21 Hamas official who eventually served as
22 Hamas's Interior Minister in Gaza, and who
23 taught at an UNRWA school in Gaza;
24 (D) Awad al-Qiq (now deceased), a rocket-
25 builder for Palestinian Islamic Jihad who

1 served as headmaster of an UNRWA school in
2 Gaza;
3 (E) Nahd Atallah, an UNRWA staff mem-
4 ber in Gaza, who was arrested, convicted, and
5 sentenced to 15 years' imprisonment by an
6 Israeli military court of using his UN travel
7 document to bypass Israeli checkpoints in Gaza
8 in order to transport armed Palestinian mili-
9 tants; and
10 (F) an UNRWA teacher who reportedly
11 praised homicide bombers and permitted
12 Hamas leader Ahmed Yassin (now deceased) to
13 speak to an assembly of students at an
14 UNRWA school. UNRWA did not terminate
15 the teacher's employment, instead only giving
16 him a letter of censure.
17 (20) UNRWA staff unions, including the teach-
18 ers' union, are frequently controlled by members af-
19 filiated with Hamas.
20 (21) UNRWA refugee camps in Lebanon have
21 frequently been controlled by Foreign Terrorist Or-
22 ganizations and used for numerous unacceptable ac-
23 tivities.
24 (22) Former UNRWA general counsel James
25 Lindsay noted in a 2009 report that—

1 (A) "UNRWA . . . obviously does not take
2 'all possible measures' in practice" to assure
3 that United States contributions do not provide
4 assistance to any refugee with ties to Foreign
5 Terrorist Organizations, in accordance with sec-
6 tion 301(c) of the Foreign Assistance Act of
7 1961;
8 (B) "UNRWA makes no attempt to weed
9 out individuals who support extremist positions
10 . . . UNRWA has taken very few steps to de-
11 tect and eliminate terrorists from the ranks of
12 its staff or its beneficiaries, and no steps at all
13 to prevent members of terrorist organizations,
14 such as Hamas, from joining its staff.";
15 (C) "[I]t is rare for an area staff member
16 . . . to report or confirm that another staff
17 member has violated rules against political
18 speech, let alone exhibited ties to terrorism. Not
19 surprisingly, external allegations of improper
20 speech or improper use of UNRWA facilities
21 are difficult to prove, as virtually no one is will-
22 ing to be a witness against gang members.";
23 and
24 (D) "[T]here are no formal procedures for
25 deregistering or denying services to a properly

1 registered refugee, no matter what he or she
2 does.".
3 (23) The late United States Representative
4 Tom Lantos, in a May 13, 2002 letter, expressed his
5 concern that—
6 (A) "UNRWA is perpetuating, rather than
7 ameliorating, the situation of Palestinian refu-
8 gees";
9 (B) "UNRWA officials have . . . failed to
10 prevent their camps from becoming centers of
11 terrorist activity"; and
12 (C) "for too long, UNRWA has been part
13 of the problem, rather than the solution, in the
14 Middle East . . . UNRWA camps have fostered
15 a culture of anger and dependency that under-
16 mines both regional peace and the well-being of
17 the camps' inhabitants.".
18 (24) UNRWA continues to hold accounts at the
19 Arab Bank and the Commercial Bank of Syria
20 (CBS), financial institutions that the United States
21 deems or believes to be complicit in money laun-
22 dering and terror financing.
23 (25) The Arab Bank is reportedly at the center
24 of United States investigations into how tens of mil-
25 lions of dollars have flowed to Palestinian groups

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

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

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

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

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

(30) Former UNRWA general counsel James Lindsay noted in a January 2009 report that "[T]eachers in UNRWA schools were often afraid to remove posters glorifying 'martyrs' (including suicide bombers) for fear of retribution from armed supporters of the 'martyrs.' ".

(31) UNRWA officials have compromised UNRWA's strictly humanitarian mandate by engaging in political agitation, propaganda, and advocacy agitation against Israel and in favor of Hamas, as reflected by the following, inter alia:

(A) UNRWA officials have repeatedly called for the United States and other nations to deal directly with Hamas and have repeatedly called for political "reconciliation" between Hamas and Fatah.

(B) UNRWA officials have repeatedly castigated Israel for her actions to defend innocent civilians from rocket and mortar attacks from violent extremist groups in Gaza and from other Acts of International Terrorism, and has

1 repeatedly blamed Israel, not Hamas and other
2 violent extremist groups, for present restrictions
3 on access to Gaza.
4 (C) Former UNRWA general counsel
5 James Lindsay noted in a 2009 report that:
6 "Although it occasionally issued mild, pro
7 forma criticisms of Palestinian attacks (most of
8 which were clearly war crimes), [UNRWA] put
9 more effort into criticizing Israeli counterter-
10 rorism efforts (which were condemned using
11 language associated with war crimes, though
12 any such crimes were far from proved) . . .
13 UNRWA never seems to acknowledge that
14 Israel, since its 2005 withdrawal from Gaza,
15 has launched strikes on the territory largely in
16 order to halt rocket attacks and other as-
17 saults.".
18 (D) Lindsay also noted that "UNRWA—
19 through its leaders and press spokespersons—is
20 constantly involved in political speech . . .
21 These one-sided speeches on political matters
22 do not further the goals of a humanitarian and
23 supposedly nonpolitical agency.".
24 (E) UNRWA Commissioner-General
25 Filippo Grandi described as a "massacre"

1 Israel's May 31, 2010 naval operation, and use
2 of self-defense measures, to seize the Mavi
3 Marmara ship in order to enforce its naval
4 blockade of the Gaza Strip.
5 (F) Former UNRWA commissioner-gen-
6 eral Karen AbuZayd stated in a 2009 meeting
7 with Congressional staff that "We [UNRWA]
8 are not just humanitarian.".
9 (G) In January of 2009, UNRWA spokes-
10 man Christopher Gunness called for an inves-
11 tigation as to whether Israel had committed "a
12 war crime.".
13 (H) On December 30, 2008, former
14 UNRWA commissioner-general Karen AbuZayd
15 stated that only Israel was responsible for the
16 start of the most recent conflict in Gaza.
17 (I) On May 25, 2008, in an interview with
18 Press TV, which is controlled by the Govern-
19 ment of Iran, former UNRWA commissioner-
20 general Karen AbuZayd reportedly claimed that
21 Hamas was free from corruption and "more
22 popular than ever".
23 (J) On October 5, 2007, former UNRWA
24 commissioner-general Karen AbuZayd blamed
25 Israel for violent extremist groups in Gaza

1 launching rockets and mortars against Israeli
2 civilian targets, stating that residents of Gaza
3 "have absorbed—and continue to experience—
4 military incursions in which civilian lives, liveli-
5 hoods, and property have been destroyed, and
6 to which they have responded with the contin-
7 uous firing of Qassam rockets into Israel.".
8 (K) On March 8, 2007, former UNRWA
9 commissioner-general Karen AbuZayd, com-
10 paring the 1948 Arab-Israeli War with more re-
11 cent conflicts between Israel and Palestinian
12 militant groups, stated that "[T]here is a strik-
13 ing historical continuity in the systematic ap-
14 proach to use overwhelming and disproportionate force in the name of security; to separate and exclude Palestinians from the mainstream; to eject them from their land; and to occupy Palestinian land.".
19 (L) On January 19, 2005, former
20 UNRWA commissioner-general Peter Hansen
21 stated that "My job [is] to represent the refu-
22 gees.".
23 (M) In 2002, former UNRWA commis-
24 sioner-general Peter Hansen falsely accused
25 Israel of carrying out a "massacre" in

1 UNRWA's Jenin refugee camp after Israeli
2 forces entered the camp, a base of operations
3 for Palestinian militant groups, to carry out de-
4 fensive operations to halt repeated homicide
5 bombings in Israel.
6 (N) In 1964, UNRWA allowed its staff to
7 attend the conference in Jerusalem where the
8 Palestine Liberation Organization (PLO) was
9 established.
10 (32) Despite UNRWA's contravention of U.S.
11 law and activities that compromise its strictly hu-
12 manitarian mandate, UNRWA continues to receive
13 United States contributions, including $237.8 mil-
14 lion in fiscal year 2010.
15 (33) The bilateral "Framework for Coopera-
16 tion" that the United States concluded with
17 UNRWA for 2010 actually "commends" UNRWA
18 and does not commit UNRWA to vetting its per-
19 sonnel and aid recipients through United States
20 watch lists.
21 (34) Assistance from the United States and
22 other responsible nations allows UNRWA to claim
23 that criticisms of the agency's behavior are un-
24 founded. UNRWA spokesman Christopher Gunness
25 has dismissed concerns by stating that "If these

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

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

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

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

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

1 (D) "If the [UNRWA commissioner-gen-
2 eral's] power is used in ways that are conflict
3 with the donors' political objectives, it is up to
4 the donors to take the necessary actions to en-
5 sure that their interests are respected. When
6 they have done so, UNRWA—given the tight fi-
7 nancial leash it has been on for most of its ex-
8 istence—has tended to follow their dictates,
9 even if sometimes slowly.".
10 (36) The Government of Canada has recently
11 placed restrictions on its contributions to UNRWA,
12 demonstrating consequences for UNRWA's malfea-
13 sance and setting an example for the United States
14 and other donor governments.

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

16 Section 301 of the Foreign Assistance Act of 1961
17 is amended by striking subsection (c) and inserting the
18 following new subsection:
19 "(c)(1) WITHHOLDING.—Contributions by the
20 United States to the United Nations Relief and Works
21 Agency for Palestine Refugees in the Near East
22 (UNRWA), to any successor or related entity, or to the
23 regular budget of the United Nations for the support of
24 UNRWA or a successor entity (through staff positions
25 provided by the United Nations Secretariat, or otherwise),

1 may be provided only during a period for which a certifi-
2 cation described in paragraph (2) is in effect.
3 "(2) CERTIFICATION.—A certification described in
4 this paragraph is a written determination by the Secretary
5 of State, based on all information available after diligent
6 inquiry, and transmitted to the appropriate congressional
7 committees along with a detailed description of the factual
8 basis therefor, that—
9 "(A) no official, employee, consultant, con-
10 tractor, subcontractor, representative, or affiliate of
11 UNRWA—
12 "(i) is a member of a Foreign Terrorist
13 Organization;
14 "(ii) has propagated, disseminated, or in-
15 cited anti-American, anti-Israel, or anti-Semitic
16 rhetoric or propaganda; or
17 "(iii) has used any UNRWA resources, in-
18 cluding publications or Web sites, to propagate
19 or disseminate political materials, including po-
20 litical rhetoric regarding the Israeli-Palestinian
21 conflict;
22 "(B) no UNRWA school, hospital, clinic, other
23 facility, or other infrastructure or resource is being
24 used by a Foreign Terrorist Organization for oper-
25 ations, planning, training, recruitment, fundraising,

1 indoctrination, communications, sanctuary, storage
2 of weapons or other materials, or any other pur-
3 poses;
4 "(C) UNRWA is subject to comprehensive fi-
5 nancial audits by an internationally recognized third
6 party independent auditing firm and has imple-
7 mented an effective system of vetting and oversight
8 to prevent the use, receipt, or diversion of any
9 UNRWA resources by any foreign terrorist organiza-
10 tion or members thereof;
11 "(D) no UNRWA-funded school or educational
12 institution uses textbooks or other educational mate-
13 rials that propagate or disseminate anti-American,
14 anti-Israel, or anti-Semitic rhetoric, propaganda or
15 incitement;
16 "(E) no recipient of UNRWA funds or loans is
17 a member of a Foreign Terrorist Organization; and
18 "(F) UNRWA holds no accounts or other affili-
19 ations with financial institutions that the United
20 States deems or believes to be complicit in money
21 laundering and terror financing.
22 "(3) DEFINITION.—In this section:
23 "(A) FOREIGN TERRORIST ORGANIZATION.—
24 The term 'Foreign Terrorist Organization' means an
25 organization designated as a Foreign Terrorist Or-

1 ganization by the Secretary of State in accordance
2 with section 219(a) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1189(a)).
4 "(B) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term 'appropriate congressional com-
6 mittees' means—
7 "(i) the Committees on Foreign Affairs,
8 Appropriations, and Oversight and Government
9 Reform of the House; and
10 "(ii) the Committees on Foreign Relations,
11 Appropriations, and Homeland Security and
12 Governmental Affairs of the Senate.
13 "(4) EFFECTIVE DURATION OF CERTIFICATION.—
14 The certification described in paragraph (2) shall be effec-
15 tive for a period of 180 days from the date of transmission
16 to the appropriate congressional committees, or until the
17 Secretary receives information rendering that certification
18 factually inaccurate, whichever is earliest. In the event
19 that a certification becomes ineffective, the Secretary shall
20 promptly transmit to the appropriate congressional com-
21 mittees a description of any information that precludes the
22 renewal or continuation of the certification.
23 "(5) LIMITATION.—During a period for which a cer-
24 tification described in paragraph (2) is in effect, the
25 United States may not contribute to the United Nations

1 Relief and Works Agency for Palestine Refugees in the
2 Near East (UNRWA) or a successor entity an annual
3 amount—
4 "(A) greater than the highest annual contribu-
5 tion to UNRWA made by a member country of the
6 League of Arab States;
7 "(B) that, as a proportion of the total UNRWA
8 budget, exceeds the proportion of the total budget
9 for the United Nations High Commissioner for Ref-
10 ugees (UNHCR) paid by the United States; or
11 "(C) that exceeds 22 percent of the total budget
12 of UNRWA.".
13 **SEC. 803. SENSE OF CONGRESS.**
14 It is the sense of Congress that—
15 (1) the President and the Secretary of State
16 should lead a high-level diplomatic effort to encour-
17 age other responsible nations to withhold contribu-
18 tions to UNRWA, to any successor or related entity,
19 or to the regular budget of the United Nations for
20 the support of UNRWA or a successor entity
21 (through staff positions provided by the United Na-
22 tions Secretariat, or otherwise) until UNRWA has
23 met the conditions listed in subparagraphs (A)
24 through (F) of section 301(c)(2) of the Foreign As-

1 sistance Act of 1961 (as added by section 2 of this
2 Act);
3 (2) citizens of recognized states should be re-
4 moved from UNRWA's jurisdiction;
5 (3) UNRWA's definition of a "Palestine ref-
6 ugee" should be changed to that used for a refugee
7 by the Office of the United Nations High Commis-
8 sioner for Refugees; and
9 (4) in order to alleviate the suffering of Pales-
10 tinian refugees, responsibility for those refugees
11 should be fully transferred to the Office of the
12 United Nations High Commissioner for Refugees.

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

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

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

1 (2) The United States, via assessed contribu-
2 tions, is the largest financial contributor to the reg-
3 ular budget of the IAEA.
4 (3) In 1959, the IAEA established what is now
5 called the Technical Cooperation Program, financed
6 primarily through voluntary contributions by mem-
7 ber states to the Technical Cooperation Fund, to
8 provide nuclear technical cooperation (TC) for
9 peaceful purposes to countries worldwide.
10 (4) The United States is the largest financial
11 contributor to the IAEA's Technical Cooperation
12 Fund.
13 (5) A March 2009 report by the Government
14 Accountability Office (GAO) found that "neither
15 [the Department of State] nor IAEA seeks to sys-
16 tematically limit TC assistance to countries the
17 United States has designated as state sponsors of
18 terrorism—Cuba, Iran, Sudan, and Syria—even
19 though under U.S. law these countries are subject to
20 sanctions.".
21 (6) The GAO report also found that "Together,
22 [Cuba, Iran, Sudan, and Syria] received more than
23 $55 million in TC assistance from 1997 through
24 2007.". These four countries have received contin-
25 ued assistance since 2007.

1 (7) The GAO report also found that "prolifera-
2 tion concerns about the [Technical Cooperation Pro-
3 gram] have persisted because of the assistance it has
4 provided to certain countries and because nuclear
5 equipment, technology, and expertise can be dual-
6 use—capable of serving peaceful purposes . . . but
7 also useful in contributing to nuclear weapons devel-
8 opment.".
9 (8) The GAO report also found that "[The
10 State Department] reported in 2007 that three TC
11 projects in [Iran] were directly related to the Iranian
12 nuclear power plant at Bushehr.".
13 (9) The GAO report also found that "The pro-
14 liferation concerns associated with the [Technical
15 Cooperation Program] are difficult for the United
16 States to fully identify, assess, and resolve . . . [be-
17 cause] there is no formal mechanism for obtaining
18 TC project information during the proposal develop-
19 ment phase . . . [l]imited [Department of] State doc-
20 umentation on how proliferation concerns of TC pro-
21 posals were resolved . . . [and s]hortcomings in U.S.
22 policies and IAEA procedures [including monitoring
23 proliferation risks] related to TC program fellow-
24 ships.".

1 (10) The GAO report noted that "IAEA offi-
2 cials told us that the [Technical Cooperation Pro-
3 gram] does not attempt to exclude countries on the
4 basis of their status as U.S.-designated state spon-
5 sors of terrorism or other political considerations"
6 and that, according to the Deputy Director General
7 for the Technical Cooperation Program, "there are
8 no good countries and there are no bad countries"
9 with respect to provision of technical cooperation by
10 the IAEA.
11 (11) The GAO report also found that "given
12 the limited information available on TC projects and
13 the dual-use nature of some nuclear technologies and
14 expertise, we do not believe [the State Department]
15 can assert with complete confidence that TC assist-
16 ance has not advanced [weapons of mass destruc-
17 tion] programs in U.S.-designated state sponsors of
18 terrorism".
19 (12) The GAO report also found that "we do
20 not share [the State Department's confidence in
21 IAEA's internal safeguards to prevent TC projects
22 from contributing to weapons development . . .]".
23 (13) The Foreign Assistance Act of 1961 (22
24 U.S.C. 2151 et seq.) prohibited any of the funds au-
25 thorized to be appropriated for "International Orga-

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

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

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

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

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

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

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

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

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

(20) The IAEA Director General has repeatedly reported to the IAEA Board of Governors, including in his report of February 25, 2011, about the "outstanding issues related to possible military dimensions to Iran's nuclear programme".

(21) The IAEA Director General has repeatedly reported to the IAEA Board of Governors, including in his report of February 25, 2011, that "the [IAEA] remains concerned about the possible existence in Iran of past or current undisclosed nuclear related activities involving military-related organizations, including activities related to the development of a nuclear payload for a missile.".

(22) The IAEA Director General has repeatedly reported to the IAEA Board of Governors, including in his report of February 19, 2009, that "Iran has not implemented the Additional Protocol, which is a prerequisite for [the IAEA] to provide credible assurance about the absence of undeclared nuclear material and activities. Nor has [Iran] agreed to [the IAEA's] request that Iran provide, as a transparency measure, access to additional locations re-

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

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

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

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

1 request by the IAEA to place one or more additional
2 surveillance cameras at the enrichment site at
3 Natanz.
4 (26) In April of 2008, United States Govern-
5 ment officials publicly revealed that Syria was build-
6 ing at the Dair Alzour site, with North Korea's as-
7 sistance, a secret nuclear reactor that was based on
8 a North Korean model capable of producing pluto-
9 nium for nuclear weapons and that was weeks away
10 from becoming operational before an Israeli air
11 strike reportedly destroyed the reactor in September
12 2007.
13 (27) On April 28, 2008, General Michael Hay-
14 den, the former Director of the Central Intelligence
15 Agency, stated that the Syrian reactor at Dair
16 Alzour could have produced enough plutonium for 1
17 or 2 bombs within a year of becoming operational.
18 (28) The IAEA Director General reported to
19 the IAEA Board of Governors on November 19,
20 2008 that the Syrian facility at Dair Alzour bore
21 features that resembled those of an undeclared nu-
22 clear reactor, adding that "Syria has not yet pro-
23 vided the requested documentation in support of its
24 declarations concerning the nature or function of the
25 destroyed building, nor agreed to a visit to the three

1 other locations which the IAEA has requested to
2 visit.".
3 (29) The IAEA Director General publicly stated
4 to the IAEA Board of Governors, on June 15, 2009,
5 that "the limited information and access provided by
6 Syria to date have not enabled the Agency to deter-
7 mine the nature of the destroyed facility" at Dair
8 Alzour site, that uranium particles have been found
9 in samples taken from a second site, the Miniature
10 Neutron Source Reactor facility in Damascus, and
11 that the particles found at both sites "are of a type
12 not included in Syria's declared inventory of nuclear
13 material.".
14 (30) Commercial satellite photos published on
15 February 23, 2011 indicate efforts by the Govern-
16 ment of Syria to conceal its activities at an addi-
17 tional site, Marj as Sultan, which may be connected
18 to the Dair Alzour facility.
19 (31) The IAEA Director General reported to
20 the IAEA Board of Governors on February 25, 2011
21 that "Syria has not cooperated with the [IAEA]
22 since June 2008 in connection with the unresolved
23 issues related to the Dair Alzour site and the other
24 three locations allegedly functionally related to it. As
25 a consequences, the [IAEA] has not been able to

1 make progress towards resolving the outstanding
2 issues related to those sites."
3 (b) IN GENERAL.—No funds from any United States
4 assessed or voluntary contribution to the IAEA may be
5 used to support any assistance provided by the IAEA
6 through its Technical Cooperation program to any coun-
7 try, including North Korea that—
8 (1) is a country the government of which has
9 been determined by the Secretary of State, for pur-
10 poses of section 6(j) of the Export Administration
11 Act of 1979, section 620A of the Foreign Assistance
12 Act of 1961, section 40 of the Arms Export Control
13 Act, or other provision of law, is a government that
14 has repeatedly provided support for acts of inter-
15 national terrorism;
16 (2) is in breach of or noncompliance with its
17 obligations regarding—
18 (A) its safeguards agreement with the
19 IAEA;
20 (B) the Additional Protocol;
21 (C) the Nuclear Non-Proliferation Treaty;
22 (D) any relevant United Nations Security
23 Council Resolution; or
24 (E) the Charter of the United Nations; or

1 (3) is under investigation for a breach of or
2 noncompliance with the obligations specified in para-
3 graph (2).
4 (c) WITHHOLDING OF VOLUNTARY CONTRIBU-
5 TIONS.—Not later than 30 days after the date of the en-
6 actment of this Act, the Secretary of State shall withhold
7 from the United States voluntary contribution to the
8 IAEA an amount proportional to that spent by the IAEA
9 in the period from 2007 to 2008 on assistance through
10 its Technical Cooperation Program to countries described
11 in subsection (b).
12 (d) WITHHOLDING OF ASSESSED CONTRIBUTIONS.—
13 If, not later than 30 days of the date of the enactment
14 of this Act, the amount specified in subsection (c) has not
15 been withheld and the IAEA has not suspended all assist-
16 ance provided through its Technical Cooperation Program
17 to the countries described in subsection (b), an amount
18 equal to that specified in subsection (c) shall be withheld
19 from the United States assessed contribution to the IAEA.
20 (e) WAIVER.—The provisions in subsections (c) and
21 (d) may be waived if—
22 (1) the IAEA has suspended all assistance pro-
23 vided through its Technical Cooperation Program to
24 the countries described in subsection (b); or

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

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

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

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

17 (a) ENFORCEMENT AND COMPLIANCE.—

18 (1) OFFICE OF COMPLIANCE.—

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

1 (B) OPERATION.—The Office of Compli-
2 ance shall—
3 (i) function as an independent body
4 composed of technical experts who shall
5 work in consultation with IAEA inspectors
6 to assess compliance by IAEA Member
7 States and provide recommendations to the
8 IAEA Board of Governors concerning pen-
9 alties to be imposed on IAEA Member
10 States that fail to fulfill their obligations
11 under IAEA Board resolutions;
12 (ii) base its assessments and rec-
13 ommendations on IAEA inspection reports;
14 and
15 (iii) take into consideration informa-
16 tion provided by IAEA Board Members
17 that are 1 of the 5 nuclear weapons states
18 as recognized by the Treaty on the Non-
19 Proliferation of Nuclear Weapons (21 UST
20 483) (commonly referred to as the "Nu-
21 clear Nonproliferation Treaty" or the
22 "NPT").
23 (C) STAFFING.—The Office of Compliance
24 shall be staffed from existing personnel in the
25 Department of Safeguards of the IAEA or the

1 Department of Nuclear Safety and Security of
2 the IAEA.
3 (2) COMMITTEE ON SAFEGUARDS AND
4 VERIFICATION.—The President shall direct the
5 United States Permanent Representative to the
6 IAEA to use the voice, vote, and influence of the
7 United States at the IAEA to ensure that the Com-
8 mittee on Safeguards and Verification established in
9 2005 shall develop and seek to put into force a
10 workplan of concrete measures that will—
11 (A) improve the ability of the IAEA to
12 monitor and enforce compliance by Member
13 States of the IAEA with the Nuclear Non-
14 proliferation Treaty and the Statute of the
15 International Atomic Energy Agency; and
16 (B) enhance the ability of the IAEA, be-
17 yond the verification mechanisms and authori-
18 ties contained in the Additional Protocol to the
19 Safeguards Agreements between the IAEA and
20 Member States of the IAEA, to detect with a
21 high degree of confidence undeclared nuclear
22 activities by a Member State.
23 (3) PENALTIES WITH RESPECT TO THE IAEA.—
24 (A) IN GENERAL.—The President shall di-
25 rect the United States Permanent Representa-

1 tive to the IAEA to use the voice, vote, and in-
2 fluence of the United States at the IAEA to en-
3 sure that a Member State of the IAEA that is
4 under investigation for a breach of or non-
5 compliance with its IAEA obligations or the
6 purposes and principles of the Charter of the
7 United Nations has its privileges suspended, in-
8 cluding—
9 (i) limiting its ability to vote on its
10 case;
11 (ii) being prevented from receiving
12 any technical assistance; and
13 (iii) being prevented from hosting
14 meetings.
15 (B) TERMINATION OF PENALTIES.—The
16 penalties specified under subparagraph (A)
17 shall be terminated when such investigation is
18 concluded and such Member State is no longer
19 in such breach or noncompliance.
20 (4) PENALTIES WITH RESPECT TO THE NU-
21 CLEAR NONPROLIFERATION TREATY.—The Presi-
22 dent shall direct the United States Permanent Rep-
23 resentative to the IAEA to use the voice, vote, and
24 influence of the United States at the IAEA to en-
25 sure that a Member State of the IAEA that is found

1 to be in breach of, in noncompliance with, or has
2 withdrawn from the Nuclear Nonproliferation Treaty
3 shall return to the IAEA all nuclear materials and
4 technology received from the IAEA, any Member
5 State of the IAEA, or any Member State of the Nu-
6 clear Nonproliferation Treaty.
7 (b) UNITED STATES CONTRIBUTIONS.—
8 (1) VOLUNTARY CONTRIBUTIONS.—Voluntary
9 contributions of the United States to the IAEA
10 should primarily be used to fund activities relating
11 to Nuclear Safety and Security or activities relating
12 to Nuclear Verification.
13 (2) LIMITATION ON USE OF FUNDS.—The
14 President shall direct the United States Permanent
15 Representative to the IAEA to use the voice, vote,
16 and influence of the United States at the IAEA to—
17 (A) ensure that funds for safeguards in-
18 spections are prioritized for countries that have
19 newly established nuclear programs or are initi-
20 ating nuclear programs; and
21 (B) block the allocation of funds for any
22 other IAEA development, environmental, or nu-
23 clear science assistance or activity to a coun-
24 try—

1 (i) the government of which the Sec-
2 retary of State has determined, for pur-
3 poses of section 6(j) of the Export Admin-
4 istration Act of 1979, section 620A of the
5 Foreign Assistance Act of 1961, section 40
6 of the Arms Export Control Act, or other
7 provision of law, is a government that has
8 repeatedly provided support for acts of
9 international terrorism and the government
10 of which the Secretary has determined has
11 not dismantled and surrendered its weap-
12 ons of mass destruction programs under
13 international verification;
14 (ii) that is under investigation for a
15 breach of or noncompliance with its IAEA
16 obligations or the purposes and principles
17 of the Charter of the United Nations; or
18 (iii) that is in violation of its IAEA
19 obligations or the purposes and principles
20 of the Charter of the United Nations.
21 (3) DETAIL OF EXPENDITURES.—The Presi-
22 dent shall direct the United States Permanent Rep-
23 resentative to the IAEA to use the voice, vote, and
24 influence of the United States at the IAEA to se-
25 cure, as part of the regular budget presentation of

1 the IAEA to Member States of the IAEA, a detailed
2 breakdown by country of expenditures of the IAEA
3 for safeguards inspections and nuclear security ac-
4 tivities.
5 (c) MEMBERSHIP.—
6 (1) IN GENERAL.—The President shall direct
7 the United States Permanent Representative to the
8 IAEA to use the voice, vote, and influence of the
9 United States at the IAEA to block the membership
10 on the Board of Governors of the IAEA for a Mem-
11 ber State of the IAEA that has not signed and rati-
12 fied the Additional Protocol and—
13 (A) is under investigation for a breach of
14 or noncompliance with its IAEA obligations or
15 the purposes and principles of the Charter of
16 the United Nations; or
17 (B) that is in violation of its IAEA obliga-
18 tions or the purposes and principles of the
19 Charter of the United Nations.
20 (2) CRITERIA.—The United States Permanent
21 Representative to the IAEA shall make every effort
22 to modify the criteria for Board membership to re-
23 flect the principles described in paragraph (1).
24 (d) SMALL QUANTITIES PROTOCOL.—The President
25 shall direct the United States Permanent Representative

1 to the IAEA to use the voice, vote, and influence of the
2 United States at the IAEA to make every effort to ensure
3 that the IAEA changes the policy regarding the Small
4 Quantities Protocol in order to—
5 (1) rescind and eliminate the Small Quantities
6 Protocol;
7 (2) require that any IAEA Member State that
8 has previously signed a Small Quantities Protocol to
9 sign, ratify, and implement the Additional Protocol,
10 provide immediate access for IAEA inspectors to its
11 nuclear-related facilities, and agree to the strongest
12 inspections regime of its nuclear efforts; and
13 (3) require that any IAEA Member State that
14 does not comply with paragraph (2) to be ineligible
15 to receive nuclear material, technology, equipment,
16 or assistance from any IAEA Member State and
17 subject to the penalties described in subsection
18 (a)(3).
19 (e) NUCLEAR PROGRAM OF IRAN.—
20 (1) UNITED STATES ACTION.—The President
21 shall direct the United States Permanent Represent-
22 ative to the IAEA to use the voice, vote, and influ-
23 ence of the United States at the IAEA to make
24 every effort to ensure the adoption of a resolution by
25 the IAEA Board of Governors that, in addition to

1 the restrictions already imposed, makes Iran ineli-
2 gible to receive any nuclear material, technology,
3 equipment, or assistance from any IAEA Member
4 State and ineligible for any IAEA assistance not re-
5 lated to safeguards inspections or nuclear security
6 until the IAEA Board of Governors determines that
7 Iran—
8 (A) is providing full access to IAEA in-
9 spectors to its nuclear-related facilities;
10 (B) has fully implemented and is in com-
11 pliance with the Additional Protocol; and
12 (C) has permanently ceased and disman-
13 tled all activities and programs related to nu-
14 clear-enrichment and reprocessing.
15 (2) PENALTIES.—If an IAEA Member State is
16 determined to have violated the prohibition on as-
17 sistance to Iran described in paragraph (1) before
18 the IAEA Board of Governors determines that Iran
19 has satisfied the conditions described in subpara-
20 graphs (A) through (C) of such paragraph, such
21 Member State shall be subject to the penalties de-
22 scribed in subsection (a)(3), shall be ineligible to re-
23 ceive nuclear material, technology, equipment, or as-
24 sistance from any IAEA Member State, and shall be
25 ineligible to receive any IAEA assistance not related

1 to safeguards inspections or nuclear security until
2 such time as the IAEA Board of Governors makes
3 such determination with respect to Iran.
4 (f) REPORT.—Not later than 6 months after the date
5 of the enactment of this Act and annually for 2 years
6 thereafter, the President shall submit to the appropriate
7 congressional committees a report on the implementation
8 of this section.

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

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

17 # TITLE X—PEACEKEEPING

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

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

with honor and courage, the record of United Nations peacekeeping has been severely tarnished by operational failures and unconscionable acts of misconduct;

(2) in response to such failures, successive Secretaries General of the United Nations have launched numerous reform efforts, including the high-level Panel on United Nations Peace Operations, led by former Foreign Minister of Algeria Lakhdar Brahimi, the 2005 report by the Special Advisor on the Prevention of Sexual Exploitation and Abuse, His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein of Jordan, and the 2009 New Partnership Agenda, known as the "New Horizon" reports;

(3) despite the fact that the United Nations has had over a decade to implement many of these reforms, nearly four years to implement the reforms in the Zeid Report, and the fact that Secretary General Ban Ki-Moon, his predecessor Kofi Annan, and the Special Committee on Peacekeeping Operations repeatedly have expressed their commitment "to implementing fundamental, systematic changes as a matter of urgency," a number of critical reforms continue to be blocked or delayed by Members States

1 who arguably benefit from maintenance of the status
2 quo;
3 (4) further, audits of procurement practices in
4 the Department of Peacekeeping Operations, con-
5 ducted by the Office of Internal Oversight Services,
6 and the now-defunct United Nations Procurement
7 Task Force have uncovered "significant" corruption
8 schemes and criminal acts by United Nations peace-
9 keeping personnel; and
10 (5) if the reputation of and confidence in
11 United Nations peacekeeping operations is to be re-
12 stored, fundamental and far-reaching reforms, par-
13 ticularly in the areas of planning, management, pro-
14 curement, training, conduct, and discipline, must be
15 implemented without further delay.

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

18 It shall be the policy of the United States to pursue
19 reform of United Nations peacekeeping operations in the
20 following areas:
21 (1) PLANNING AND MANAGEMENT.—
22 (A) GLOBAL AUDIT.—As the size, cost,
23 and number of United Nations peacekeeping
24 operations have increased substantially over the
25 past decade, independent audits of each such

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

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

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

(i) Except in extraordinary cases, including genocide, the United Nations Department of Peacekeeping Operations should not be tasked with activities that are impractical or unachievable without the cooperation of the Member State(s) hosting a United Nations peacekeeping operation, or which amount to de-facto Trusteeship outside of the procedures established for such under Chapter XII of the United Nations Charter, thereby creating unrealistic expectations and obfuscating the primary responsibility of the Member States themselves in creating and maintaining conditions for peace.

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

(iii) Where there is legitimate concern that the withdrawal from a country of an otherwise static United Nations peacekeeping operation would result in the resumption of major conflict, a burden-sharing arrangement that reduces the level of assessed contributions, similar to that cur-

1 rently supporting the United Nations
2 Peacekeeping Force in Cyprus, should be
3 explored and instituted.
4 (D) LEADERSHIP.—As peacekeeping oper-
5 ations become larger and increasingly complex,
6 the Secretariat should adopt a minimum stand-
7 ard of qualifications for senior leaders and
8 managers, with particular emphasis on specific
9 skills and experience, and current senior leaders
10 and managers who do not meet those standards
11 should be removed.
12 (E) PRE-DEPLOYMENT TRAINING.—Pre-de-
13 ployment training on interpretation of the man-
14 date of the operation, specifically in the areas
15 of use of force, civilian protection and field con-
16 ditions, the Code of Conduct, HIV/AIDS, and
17 human rights should be mandatory, and all per-
18 sonnel, regardless of category or rank, should
19 be required to sign an oath that each has re-
20 ceived and understands such training as a con-
21 dition of participation in the operation.
22 (F) GRATIS MILITARY PERSONNEL.—The
23 General Assembly should seek to strengthen the
24 capacity the United Nations Department of
25 Peacekeeping Operations and ease the extraor-

1 dinary burden currently placed upon the limited
2 number of headquarters staff by lifting restric-
3 tions on the utilization of gratis military per-
4 sonnel by the Department so that the Depart-
5 ment may accept secondments from Member
6 States of military personnel with expertise in
7 mission planning, logistics, and other oper-
8 ational specialties.
9 (2) CONDUCT AND DISCIPLINE.—
10 (A) ADOPTION OF A UNIFORM CODE OF
11 CONDUCT.—A single, uniform Code of Conduct
12 that has the status of a binding rule and ap-
13 plies equally to all personnel serving in United
14 Nations peacekeeping operations, regardless of
15 category or rank, including military personnel,
16 should be adopted and incorporated into legal
17 documents governing participation in such an
18 operation, including all contracts and Memoran-
19 dums of Understanding, promulgated and effec-
20 tively enforced.
21 (B) UNDERSTANDING THE CODE OF CON-
22 DUCT.—All personnel, regardless of category or
23 rank, should receive training on the Code of
24 Conduct prior to deployment with a peace-

1 keeping operation, in addition to periodic fol-
2 low-on training. In particular—
3 (i) all personnel, regardless of cat-
4 egory or rank, should be provided with a
5 personal copy of the Code of Conduct that
6 has been translated into the national lan-
7 guage of such personnel, regardless of
8 whether such language is an official lan-
9 guage of the United Nations;
10 (ii) all personnel, regardless of cat-
11 egory or rank, should sign an oath that
12 each has received a copy of the Code of
13 Conduct, that each pledges to abide by the
14 Code of Conduct, and that each under-
15 stands the consequences of violating the
16 Code of Conduct, including immediate ter-
17 mination of participation in and permanent
18 exclusion from all current and future
19 peacekeeping operations, as well as the as-
20 sumption of personal liability and victims
21 compensation, where appropriate, as a con-
22 dition of appointment to any such oper-
23 ation; and
24 (iii) peacekeeping operations should
25 continue and enhance educational outreach

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

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

1 (D) INVESTIGATIONS.—A permanent, pro-
2 fessional, and independent investigative body
3 should be established and introduced into
4 United Nations peacekeeping operations. In
5 particular—
6 (i) the investigative body should in-
7 clude professionals with experience in in-
8 vestigating sex crimes and the illegal ex-
9 ploitation of resources, as appropriate, as
10 well as experts who can provide guidance
11 on standards of proof and evidentiary re-
12 quirements necessary for any subsequent
13 legal action;
14 (ii) provisions should be included in
15 all Memorandums of Understanding, in-
16 cluding a Model Memorandum of Under-
17 standing, that obligate Member States that
18 contribute troops to a peacekeeping oper-
19 ation to designate a military prosecutor
20 who will participate in any investigation
21 into credible allegations of misconduct
22 brought against an individual of such
23 Member State, so that evidence is collected
24 and preserved in a manner consistent with
25 the military law of such Member State;

(iii) the investigative body should be regionally based to ensure rapid deployment and should be equipped with modern forensics equipment for the purpose of positively identifying perpetrators and, where necessary, for determining paternity; and

(iv) the investigative body should report directly to the Associate Director of the Office of Internal Oversight Services for Peacekeeping Operations, while providing copies of any reports to the Department of Field Support, the Department of Peacekeeping Operations, the Head of Mission, and the Member State concerned.

(E) FOLLOW-UP.—The Conduct and Discipline Unit in the headquarters of the United Nations Department of Field Support should be appropriately staffed, resourced, and tasked with—

(i) promulgating measures to prevent misconduct;

(ii) receiving reports by field personnel and coordinating the Department's response to allegations of misconduct;

(iii) gathering follow-up information on completed investigations, particularly by focusing on disciplinary actions against the individual concerned taken by the United Nations or by the Member State that is contributing troops to which such individual belongs, and sharing such information with the Security Council, the Department of Peacekeeping Operations, the Head of Mission, and the community hosting the peacekeeping operation; and

(iv) contributing pertinent data on conduct and discipline to the database required pursuant to subparagraph (H).

(F) FINANCIAL LIABILITY AND VICTIMS ASSISTANCE.—Although peacekeeping operations should provide immediate medical assistance to victims of sexual abuse or exploitation, the responsibility for providing longer-term treatment, care, or restitution lies solely with the individual found guilty of the misconduct. In particular:

(i) The United Nations should not assume responsibility for providing long-term treatment or compensation under the Sex-

1 ual Exploitation and Abuse Victim Assist-
2 ance Mechanism by utilizing assessed con-
3 tributions to United Nations peacekeeping
4 operations, thereby shielding individuals
5 from personal liability and reinforcing an
6 atmosphere of impunity.
7 (ii) If an individual responsible for
8 misconduct has been repatriated, reas-
9 signed, redeployed, or is otherwise unable
10 to provide assistance, responsibility for
11 providing assistance to a victim should be
12 assigned to the Member State that contrib-
13 uted the contingent to which such indi-
14 vidual belonged or to the manager con-
15 cerned.
16 (iii) In the case of misconduct by a
17 member of a military contingent, appro-
18 priate funds shall be withheld from the
19 troop contributing country concerned.
20 (iv) In the case of misconduct by a ci-
21 vilian employee or contractor of the United
22 Nations, appropriate wages shall be gar-
23 nished from such individual or fines shall
24 be imposed against such individual, con-
25 sistent with existing United Nations Staff

1 Rules, and retirement funds shall not be
2 shielded from liability.
3 (G) MANAGERS AND COMMANDERS.—The
4 manner in which managers and commanders
5 handle cases of misconduct by those serving
6 under them should be included in their indi-
7 vidual performance evaluations, so that man-
8 agers and commanders who take decisive action
9 to deter and address misconduct are rewarded,
10 while those who create a permissive environ-
11 ment or impede investigations are penalized or
12 relieved of duty, as appropriate.
13 (H) DATABASE.—A centralized database,
14 including personnel photos, fingerprints, and bi-
15 ometric data, should be created and maintained
16 within the United Nations Department of
17 Peacekeeping Operations, the Department of
18 Field Support, and other relevant United Na-
19 tions bodies without further delay to track cases
20 of misconduct, including the outcome of inves-
21 tigations and subsequent prosecutions, to en-
22 sure that personnel who have engaged in mis-
23 conduct or other criminal activities, regardless
24 of category or rank, are permanently barred

from participation in future peacekeeping operations.

(I) COOPERATION OF MEMBER STATES.—If a Member State routinely refuses to cooperate with the directives contained herein or acts to shield its nationals from personal liability, that Member State should be barred from contributing troops or personnel to future peacekeeping operations.

(J) WELFARE.—Peacekeeping operations should continue to seek to maintain a minimum standard of welfare for mission personnel to ameliorate conditions of service, while adjustments are made to the discretionary welfare payments currently provided to Member States that contribute troops to offset the cost of operation-provided recreational facilities, as necessary and appropriate.

SEC. 1003. CERTIFICATION.

(a) NEW OR EXPANDED PEACEKEEPING OPERATIONS CONTINGENT UPON PRESIDENTIAL CERTIFICATION OF PEACEKEEPING OPERATIONS REFORMS.—

(1) NO NEW OR EXPANDED PEACEKEEPING OPERATIONS.—

1 (A) CERTIFICATION.—Except as provided
2 in subparagraph (B), until the Secretary of
3 State certifies that the requirements described
4 in paragraph (2) have been satisfied, the Presi-
5 dent shall direct the United States Permanent
6 Representative to the United Nations to use the
7 voice, vote, and influence of the United States
8 at the United Nations to oppose the creation of
9 new, or expansion of existing, United Nations
10 peacekeeping operations.
11 (B) EXCEPTION AND NOTIFICATION.—The
12 requirements described under paragraph (2)
13 may be waived with respect to a particular
14 peacekeeping operation if the President deter-
15 mines that failure to deploy new or additional
16 peacekeepers in such situation will significantly
17 contribute to the widespread loss of human life,
18 genocide, or the endangerment of a vital na-
19 tional security interest of the United States. If
20 the President makes such a determination, the
21 President shall, not later than 15 days before
22 the exercise of such waiver, notify the appro-
23 priate congressional committees of such deter-
24 mination and resulting waiver.

1 (2) CERTIFICATION OF PEACEKEEPING OPER-
2 ATIONS REFORMS.—The certification referred to in
3 paragraph (1) is a certification made by the Sec-
4 retary to the appropriate congressional committees
5 that the following reforms, or an equivalent set of
6 reforms, related to peacekeeping operations have
7 been adopted by the United Nations Department of
8 Peacekeeping Operations or the General Assembly,
9 as appropriate:
10 (A) A single, uniform Code of Conduct
11 that has the status of a binding rule and ap-
12 plies equally to all personnel serving in United
13 Nations peacekeeping operations, regardless of
14 category or rank, has been adopted by the Gen-
15 eral Assembly and duly incorporated into all
16 contracts and a Model Memorandum of Under-
17 standing, and mechanisms have been estab-
18 lished for training such personnel concerning
19 the requirements of the Code and enforcement
20 of the Code.
21 (B) All personnel, regardless of category or
22 rank, serving in a peacekeeping operation have
23 been trained concerning the requirements of the
24 Code of Conduct and each has been given a per-

1 sonal copy of the Code, translated into the na-
2 tional language of such personnel.
3 (C) All personnel, regardless of category or
4 rank, are required to sign an oath that each has
5 received a copy of the Code of Conduct, that
6 each pledges to abide by the Code, and that
7 each understands the consequences of violating
8 the Code, including immediate termination of
9 participation in and permanent exclusion from
10 all current and future peacekeeping operations,
11 as well as the assumption of personal liability
12 for victims compensation as a condition of the
13 appointment to such operation.
14 (D) All peacekeeping operations have de-
15 signed and implemented educational outreach
16 programs to reach local communities where
17 peacekeeping personnel of such operations are
18 based to explain prohibited acts on the part of
19 United Nations peacekeeping personnel and to
20 identify the individual to whom the local popu-
21 lation may direct complaints or file allegations
22 of exploitation, abuse, or other acts of mis-
23 conduct.
24 (E) The creation of a centralized database,
25 including personnel photos, fingerprints, and bi-

1 ometric data, has been completed and is being
2 maintained in the United Nations Department
3 of Peacekeeping Operations that tracks cases of
4 misconduct, including the outcomes of inves-
5 tigations and subsequent prosecutions, to en-
6 sure that personnel, regardless of category or
7 rank, who have engaged in misconduct or other
8 criminal activities are permanently barred from
9 participation in future peacekeeping operations.
10 (F) A Model Memorandum of Under-
11 standing between the United Nations and each
12 Member State that contributes troops to a
13 peacekeeping operation has been adopted by the
14 United Nations Department of Peacekeeping
15 Operations that specifically obligates each such
16 Member State to—
17 (i) uphold the uniform Code of Con-
18 duct which shall apply equally to all per-
19 sonnel serving in United Nations peace-
20 keeping operations, regardless of category
21 or rank;
22 (ii) designate a competent legal au-
23 thority, preferably a prosecutor with exper-
24 tise in the area of sexual exploitation and
25 abuse where appropriate, to participate in

1 any investigation into an allegation of mis-
2 conduct brought against an individual of
3 such Member State;
4 (iii) refer to its competent national or
5 military authority for possible prosecution,
6 if warranted, any investigation of a viola-
7 tion of the Code of Conduct or other crimi-
8 nal activity by an individual of such Mem-
9 ber State;
10 (iv) report to the Department of Field
11 Support and the Department of Peace-
12 keeping Operations on the outcome of any
13 such investigation;
14 (v) undertake to conduct on-site court
15 martial proceedings, where practical and
16 appropriate, relating to allegations of mis-
17 conduct alleged against an individual of
18 such Member State; and
19 (vi) assume responsibility for the pro-
20 vision of appropriate assistance to a victim
21 of misconduct committed by an individual
22 of such Member State.
23 (G) A professional and independent inves-
24 tigative and audit function has been established
25 within the United Nations Department of

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

○

Chairman ROS-LEHTINEN. Furthermore, without objection, the following amendments which were provided to members previously and are in your packet shall be considered as read and deemed adopted en bloc: Ros-Lehtinen amendment 92, the Manager's amendment, amendments 102, 103, and 104 offered by Mr. Connolly, amendment 83 offered by Mr. Fortenberry; and, finally, without objection, the bill text as amended by the en bloc shall be considered the original base text for the markup.

[The information referred to follows:]

[Discussion Draft]

AMENDMENT TO H.R. 2829

OFFERED BY MS. ROS-LEHTINEN OF FLORIDA

In section 2(8), insert before the period at the end the following: "but not including the International Bank for Reconstruction and Development, the International Centre for Settlement of Investment Disputes, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, and the World Trade Organization".

In section 2(9), strike "paragraph (1)" and insert "paragraph (8)".

Strike section 202(1) and insert the following:

1 (1) TRANSPARENCY CERTIFICATION.—The term
2 "Transparency Certification" means an annual,
3 written affirmation by the head or authorized des-
4 ignee of a United Nations Entity, provided to the
5 Department of State, that the Entity will cooperate
6 with the Department of State and Congress, includ-
7 ing by providing the Department of State and Con-
8 gress with full, complete, and unfettered access to
9 Oversight Information as defined in this title.

In section 202(2)(H), strike "audit and investigative work of the Comptroller General of the United States" and insert "oversight work of Congress".

In section 202(3), strike "to the Comptroller General of the United States" and insert "provided to the Secretary of State".

Strike section 203 and insert the following:

1 **SEC. 203. OVERSIGHT OF UNITED STATES CONTRIBUTIONS**
2 **TO THE UNITED NATIONS SYSTEM.**

3 (a) PURPOSE.—The purpose of this section is to en-
4 hance oversight of United States Contributions to the
5 United Nations System and the use of those contributions
6 by United Nations Entities, in an effort to eliminate and
7 deter waste, fraud, and abuse in the use of those contribu-
8 tions, and thereby to contribute to the development of
9 greater transparency, accountability, and internal controls
10 throughout the United Nations System.

11 (b) IMPLEMENTATION.—

12 (1) IN GENERAL.—The Department of State
13 shall collect and maintain current records regarding
14 Transparency Certifications and Accountability Cer-
15 tifications by all United Nations Entities that re-
16 ceive United States contributions and submit that

information for inclusion in the report required under section 207.

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

(3) REFERRALS.—

(A) IN GENERAL.—The Secretary of State shall promptly report to the United States Attorney General and to the appropriate congressional committees when the Secretary of State has reasonable grounds to believe a Federal criminal law has been violated by a United Nations Entity or one of its employees, contractors, or representatives.

(B) NOTIFICATION.—The Secretary of State shall promptly report, when appropriate, to the appropriate congressional committees, and to the Secretary General or to the head of the appropriate United Nations Entity, cases in which the Secretary of State reasonably believes that mismanagement, misfeasance, or malfeasance is likely to have taken place within a United Nations Entity and disciplinary proceedings are likely justified.

1 (4) CONFIRMATION OF TRANSPARENCY BY
2 UNITED NATIONS ENTITIES.—
3 (A) PROMPT NOTICE BY DEPARTMENT OF
4 STATE.—Whenever information or assistance
5 requested from a United Nations Entity by the
6 Department of State pursuant to a Trans-
7 parency Certification is, in the opinion of the
8 Secretary of State, unreasonably refused or not
9 provided in a timely manner, the Secretary of
10 State shall notify the appropriate congressional
11 committees, the head of that particular United
12 Nations Entity, and the Secretary General of
13 the circumstances in writing, without delay.
14 (B) NOTICE OF COMPLIANCE.—If and
15 when the information or assistance being
16 sought by the Department of State in connec-
17 tion with a notification pursuant to subpara-
18 graph (A) is provided to the satisfaction of the
19 Secretary of State, the Secretary of State shall
20 so notify in writing to the appropriate congres-
21 sional committees and the head of that par-
22 ticular United Nations Entity.
23 (C) NONCOMPLIANCE.—If the information
24 or assistance being sought by the Department
25 of State in connection with a notification pursu-

ant to subparagraph (A) is not provided within 90 days of that notification, then the United Nations Entity that is the subject of the notification is deemed to be noncompliant with its Transparency Certification, and

(D) RESTORATION OF COMPLIANCE.—After the situation has been resolved to the satisfaction of the Secretary of State, the Secretary of State shall promptly provide prompt, written notification of that fact and of the restoration of compliance, along with a description of the basis for the Secretary of State's decision, to the appropriate congressional committees, the head of that United Nations Entity, the Secretary General, and any office or agency of the Federal Government that has provided that United Nations Entity with any United States contribution during the prior 2 years.

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

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

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

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

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

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

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

20 (6) REPORTING.—

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

1 things, includes a list and detailed description
2 of the circumstances surrounding any notifica-
3 tion of compliance issued pursuant to para-
4 graph (4)(C) or (5)(C) during the covered time-
5 frame, and whether and when the Secretary has
6 reversed such finding of noncompliance.
7 (B) PROHIBITED DISCLOSURES.—Nothing
8 in this subsection shall be construed to author-
9 ize the public disclosure of information that
10 is—
11 (i) specifically prohibited from disclo-
12 sure by any other provision of law;
13 (ii) specifically required by Executive
14 Order to be protected from disclosure in
15 the interest of national defense or national
16 security or in the conduct of foreign af-
17 fairs; or
18 (iii) a part of an ongoing criminal in-
19 vestigation.
20 (C) PRIVACY PROTECTIONS.—The Sec-
21 retary of State shall exempt from public disclo-
22 sure information received from a United Na-
23 tions Entity that the Secretary of State be-
24 lieves—

1 (i) constitutes a trade secret or privi-
2 leged and confidential personal financial
3 information;
4 (ii) accuses a particular person of a
5 crime;
6 (iii) would, if publicly disclosed, con-
7 stitute a clearly unwarranted invasion of
8 personal privacy; and
9 (iv) would compromise an ongoing law
10 enforcement investigation or judicial trial
11 in the United States.

In section 204(a)(1), strike "Comptroller General" and insert "Secretary of State".

In section 204(a)(3), strike "Comptroller General" and insert "Secretary of State".

In section 207, insert "for two years" after "annually".

In section 309, strike subsection (c).

In section 401, add at the end the following:

12 (8) On September 16, 2011, the Deputy Na-
13 tional Security Advisor for Strategic Communica-
14 tions stated that "We would veto actions through
15 the Security Council and oppose action through the

1 Security Council associated with a unilateral dec-
2 laration of [Palestinian] statehood.".

In section 501(4), strike "Burma and North Korea" and insert "Burma, North Korea, and Syria".

In section 501(4), strike "Libya, Iran, Syria, and Belarus" and insert "Libya, Iran, and Belarus".

In section 701(30), strike "has announced that it will" and insert "announced that it would".

In section 701(31), strike "has announced that it will" and insert "announced that it would".

In section 701(32), strike "U.S. State Department" and insert "The Department of State's".

In section 701, strike paragraphs (33) through (38) and insert the following:

3 (33) The Governments of Australia, Austria,
4 Bulgaria, the Czech Republic, France, Germany,
5 Italy, Latvia, the Netherlands, New Zealand, Po-
6 land, and the United Kingdom also did not partici-
7 pate in the Durban III meeting.
8 (34) On September 22, 2011, at the Durban
9 III meeting, the United Nations General Assembly
10 adopted Resolution A/RES/66/3, a "political declara-
11 tion" which "[r]eaffirm[ed] that the Durban Dec-

1 laration and Programme of Action... and the out-
2 come document of [Durban II]. . . are a com-
3 prehensive United Nations framework and solid
4 foundation for combating racism, racial discrimina-
5 tion, xenophobia, and related intolerance",
6 "[r]ecall[ed] that the aim of [Durban III] is to mo-
7 bilize political will at the national, regional and
8 international levels and reaffirm our political com-
9 mitment to the full and effective implementation of
10 the Durban Declaration and Programme of Action
11 and the outcome document of [Durban II], and their
12 follow-up processes, at all these levels", and
13 "welcome[d] the continued engagement of the
14 United Nations High Commissioner for Human
15 Rights to incorporate the implementation of the
16 Durban Declaration and Programme of Action into
17 the United Nations system".
18 (35) On September 22, 2011, the White House
19 Press Secretary stated that "Since its inception. . .
20 the Durban process has included ugly displays of in-
21 tolerance and anti-Semitism. . . Last December, the
22 United States voted against the resolution estab-
23 lishing [Durban III] because we did not want to see
24 the hateful and anti-Semitic displays of the 2001
25 Durban Conference commemorated. Over the last

few months, we did not participate in negotiations on [Durban III's] Political Declaration document and, like many other countries, we were not present when the Declaration was adopted. We are also deeply disappointed that the rules established for credentialing non-governmental organizations to participate were used by some delegations to silence voices critical of the Durban process.''.

(36) Durban I, Durban II, Durban III, and their preparatory and follow-on activities, have made little or no demonstrable contribution to combating racism, racial discrimination, xenophobia, and related intolerance.

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

(38) The United States is the largest contributor to the United Nations system, and is assessed for a full 22 percent of the United Nations regular budget, which is funded by assessed contributions from Member States.

(39) Funding for Durban I, Durban II, Durban III, and their preparatory and follow-on activities through the United Nations regular budget has re-

1 sulted in United States taxpayer dollars being used
2 for those purposes.
3 (40) The United States Congress, through its
4 adoption of the Consolidated Appropriations Act,
5 2008 (Public Law 110–161) withheld from the
6 United States assessed contribution for fiscal year
7 2008 to the United Nations regular budget an
8 amount equivalent to the United States share of the
9 United Nations Human Rights Council budget, in-
10 cluding its share of the Council-administered pre-
11 paratory process for Durban II.

In section 702(a), strike paragraphs (1) through (4) and insert the following:

12 (1) the Durban I, Durban II, and Durban III
13 conferences, and their preparatory and follow-on ac-
14 tivities, were subverted by members of the Organiza-
15 tion of the Islamic Conference and irredeemably dis-
16 torted into a forum for anti-Israel, anti-Semitic, and
17 anti-freedom activity;
18 (2) by walking out of the Durban I conference,
19 and by not participating in the Durban II con-
20 ference, and announcing that it would not partici-
21 pate in the Durban III meeting, the United States
22 Government upheld and reaffirmed the fundamental
23 commitment of the United States to combating rac-

1 ism, racial discrimination, xenophobia, and related
2 intolerance;
3 (3) the Governments of Canada, Israel, Italy,
4 Germany, the Netherlands, Poland, Australia, New
5 Zealand, and the Czech Republic should be com-
6 mended for their decision to not participate or cease
7 participation in the Durban II conference;
8 (4) the Governments of Australia, Austria, Bul-
9 garia, Canada, Israel, the Czech Republic, France,
10 Germany, Israel, Italy, Latvia, the Netherlands,
11 Italy, New Zealand, Poland, and the United King-
12 dom and any other government that decides not to
13 participate in the Durban III meeting, should be
14 commended for their decision to not participate in
15 Durban III; and

In section 702(b)(1)(A), strike "any portion of the Durban III meeting, its preparatory or follow-on activities, or any other" and insert "any".

In section 703, strike "the Durban III meeting, its preparatory or follow-on activities, or any further" and insert "any".

Strike section 801(16) and insert the following:

16 (16) Even though the United States remains
17 the largest single contributing country to UNRWA,

1 until 2010, UNRWA did not make available its list
2 of staff for screening through United States watch
3 lists, including that of the Department of the Treas-
4 ury's Office of Foreign Assets Control, refused a
5 United States request to do so in 2005, and still
6 does not do so for its list of aid recipients.

Strike section 801(21) (and redesignate paragraphs (22) through (26) as paragraphs (21) through (25), respectively).

In section 801(23) (as so redesignated), strike "continues to hold" and insert "has long held".

In section 801, insert after paragraph 25 (as so redesignated) the following:

7 (26) On August 10, 2011, the Department of
8 the Treasury designated CBS, pursuant to Executive
9 Order 13382, for serving as an "agent for des-
10 ignated Syrian and North Korean proliferators".

In section 801(33), strike "personnel and".

Strike section 902(c) and insert the following:

11 (e) NUCLEAR PROGRAM OF IRAN AND SYRIA.—
12 (1) UNITED STATES ACTION.—The President
13 shall direct the United States Permanent Represent-
14 ative to the IAEA to use the voice, vote, and influ-

1 ence of the United States at the IAEA to make
2 every effort to ensure the adoption of a resolution by
3 the IAEA Board of Governors that, in addition to
4 the restrictions already imposed, makes Iran and
5 Syria ineligible to receive any nuclear material, tech-
6 nology, equipment, or assistance from any IAEA
7 Member State and ineligible for any IAEA assist-
8 ance not related to safeguards inspections or nuclear
9 security until the IAEA Board of Governors deter-
10 mines that Iran or Syria, as the case may be—
11 (A) is providing full access to IAEA in-
12 spectors to its nuclear-related facilities;
13 (B) has fully implemented and is in com-
14 pliance with the Additional Protocol; and
15 (C) has permanently ceased and disman-
16 tled all activities and programs related to nu-
17 clear-enrichment and reprocessing.
18 (2) PENALTIES.—If an IAEA Member State is
19 determined to have violated the prohibition on as-
20 sistance to Iran or Syria described in paragraph (1)
21 before the IAEA Board of Governors determines
22 that Iran or Syria, as the case may be, has satisfied
23 the conditions described in subparagraphs (A)
24 through (C) of such paragraph, such Member State
25 shall be subject to the penalties described in sub-

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

☒

AMENDMENT TO H.R. 2829

OFFERED BY MR. CONNOLLY OF VIRGINIA

In section 203(b)(6)(C), redesignate clauses (ii) and (iii) as clauses (iii) and (iv), respectively.

In section 203(b)(6)(C), insert after clause (i), the following:

1 (i) constitutes confidential personal
2 medical information;

☒

AMENDMENT TO H.R. 2829

OFFERED BY MR. CONNOLLY OF VIRGINIA

In section 306(a), strike "The President" and insert the following:

1 (a) IN GENERAL.—The President

In section 306, add at the end the following:

2 (b) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that—
4 (1) authoritarian regimes often inaccurately
5 label peaceful, pro-freedom, pro-democracy move-
6 ments as terrorist movements in order to undermine
7 the legitimacy of those movements; and
8 (2) any United Nations definition of terrorism
9 should not be used to undermine a peaceful, pro-
10 freedom, pro-democracy movement against authori-
11 tarian rule.

AMENDMENT TO H.R. 2829

OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of title III, insert the following:

1 **SEC. 3___. UNITED STATES POLICY ON TAIWAN'S PARTICI-**
2 **PATION IN UNITED NATIONS ENTITIES.**

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

AMENDMENT TO H.R. 2829

OFFERED BY MR. FORTENBERRY OF NEBRASKA

At the end of title III, insert the following:

1 **SEC. 3 . UNITED STATES POLICY ON TIER 3 HUMAN**
2 **RIGHTS VIOLATORS.**

3 The Secretary of State shall direct the United States
4 Permanent Representative to the United Nations to use
5 the voice, vote, and influence of the United States at the
6 United Nations to ensure that no representative of a coun-
7 try designated pursuant to section 110 of the Trafficking
8 Victims Protection Act of 2000 (22 U.S.C. 7107) by the
9 Department of State as a Tier 3 country shall preside as
10 Chair or President of any United Nations Entity.

Chairman ROS-LEHTINEN. I will now recognize myself for both the bill, as amended, and on the substitute amendment to be offered by my friend, the ranking member.

Let me briefly reiterate some of the reasons why this bill is so needed. Last year, the U.S. contributed a record $7.7 billion to the U.N., 21 percent more than 2009; as the report of the Office of Management and Budget states in their report to Congress.

The administration's own Ambassador for Management and Reform, Joseph Torsella, has said, "For a decade now, the United Nations' regular budget has grown dramatically, relentlessly, and exponentially."

Now, as America struggles to pay their bills and put food on the table, U.N. employees are about to receive another pay hike. The administration has rightfully urged the U.N. to cut its budget and cancel the pay increase, but the U.N. will actually be increasing its budget in the next 2 years. As Ambassador Torsella said, this budget increase "does not represent a break from business as usual but, rather, a continuation of it."

And what is it that we are paying for? A U.N. Human Rights Council that includes such gross human rights violators as China, Russia, Saudi Arabia, and its vice chair, Cuba.

Two years after the administration joined the Council, the Council still has undergone zero fundamental reforms, continues to pass resolution after resolution condemning Israel, and its permanent agenda item on Israel remains in place. We are paying for the Durban process, which has been hijacked to spread anti-Israel and anti-Semitic venom.

Then there is the U.N. Conference on Disarmament recently chaired by North Korea. So serial proliferator North Korea presided over the U.N.'s disarmament body; and Iran, a regime which stones women to death, is a member of the U.N. Commission on the Status of Women.

We are paying for a U.N. that just appointed as the head of its Kosovo mission an individual involved in the infamous "Oil for Food" scandal and a U.N. that goes after whistle-blowers while protecting the corrupt.

Why do we bear the financial burden for this? Every year scores of member countries that contribute almost nothing to the U.N. vote together to pass the budget. Then they pass the cost on big donors like the United States, which is assessed a whopping 22 percent. In contrast, China pays just 3 percent.

We need a game changer. We will never achieve lasting, sweeping reforms if the U.S. keeps paying in full what the U.N. dictates to us with no consequences for the U.N. failures.

It is time to leverage our funding to achieve lasting U.N. reform by passing this U.N. reform bill. This bill seeks to shift the funding basis for the U.N.'s regular budget to voluntary contributions so that American taxpayers can choose how much of their hard-earned money goes to the U.N. and what it is spent on. A shift to voluntary funding will help end the U.N.'s entitlement culture, forcing it to perform better and cut costs in order to justify its funding.

The best-performing U.N. bodies are usually the ones funded voluntarily, like UNICEF and the U.N. High Commissioner for Refu-

gees. That's why the bipartisan Gingrich-Mitchell report recommended shifting more U.N. programs to voluntary funding.

The Secretary of State sent me a letter yesterday opposing our bill. The Secretary claims that if we move to a system of voluntary funding it will hurt our soldiers in Afghanistan and Iraq because other member states won't do the burden sharing to pay for U.N. missions in those countries. Does the administration have such little faith in our allies and in our diplomacy, which they pride themselves on, to think that they would not share the burden of fighting Islamic extremists unless the U.N. forced them to? And given that the U.S. paid billions and billions of dollars to the U.N. last year, I think it is clear who is actually carrying the burden without any say: The U.S. taxpayer.

On the ranking member's amendment in the nature of a substitute, which he will introduce shortly, regrettably the substitute is just that, a substitute for real reform. On each area that it addresses, the main prescription is rhetoric, but no real consequence for U.N. inaction. The substitute states that the administration should take the status of reform efforts at voluntarily funded U.N. bodies into account when determining how much to contribute to those bodies.

I believe this is an acknowledgment of just how effective voluntary funding is at achieving reform. Yet the ranking member opposes the proposal in the underlying bill to shift the basis for the U.N. regular budget to voluntary contributions, which increases our leverage to achieve reform throughout the U.N. system as well as will enable us to fund those programs that actually work and advance U.S. interests. Leveraging our contributions as the underlying bill proposes can help stop Abu Mazen's dangerous Palestinian statehood scheme. By contrast, the substitute amendment offers no consequences if any U.N. body upgrades the Palestinian status.

Turning to peacekeeping, like Mr. Berman, I value the contributions that peacekeepers have made to global peace and security, including in Haiti, but the substitute fails to address the urgent need for reforms to restore the reputation of U.N. peacekeeping, particularly in light of recent reports of sexual abuse of minors by peacekeepers in Haiti and the illegal exploitation of natural resources by U.N. employees in Congo. I ask my colleagues to oppose this substitute and settle for nothing less than real reform by supporting the underlying bill.

I will now ask the clerk to report the Berman amendment in the nature of a substitute before I yield to the ranking member for his remarks on today's business.

Ms. CARROLL. Amendment in the nature of a substitute to H.R. 2829 offered by Mr. Berman of California.

Chairman ROS-LEHTINEN. Thank you. Without objection the Berman substitute is considered as read.

[The information referred to follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2829 OFFERED BY MR. BERMAN OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "United Nations En-
3 gagement and Reform Act of 2011".

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The United Nations plays a key role in sup-
7 porting United States interests and leverages the
8 United States investment in it by helping address
9 the transnational challenges that confront the
10 United States.

11 (2) Although the United Nations has imple-
12 mented much of the Gingrich-Mitchell reforms, the
13 United Nations will be able to operate most effec-
14 tively if it continues to look at ways it can improve
15 its performance and transparency.

16 (3) The United States has worked to put into
17 place at the United Nations certain management re-
18 form initiatives, such as whistleblower protections, a

strong ethics office, doubling the capacity of oversight bodies, overhauling the internal dispute systems, and improving transparency by allowing more public access to United Nations budgets, audits, contracts, and financial disclosures.

(4) The United States has sought and achieved far reaching United Nations Security Council sanctions to stop the spread of nuclear weapons in Iran.

(5) United Nations peacekeeping operations, approved by the United States, have leveraged its international legitimacy to provide international security, prevent failed states, and promote democratic governance.

(6) The United Nations worked hand-in-hand with the United States Armed Forces by saving countless lives through humanitarian and peacekeeping operations in the aftermath of the earthquake in 2010 in Haiti, despite the loss of its leadership and over 100 staff members in the quake.

(7) United Nations norm-setting in telecommunications (ITU), civil aviation (ICAO), international maritime affairs (IMO), and postal operations (UN UPU) allows international commerce to thrive.

SEC. 3. MONITORING UNITED NATIONS PROGRESS ON MANAGEMENT REFORM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United Nations Transparency and Accountability Initiative (UNTAI) has been an important mechanism for monitoring the progress of United Nations entities on key reform criteria;

(2) the Department of State's refusal to share with Congress many of its findings has limited UNTAI's utility as a tool for Congress in evaluating the United Nations' progress on management reform issues;

(3) further evaluation of United Nations entities should be considered by the Department of State, particularly in area of results effectiveness; and

(4) in determining how to best monitor and evaluate the effectiveness of United Nations entities, the Department of State should examine the United States Agency for International Development's monitoring and evaluation functions.

(b) AUTHORIZATION OF UNITED NATIONS REFORM EVALUATION PROGRAM.—The Secretary of State shall—

(1) develop and implement a rigorous system to monitor and evaluate the effectiveness of United Na-

1 tions entities and the progress of such entities on
2 management and other reform areas;
3 (2) consult with the Administrator for the
4 United States Agency for International Development
5 to establish a system to monitor and evaluate the ef-
6 fectiveness of such entities primarily engaged in
7 international development and humanitarian activi-
8 ties; and
9 (3) establish an organizational unit with ade-
10 quate staff and funding to budget, plan, and conduct
11 appropriate performance monitoring and improve-
12 ment and evaluation activities with respect to United
13 States voluntary and assessed contributions to the
14 United Nations.
15 (c) ANNUAL REPORT.—The Secretary of State shall
16 submit to the Committee on Foreign Affairs of the House
17 of Representatives and the Committee on Foreign Rela-
18 tions of the Senate an annual report on the progress
19 United Nations entities are taking to implement manage-
20 ment reforms
21 (d) EFFECT ON VOLUNTARY CONTRIBUTIONS.—The
22 Secretary of State shall take into consideration the results
23 of the evaluations under subsection (b) when determining
24 the appropriate level of financial support for United Na-

1 tions peacekeeping operations funded by voluntary con-
2 tributions.

3 **SEC. 4. PEACEKEEPING.**

4 (a) PEACEKEEPING POLICY REVIEW.—The President
5 shall conduct a peacekeeping policy review to assess the
6 possibilities for replacing ineffective initiatives, reducing
7 inefficiencies, improving metrics for evaluating success,
8 and include stricter accounting of United States expendi-
9 tures on United Nations peacekeeping operations to en-
10 sure the most cost-effective operations. The policy review
11 shall include recommendations as to how the United
12 States could better leverage its support of United Nations
13 peacekeeping operations, so that the United States may
14 better leverage the security and other gains provided by
15 such operations.

16 (b) EVALUATING PEACEKEEPING REFORM EF-
17 FORTS.—

18 (1) IN GENERAL.—The Secretary of State shall
19 develop and implement a rigorous system to evaluate
20 the progress on United Nations peacekeeping reform
21 efforts identified in the policy review required under
22 subsection (a).

23 (2) MONITORING.—The evaluation system re-
24 quired under paragraph (1) shall be included in the
25 Department of State's United Nations Transparency

and Accountability Initiative, referred to in section 17.

(3) ANNUAL REPORT.—The President shall include in the annual report on United Nations peacekeeping operations submitted pursuant to section 4 of the United Nations Participation Act (22 U.S.C. 287b) an evaluation of the progress of United Nations peacekeeping operations reforms.

(4) EFFECT ON VOLUNTARY CONTRIBUTIONS.—The Secretary of State shall take into consideration the results of the evaluations under this subsection when determining the appropriate level of financial support for United Nations peacekeeping operations funded by voluntary contributions.

(c) CLARITY OF SECURITY COUNCIL PEACEKEEPING MANDATES.—It is the sense of Congress that, with respect to Security Council peacekeeping mandates, the United States should—

(1) strongly advocate for realistic and clear mandates by the Security Council during the initial drafting phase, and each time a mandate comes up for renewal;

(2) support more coherent interventions on the ground, particularly better transitions from heavy military deployments to lighter civilian-led oper-

ations, as well as from peacekeeping to peacebuilding-focused and preventive operations; and

(3) insist on merit-based selection of senior leadership for peacekeeping operations.

SEC. 5. SEXUAL EXPLOITATION AND ASSAULT.

It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to—

(1) ensure that all Member States actively pursue investigations of their nationals accused of sexual exploitation or assault, and are provided adequate support and assistance to do so;

(2) support the United Nation's efforts to ensure that for each substantiated sexual exploitation and assault case, there is adequate follow-up and engagement with Member States on a case-by-case basis to increase the level of response; and

(3) support the United Nations in pursuing criminal charges of perpetrators of sexual exploitation and assault to the full extent of the law in their home countries.

SEC. 6. REQUIREMENT TO MONITOR AND EVALUATE GLOBAL PEACE OPERATIONS INITIATIVE (GPOI).

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Defense, shall monitor and

evaluate the impact of the Global Peace Operations Initiative (GPOI).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the following:

(1) An evaluation of GPOI's impact on the matriculation rates of forces that undergo GPOI training and later serve in United Nations peacekeeping operations.

(2) An evaluation of the performance of forces serving in United Nations peacekeeping operations that have undergone GPOI training.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 7. POSITIONS FOR UNITED STATES CITIZENS AT INTERNATIONAL ORGANIZATIONS.

The Secretary of State shall make every effort to recruit United States citizens for positions within international organizations.

SEC. 8. GAO REPORT ON UNITED NATIONS REFORM EFFORTS.

Not later than two years after the date of the enactment of this Act and three years thereafter, the Comptroller General of the United States shall submit to Congress a report on the progress of United Nations reform, including management reform, consolidation of services, effectiveness of United Nations operations, procurement reform, and peacekeeping reform.

SEC. 9. DISPOSITION OF UNITED STATES CREDITS ACCRUED AT THE UNITED NATIONS.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to seek the return to the Treasury of the United States credits or other funds owed to the United States by the United Nations or otherwise apply such credits to future United States assessments to the United Nations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) when informed by the United Nations of an accumulation of credits accrued by the United

States, the Secretary of State shall instruct the United States permanent representative to the United Nations to seek at the earliest possible date that such funds should either be returned to the United States or applied to future assessments where appropriate;

(2) the United Nations should reform its Tax Equalization Fund (TEF) procedures to reduce repeated discrepancies between TEF income and expenditures; and

(3) peacekeeping credits accrued by the United States and applied toward future assessments should only be credited towards peacekeeping assessments.

SEC. 10. RESPONSIBILITIES UNIQUE TO THE CITY OF NEW YORK.

(a) FINDINGS.—Congress finds the following:

(1) The City of New York, as the host city of the United Nations, is unique in its responsibility for providing security, emergency, and other services to the United Nations, its delegates, and permanent missions located in the City.

(2) As a host city, the City of New York provides these services with the expectation that the City will be reimbursed by the Department of State for such expenses.

(3) Although the City of New York has continued to expend its own budgetary resources to provide security and other services to the United Nations community, the Department of State has failed to reimburse the city in full for providing those services, resulting in significant arrearages owed to the City.

(b) REIMBURSEMENT.—The Secretary of State shall reimburse the City of New York in a timely manner for all costs incurred in the provision of security and other related services as the host city of the United Nations.

SEC. 11. DETAILING OF UNITED STATES ARMED FORCES PERSONNEL TO THE UNITED NATIONS.

It is the sense of Congress that—

(1) the United States should increase the number of officers of the Armed Forces in the United Nations by developing a simplified, accelerated interagency process for detailing such officers;

(2) section 628 of the Foreign Assistance Act of 1961 (22 U.S.C. 2388) provides the President authority to detail members of the Armed Forces to international organizations;

(3) the current process for detailing such officers is slow and cumbersome, preventing qualified

officers from pursuing United Nations peacekeeping opportunities;

(4) the President should work to reduce the bureaucratic hurdles for such officers to serve in the United Nations, which would allow a new generation of officers' firsthand knowledge of United Nations peacekeeping operations.

SEC. 12. UNITED STATES PERSONNEL TO INTERNATIONAL ORGANIZATIONS.

The President is authorized to detail any United States Government officer or employee to the United Nations on a nonreimbursable basis for up to three years to assist in the implementation of the reforms described in this Act, including providing for any necessary housing, education, cost-of-living allowances, or other allowances authorized under the Foreign Service Act of 1980 or the United Nations Participation Act of 1945.

SEC. 13. FOSTERING GREATER TRANSPARENCY FOR UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST.

(a) FINDINGS.—Congress finds the following:

(1) Section 301(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2221(c)) prohibits United

1 States contributions to the United Nations Relief
2 and Works Agency for Palestine Refugees in the
3 Near East (UNRWA) except on the condition that
4 UNRWA takes all possible measures to ensure that
5 no part of any such United States contribution is
6 used to furnish assistance to any refugee who has
7 engaged in any act of terrorism.
8 (2) The Department of State overseas United
9 States contributions to UNRWA and in that capac-
10 ity is responsible for implementing section 301(c) of
11 the Foreign Assistance Act of 1961.
12 (3) UNRWA screens lists of employees, con-
13 tractors, and beneficiaries against the United Na-
14 tions Security Council's Consolidated List, estab-
15 lished and maintained by the 1267 Committee, with
16 respect to Al-Qaida, Usama bin Laden, and the
17 Taliban and other individuals, groups, undertakings,
18 and entities associated with them, commonly known
19 as the UN 1267 List; however, this list generally
20 does not include terrorist organizations of immediate
21 relevance to the regions where Palestinian refugees
22 are concentrated, including Hamas, Palestinian Is-
23 lamic Jihad, and Hezbollah.
24 (4) UNRWA does not screen lists of employees,
25 contractors, and beneficiaries against the Office of

1 Foreign Asset Control's Specially Designated Na-
2 tionals and Blocked Persons list, commonly known
3 as the OFAC List.
4 (b) CRITERIA FOR PERFORMANCE.—
5 (1) IN GENERAL.—The Secretary of State shall
6 establish criteria to determine whether UNRWA is
7 in conformance with conditions for assistance estab-
8 lished under section 301(c) of the Foreign Assist-
9 ance Act of 1961. Such criteria shall include –
10 (A) the elements that shall constitute com-
11 pliance with such section; and
12 (B) a definition of what constitutes "all
13 possible measures" as specified in such section.
14 (2) CONSULTATION.—The Secretary shall con-
15 sult with the appropriate congressional committees
16 in developing the criteria established pursuant to
17 paragraph (1).
18 (3) REPORT.—Not later than 180 days after
19 the date of the enactment of this Act, the Secretary
20 of State shall submit to the appropriate congres-
21 sional committees a report on the feasibility of
22 screening current and future lists of UNRWA em-
23 ployees, contractors, and beneficiaries against the
24 Office of Foreign Asset Control's Specially Des-
25 ignated Nationals and Blocked Persons list.

1 (c) UNRWA EDUCATIONAL AND VOCATIONAL
2 TRAINING ACTIVITIES.—
3 (1) ENHANCING EDUCATIONAL PROGRAMS.—
4 The Secretary of State shall assist UNRWA in de-
5 veloping unbiased textbooks and other teaching ma-
6 terials to be used in all UNRWA-administered
7 schools and other educational facilities. Such assist-
8 ance shall include:
9 (A) Working with the United Nations Edu-
10 cation, Scientific and Cultural Organization
11 (UNESCO) to develop textbooks and other
12 teaching materials.
13 (B) Ensuring that textbooks and other
14 educational materials used by UNRWA do not
15 propagate or disseminate anti-American, anti-
16 Israel, or anti-Semitic rhetoric, propaganda, or
17 incitement.
18 (C) Providing financial and technical as-
19 sistance to make all UNRWA textbooks publicly
20 available on the Internet.
21 (2) VOCATIONAL TRAINING.—The Secretary of
22 State shall work with UNRWA to expand its tech-
23 nical and vocational training.

1 **SEC. 14. MANAGEMENT REFORMS AT THE UNITED NA-**
2 **TIONS.**

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

5 (1) management reforms are critical to
6 strengthening accountability, transparency, and effi-
7 ciency at the United Nations, in addition to fos-
8 tering a strong culture off ethical responsibility;

9 (2) while important reform initiatives have been
10 undertaken in the Secretariat, and several funds,
11 programs, and specialized agencies have made some
12 progress in reform, several funds, programs, and
13 specialized agencies still have not embraced similar
14 reforms on their own; and

15 (3) failure to establish independent and ade-
16 quately resourced oversight and ethics bodies, unwill-
17 ingness to alter policies to allow the increased shar-
18 ing of audit, financial, and other information, and
19 inability to account for the expenditure of funds not
20 only undermines the credibility of the work of these
21 funds and programs and specialized agencies, but it
22 also jeopardizes the continued robust levels of finan-
23 cial support that many United Nations activities
24 have traditionally received from the United States.

25 (b) INTERNAL OVERSIGHT.—It shall be the policy of
26 the United States to use its voice, vote, and influence at

1 the United Nations to ensure that each United Nations
2 entity to the greatest practical extent—
3 (1) carries out internal audits of the programs
4 and activities of each such entity in conformity with
5 the International Standards for the Professional
6 Practice of Internal Auditing as issued by the Insti-
7 tute of Internal Auditors;
8 (2) establishes an internal oversight function
9 with unfettered access to all records and personnel
10 of the respective entity;
11 (3) allocates sufficient resources and staffing to
12 such an internal oversight function;
13 (4) provides the results of internal oversight
14 evaluations to the governing body and chief execu-
15 tive of each such respective entity; and
16 (5) establishes audit committees for which im-
17 portant oversight matters shall be referred and
18 brought to the attention of the governing body of the
19 respective entity.
20 (c) MEMBER STATE ACCESS TO AUDIT AND OVER-
21 SIGHT MATERIALS.—
22 (1) IN GENERAL.—It shall be the policy of the
23 United States to use its voice, vote, and influence at
24 the United Nations to ensure that each United Na-
25 tions entity to the greatest practical extent—

1 (A) discloses to Member States upon their
2 request in the original and unedited form all
3 audit results and oversight reports, both cur-
4 rent and previously issued, except when doing
5 so would be inappropriate for reasons of indi-
6 vidual confidentiality, risk violating due process
7 rights, or interfere with civil or criminal inves-
8 tigations; and
9 (B) makes publicly available and posted on
10 the internet all audit results and oversight re-
11 ports, both current and previously issued, ex-
12 cept when doing so would be inappropriate for
13 reasons of individual confidentiality or risk vio-
14 lating due process rights or for security pur-
15 poses due to the confidential or sensitive nature
16 of the information.
17 (2) CERTAIN OMISSIONS.—In the case omis-
18 sions relating to security purposes under paragraph
19 (1)(B), such audit results and oversight reports
20 should disclose that certain information has been
21 omitted and the reason therefor.
22 (d) OPEN ACCESS TO INFORMATION.—It shall be the
23 policy of the United States to use its voice, vote, and influ-
24 ence at the United Nations to ensure that each United
25 Nations entity to the greatest practical extent make pub-

1 licly available and prominently display on its website infor-
2 mation regarding rules, regulations, directives concerning
3 financial and personnel practices, the program and budg-
4 et, procurement activities, and other administrative poli-
5 cies of each such entity in accordance with General Assem-
6 bly A/60/846/Add.4.

7 (e) ETHICS.—It shall be the policy of the United
8 States to use its voice, vote, and influence at the United
9 Nations to ensure that each United Nations entity to the
10 greatest practical extent—

11 (1) has an independent ethics office, or where
12 appropriate, a designated ethics officer who is re-
13 sponsible for whistleblower and financial disclosure
14 activities;

15 (2) ensures such ethics office or designated eth-
16 ics officer is directly accountable to both the chief
17 executive and the governing body of each such entity
18 and reports annually on its functions; and

19 (3) submits itself to the jurisdiction of the
20 United Nations Ethics Office if it has not yet estab-
21 lished its own independent ethics office.

22 (f) WHISTLEBLOWER PROTECTIONS.—It shall be the
23 policy of the United States to use its voice, vote, and influ-
24 ence at the United Nations to ensure that each United
25 Nations entity to the greatest practical extent—

1 (1) is fully in compliance with ST/SGB/2005/
2 21, the Secretary-General's Bulletin concerning the
3 protection against retaliation for reporting mis-
4 conduct and for cooperating with duly authorized
5 audits or investigations; or
6 (2) has implemented its own policies that meet
7 best practices in domestic laws and international
8 conventions against corruption for whistleblower and
9 witness disclosures and protections against retalia-
10 tion for internal and lawful public disclosures by any
11 of each such entity's employees (regardless of the
12 nature of the contract of such employees) and other
13 individuals affected by such entity's operations who
14 challenge illegality or other misconduct that could
15 threaten the entity's mission, including—
16 (A) best practices for legal burdens of
17 proof;
18 (B) access to independent adjudicative
19 bodies, including external arbitration based on
20 consensus selection and shared costs;
21 (C) results that eliminate the effects of
22 proven retaliation;
23 (D) a minimum of a one-year statute of
24 limitations for reporting retaliation; and

1 (E) the option of making external disclo-
2 sures in certain instances, according to the
3 standards established in ST/SGB/2005/21, sec-
4 tion 4.
5 (g) FINANCIAL DISCLOSURES.—It shall be the policy
6 of the United States to use its voice, vote, and influence
7 at the United Nations to ensure that each United Nations
8 entity to the greatest extent practical establishes financial
9 disclosure policies based on United States or other inter-
10 national best practices to cover all senior officials and all
11 staff with fiduciary responsibilities.
12 (h) INTERNATIONAL PUBLIC ACCOUNTING STAND-
13 ARDS.—It shall be the policy of the United States to use
14 its voice, vote, and influence at the United Nations to en-
15 sure that each United Nations entity to the greatest extent
16 practical fully implements International Public Sector Ac-
17 counting Standards.
18 (i) ADMINISTRATIVE COST TRANSPARENCY.—It shall
19 be the policy of the United States to use its voice, vote,
20 and influence at the United Nations to ensure that each
21 United Nations entity to the greatest extent practical—
22 (1) provides a clear and transparent accounting
23 of its administrative costs; and
24 (2) is expending funds for administrative pur-
25 poses at an acceptable level.

1 **SEC. 15. COMPLIANCE WITH UNITED NATIONS INTERNAL**
2 **JUSTICE SYSTEM.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the Secretary General's full compliance with
5 and support of efforts to strengthen the United Nation's
6 internal justice system is critical for establishing and
7 maintaining a strong culture of ethics and accountability
8 at the United Nations.

9 (b) STATEMENT OF POLICY.—It shall be the policy
10 of the United States to use its voice, vote, and influence
11 at the United Nations to ensure that the Secretary Gen-
12 eral—

13 (1) agrees to comply with all requests for infor-
14 mation made by the judges of the United Nations
15 Dispute Tribunal and United Nations Appeals Tri-
16 bunal;

17 (2) agrees to comply with all orders issued by
18 the United Nations Dispute Tribunal and United
19 Nations Appeals Tribunal;

20 (3) agrees to fully enforce decisions made by
21 the United Nations Dispute Tribunal and United
22 Nations Appeals Tribunal; and

23 (4) has adequately resourced the budget of the
24 United Nations Dispute Tribunal and United Na-
25 tions Appeals Tribunal and that each Registry has
26 sufficient staffing to adequately function.

1 **SEC. 16. UNITED NATIONS OFFICE OF INTERNAL OVER-**
2 **SIGHT SERVICES.**

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

5 (1) the Office of Internal Oversight Services
6 (OIOS) must have the necessary budgetary re-
7 sources, staffing levels, and cooperation from the
8 Secretariat's leadership to fully execute its mandate;
9 and

10 (2) unacceptable numbers of vacancies, particu-
11 larly vacancies at senior levels, hamper the Office's
12 ability to oversee critical United Nations functions.

13 (b) STATEMENT OF POLICY.—It shall be the policy
14 of the United States to use its voice, vote, and influence
15 at the United Nations to ensure the following:

16 (1) The Under Secretary General for Internal
17 Oversight Services has appointed an appropriately
18 senior level Director of the OIOS Investigations Di-
19 vision.

20 (2) OIOS has agreed, as a matter of practice,
21 to investigate all cases in which the United Nations
22 Ethics Office determines that there is a prima facie
23 case of retaliation, as recommended by the Advisory
24 Committee on Administrative and Budgetary Ques-
25 tions in A/65/537, paragraph 103, except for cases

with respect to which there may be a conflict of interest in OIOS conducting such an investigation.

(3) The Secretary General agrees to cooperate with all reviews conducted by OIOS, especially risk assessments.

(4) All OIOS reports are regularly made publicly available, on the United Nation's website, with limited redactions made only by the Under Secretary General for Internal Oversight Services, in accordance with the standards established in General Assembly Resolution 59/272, paragraph 2.

(5) OIOS has an independent and robust source of funding.

SEC. 17. PROCUREMENT REFORM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the history of serious and credible allegations of wrongdoing in the United Nation's procurement system reinforces the importance of fully implementing reforms in this area;

(2) further progress is needed in the area of procurement reform at the United Nations;

(3) continued efforts to reform the United Nation's procurement system will result in greater efficiencies and cost savings for contributing countries;

1 (4) the establishment of a Senior Vendor Re-
2 view Committee and a Procurement Reform Imple-
3 mentation Team are important steps towards fur-
4 ther reforming procurement processes across the
5 United Nations system; and
6 (5) other recently established reforms, however,
7 are still awaiting full implementation.
8 (b) STATEMENT OF POLICY.—It shall be the policy
9 of the United States to use its voice, vote, and influence
10 at the United Nations to—
11 (1) continue efforts to reform the United Na-
12 tion's procurement system by ensuring that the—
13 (A) Administrative Review Board is fully
14 implemented as an objective, independent, and
15 impartial forum for the resolution of disputes
16 concerning the awards of United Nations pro-
17 curement actions and has the capacity to re-
18 ceive and review procurement challenges filed
19 with the Board; and
20 (B) Senior Vendor Review Committee is
21 fully established and has the capacity to mini-
22 mize the risk exposure for the United Nations
23 in doing business with vendors by strengthening
24 internal control measures over procurement
25 practices through the mechanism of review and

enforcement so that only qualified vendors participate and those venders that violate the supplier code are quickly disqualified;

(2) encourage the Secretary General to issue specific guidelines to ensure personal accountability and transparency in the United Nation's procurement division; and

(3) ensure that United Nations procurement staff officers receive procurement training on the principle of best value for money and the role of ethics and integrity in procurement.

SEC. 18. HUMAN RESOURCES MOBILITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United Nations should promote greater human resources mobility in order to allow United Nations staff to move regularly between headquarters and field operations;

(2) such increased mobility will promote greater harmonization among staff concerning the ways in which the headquarters and field operations can reinforce and complement one another; and

(3) aligning the disparate personnel policies throughout the United Nations system to allow staff in the funds and programs to be classified as inter-

nal candidates is a positive step in encouraging greater human resources mobility.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to encourage the mobility of staff working in United Nations funds and programs, specialized agencies, and affiliated organizations to more easily rotate to positions in the United Nations Secretariat and other positions throughout the United Nations system.

SEC. 19. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

Section 11 of the United Nations Participation Act of 1945 (22 U.S.C. 287e-3) is amended to read as follows:

"SEC. 11. POLICY OF THE UNITED STATES RELATING TO THE REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.

"The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations."

SEC. 20. EQUALITY AT THE UNITED NATIONS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to expand

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

4 **SEC. 21. UNITED NATIONS HUMAN RIGHTS COUNCIL.**

5 (a) IN GENERAL.—The President shall direct the
6 United States Permanent Representative to the United
7 Nations to use the voice, vote, and influence of the United
8 States at the United Nations to continue its efforts to hold
9 to the highest standards the review of the status, work,
10 and functioning of the United Nations Human Rights
11 Council, including with respect to the requirements speci-
12 fied in subsection (b).

13 (b) REQUIREMENTS.—The requirements referred to
14 in subsection (a) are the following:

15 (1) A Member State that fails to uphold the
16 values embodied in the Universal Declaration of
17 Human Rights shall be ineligible for membership in
18 the United Nations Human Rights Council.

19 (2) A Member State that is subject to sanctions
20 by the United Nations Security Council for human
21 rights abuses shall be ineligible for membership in
22 the United Nations Human Rights Council.

23 (3) The United Nations Human Rights Council
24 has not appointed special procedure mandate holders
25 or members of the Human Rights Council Advisory

1 Committee that exhibit bias against the United
2 States, Israel, or the Jewish people.
3 (4) Israel has been removed as a permanent
4 agenda item with respect to the United Nations
5 Human Rights Council's program of work.
6 (5) The United Nations Human Rights Council
7 revokes and repudiates the Goldstone Report and
8 any resolutions or other actions in the Council stem-
9 ming from such Report.
10 (c) RULE OF CONSTRUCTION.—For purposes of sub-
11 section (b)(3), a country specific resolution shall not in-
12 clude a consensus resolution on advisory or technical serv-
13 ices.
14 (d) PROHIBITION.—The Secretary of State may not
15 make a voluntary contribution to the United Nations
16 Human Rights Council.
17 **SEC. 22. DURBAN PROCESS.**
18 (a) FINDINGS.—Congress finds the following:
19 (1) The United States, as a party to the Con-
20 vention on the Elimination of Racial Discrimination,
21 is opposed to racism, racial discrimination, xeno-
22 phobia, and related intolerance in all forms.
23 (2) The 2001 World Conference Against Rac-
24 ism marked an important recognition of the historic
25 wounds caused by slavery, colonialism, and related

1 ongoing racism and racial discrimination, including
2 the recognition of the transatlantic slave trade as a
3 crime against humanity, and that people of African
4 descent, people of Asian descent, and indigenous
5 peoples who were victims of these acts continue to
6 face discrimination and marginalization as a direct
7 consequence.

8 (3) Although the 2001 World Conference
9 Against Racism also undertook historic efforts to
10 recognize and address ongoing racism and racial dis-
11 crimination against persons, the Durban Declaration
12 and Program of Action was hijacked by some to pro-
13 mote hateful anti-Israel and anti-Semitic canards.
14 This was highlighted by references to the "plight of
15 the Palestinian people under foreign occupation",
16 and in so doing singled out one regional conflict for
17 discussion in a biased way, and wrongly implied that
18 Israeli Government policies towards the Palestinians
19 are motivated by racism. Further, the NGO Forum
20 produced a document called the "NGO Declaration"
21 that contained abusive language, branding Israel an
22 "apartheid state" that is guilty of "racist crimes
23 against humanity".

24 (4) In announcing the United States with-
25 drawal from Durban I, then Secretary of State Colin

1 Powell said, "I know that you do not combat racism
2 by conferences that produce declarations containing
3 hateful language, some of which is a throwback to
4 the days of 'Zionism equals racism'; or supports the
5 idea that we have made too much of the Holocaust;
6 or suggests that apartheid exists in Israel; or that
7 singles out only one country in the world–Israel–for
8 censure and abuse.".

9 (5) The Obama Administration correctly with-
10 drew United States participation in the 2009 World
11 Conference Against Racism, also known as "Durban
12 II", after it became clear that there would be a re-
13 prisal of hateful anti-Israel and anti-Semitic rhet-
14 oric, efforts to counter the principles of free speech,
15 and a biased focus on the West while ignoring issues
16 of racism and intolerance in developing countries.
17 Durban II was further marred by Iranian President
18 Mahmoud Ahmadinejad's appalling statements refer-
19 ring to the Holocaust as an "ambiguous and dubious
20 question".

21 (6) On December 24, 2010, the United States
22 voted against the United Nations General Assembly
23 resolution authorizing a high-level meeting marking
24 the 10th anniversary of the adoption of the Durban

1 Declaration and Program of Action, informally re-
2 ferred to as "Durban III".
3 (7) In explaining the United States "no" vote,
4 Ambassador Susan Rice, the United States Perma-
5 nent Representative to the United Nations said,
6 "We voted 'no' because the Durban Declaration
7 process has included ugly displays of intolerance and
8 anti-Semitism, and we do not want to see that com-
9 memorated. The United States is fully committed to
10 upholding the human rights of all individuals and to
11 combating racial discrimination, intolerance and big-
12 otry. We stand ready to work with all partners to
13 uphold human rights and fight racism around the
14 world.".
15 (8) The United States led a coalition of like-
16 minded countries who boycotted Durban III.
17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the Durban process has been hijacked by cer-
19 tain countries motivated only by their desire to pass biased
20 and one-sided resolutions and promote hateful rhetoric in-
21 tended to undermine the legitimacy of the State of Israel.
22 However, it nonetheless remains an important priority for
23 the United Nations to continue to hold high-level discus-
24 sions centered on the topics of racism, racial discrimina-
25 tion, xenophobia, and related intolerance. It is further the

1 sense of Congress that the related Durban conference and
2 its various outcomes and other documents are not the ap-
3 propriate fora for relevant discussions in the future and
4 that an alternative process be established to address these
5 issues.

6 (c) ACTION AT UNITED NATIONS; STATEMENT OF
7 POLICY.—The President shall use the voice, vote, and in-
8 fluence of the United States at the United Nations to work
9 to convene an alternative high-level summit in the future
10 focused on racism, racial discrimination, xenophobia, and
11 related intolerance. It is the policy of the United States
12 that such summit shall not be based on or make reference
13 to previous Durban conferences or outcome documents,
14 but should represent a new and unbiased approach to dis-
15 cussing these important matters at the United Nations.

16 **SEC. 23. ANTI-SEMITIC AND ANTI-ISRAEL BIAS AT THE**
17 **UNITED NATIONS.**

18 It shall be the policy of the United States to use its
19 voice, vote, and influence at the United Nations to—

20 (1) propose specific recommendations for the
21 establishment of mechanisms to hold accountable
22 employees and officials of the United Nations and
23 its specialized agencies who make anti-Semitic state-
24 ments or references or deny the Holocaust in any

1 forum of the United Nations or of its specialized
2 agencies;
3 (2) work to adopt a resolution by the General
4 Assembly that supports international standards of
5 religious freedom;
6 (3) continue working toward further reduction
7 of anti-Semitic language and anti-Israel resolutions
8 in the United Nations and its specialized agencies;
9 and
10 (4) further develop and enhance education
11 awareness programs about the Holocaust and anti-
12 Semitism throughout the world, as part of an effort
13 to combat intolerance and hatred.

14 **SEC. 24. ENSURING BALANCE AND REDUCING DUPLICA-**
15 **TION WITH RESPECT TO ISRAELI-PALES-**
16 **TINIAN ISSUES.**

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

1 (A) complete a review of the functions of
2 the entities specified in paragraph (2); and
3 (B) submit to the Committee on Foreign
4 Affairs of the House of Representatives and the
5 Committee on Foreign Relations of the Senate
6 a report containing findings and conclusions re-
7 lating to the review carried out pursuant to
8 subparagraph (A), and recommendations for
9 the elimination of such duplicative entities and
10 efforts.
11 (2) ENTITIES.—The entities referred to in
12 paragraph (1)(A) are the following:
13 (A) The United Nations Division for Pales-
14 tinian Rights.
15 (B) The Committee on the Exercise of the
16 Inalienable Rights of the Palestinian People.
17 (C) The NGO Network on the Question of
18 Palestine.
19 (D) The Special Committee to Investigate
20 Israeli Practices Affecting the Human Rights of
21 the Palestinian People and Other Arabs of the
22 Occupied Territories.
23 (E) Any other entity the Secretary deter-
24 mines results in duplicative efforts or funding

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

(b) IMPLEMENTATION BY PERMANENT REPRESENTATIVE.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations contained in the report required under subsection (a)(1)(B).

SEC. 25. STATUS OF PALESTINIAN ENTITIES AT THE UNITED NATIONS.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to oppose attempts by the Palestinians to gain full membership in any United Nations entity, otherwise seek to alter its status at any United Nations entity, or seek statehood at the United Nations in the absence of a negotiated peace agreement with Israel.

(b) ACTION AT UNITED NATIONS.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to advance the policy described in subsection (a).

Chairman ROS-LEHTINEN. My friend, the ranking member, is recognized for up to 7 minutes to speak on his amendment and the underlying bill. Mr. Berman.

Mr. BERMAN. Well, thank you very much, Madam Chairman.

I am offering the amendment in the nature of a substitute at this point to—everybody should be happy to try and conflate a speech against the bill and a separate speech in favor of the amendment in the nature of a substitute into one with the hope that we can finish our work on this bill by the time we have to recess for the joint session.

Madam Chairman, this so-called reform legislation is being marketed as a way to combat efforts by the Palestinians to gain statehood at the U.N. and put a stop to some of the other repugnant anti-Israel practices at the world body. But that is really false advertising. Those issues, as important as they are, are just a smokescreen the majority is using to obscure its real agenda. In fact, the true purpose of the bill is to end U.S. participation in the U.N. and, in the process, deal a fatal financial blow to the world body.

Title I of the legislation states that the U.S. must withhold 50 percent of our assessed contributions unless the President certifies that at least 80 percent of the entire U.N. regular budget—80 percent of what is now all paid for by assessed contributions—is funded only by voluntary contributions within 2 years.

We all know that it would be impossible for the President to make such a certification. Among other things, it would require a revision of the U.N. charter and a renegotiation of the treaty establishing the U.N. It is not going to happen.

Even if the U.N. Human Rights Council were truly reformed, the Goldstone report was completely repudiated, and the U.N. instituted more meaningful audit and oversight disclosure requirements, this bill would still defund the U.N. if they didn't adopt an 80 percent voluntarily funded regular budget.

In July, this committee voted to slash U.N. contributions to the U.N. by 25 percent. Why not just have a straight up or down vote on making additional cuts, rather than going through this subterfuge?

Madam chairman, this legislation is premised on the notion that withholding our U.N. dues can leverage meaningful change at the organization, but there is no evidence to support that argument. Previous attempts at withholding did not lead to any significant and lasting reforms. They only succeeded in weakening our diplomatic standing and influence and undermining efforts to promote transparency, fiscal responsibility, and good management practices in the U.N. system.

For those reasons, the George Bush administration opposed the late Chairman Henry Hyde's U.N. bill which had no such feature. It was simply trying to make reforms in the U.N. by withholding dues. This one creates an impossible standard and says, if we don't meet it, we cut it by 50 percent.

Madam Chairman, I want to say a few words about the contention that this bill is necessary to prevent the Palestinians from forging ahead with plans to unilaterally declare statehood at the U.N. or upgrade its membership in various U.N. entities.

Current law already requires withholding of U.S. funds from any U.N. entity that grants full membership to the Palestinian Authority. As we saw last week, this threat of withholding was not particularly effective as the UNESCO Executive Board voted 40 to 4, with 14 abstentions, to submit the question of full Palestinian membership to the full UNESCO membership.

Frankly, I don't understand the logic of penalizing a U.N. organization for the votes of its member states. In fact, many of the states that are likely to support unilateral Palestinian moves at the U.N. would undoubtedly prefer that the U.S. withdraw from the organization. So one could argue that this bill would be rewarding them for bad behavior.

A more effective approach would be to reduce or eliminate U.S. assistance to countries that vote against this at the U.N. on resolutions that only encourage the Palestinians from circumventing direct negotiations with Israel. This bill contains no such provision.

Madam Chairman, all of us are familiar with the flaws and shortcomings of the U.N. The anti-Israel vitriol spewed from the committee on the exercise of the inalienable rights of the Palestinian people, the Human Rights Council's obsession with and biased treatment of Israel, and, in general, the organization's overlapping jurisdiction of agencies, duplication of services, and efficient procurement practices.

But it is also important to recognize that the U.N. often plays an essential role in supporting American foreign policy, national security interests, U.N. peacekeepers. They separate warring parties, and they create conditions for reconciliation at a fraction of the cost of deploying U.S. military.

The World Food Programme feeds the victims of famine in the Horn of Africa, the World Health Organization coordinates international efforts to prevent spread of infectious disease, and the U.N. Security Council has provided the legal basis for putting together a strong international coalition of countries determined to prevent Iran from developing nuclear weapons capability, a critical issue that we will discuss at tomorrow's hearing.

Madam Chairman, I agree we need to keep the pressure on the U.N. to ensure that U.S. tax dollars are spent wisely. But trying to ram through this partisan piece of legislation is not the way to do it.

I urge my colleagues to support the substitute amendment that I am offering. My substitute acknowledges the simple reality: We can't legislate change at the U.N. like we can in the executive branch. Instead, it seeks to provide direction to and strengthen the administration's ability to push for greater transparency, accountability, and ethical standards at the U.N.

They will do this by enshrining in law the State Department's U.N. Transparency and Accountability Initiative, originally conceived by former U.S. Ambassador for U.N. Management and Reform, Mark Wallace, a George W. Bush appointee, which will strengthen our ability to monitor U.S. Progress on reforms. It would also mandate rigorous reviews and monitoring programs for various peacekeeping efforts and make it the policy of the United States to work with the U.N. to institute a number of needed management reforms.

My amendment will not get the U.S. out of the U.N., but it will be a far more effective tool for promoting real reform and countering anti-Israel bias in the U.N. I urge my colleagues to support this substitute, defeat the underlying bill, and yield back my 30 seconds.

Chairman ROS-LEHTINEN. Thank you very much. I thank my good friend from California for his statement.

I now would like to recognize Ms. Buerkle of New York, who served as the congressional representative for the majority to the United Nations. Ms. Buerkle is recognized.

Ms. BUERKLE. Thank you very much, Madam Chairman.

I just want to make a couple of comments with regards to really a myth that withholding U.N. assessments doesn't work. Money, I think, is by far the strongest leverage we have at the U.N.; and, unfortunately, sometimes it is the only language that they understand and they respond to.

In 1980, Congress withheld funding until the U.N. implemented budget reforms. That effort was successful until we stopped conditioning funding on reform.

Again, in 1989, Yasser Arafat pushed for the PLO to gain full membership in U.N. entities as a way to gain de facto recognition for a Palestinian state. The United States made clear at that time that we would cut off funding to any U.N. entity that upgraded the status of PLO, and at that time the PLO's effort was stopped dead in its tracks.

In the 1990s, when U.N. regular and peacekeeping budgets were skyrocketing, Congress enacted the Helms-Biden agreement. We withheld our dues and conditioned repayment on key reforms. When the U.N. saw we meant business, the members agreed to reform, saving our taxpayers dollars.

Even the Obama administration enforcing U.S. law continues to withhold assessed contributions to certain anti-Israeli U.N. agencies like the Division for Palestinian Rights.

Smart withholding is the most effective tool we have to encourage the U.N. to reform. Money does talk and, unfortunately, sometimes it is the only thing the U.N. will listen to.

Thank you, Madam Chairman. I yield back.

Chairman ROS-LEHTINEN. I thank the gentlelady.

Mr. Payne is recognized to speak on the Berman amendment and/or the underlying bill.

Mr. PAYNE. Thank you very much, Madam Chair.

I support, strongly support the Berman amendment and oppose H.R. 2829. The United States is currently working with the United Nations to address some of the world's most pressing challenges, from the humanitarian need of vulnerable communities in the Horn of Africa and Haiti to political crises and violence in Libya and Sudan. Now is not the time to disengage from the world body. Indeed, it is more important than ever that America maintains its long-standing commitment to global leadership and engagement.

Through the United Nations, we are able to extend our global reach and advance our national security interests. H.R. 2829 would severely limit the President's ability to support new or expanded U.N. peacekeeping missions. Anyone that has closely watched Africa over the past decade knows that the United Nations' peace-

keepers have played a pivotal roll in protecting civilians, securing peace and supporting democratic reforms across the continent.

The United Nations' mission in Liberia was established in 2003 to support the implementation of the cease-fire agreement and the peace process. Two days ago, on October 11th, the Liberian people went to the polls and peacefully voted for the second time in the nation's history.

In March 2005, the U.N.—United Nations mission in Sudan was created to support and implement the comprehensive peace agreement between the Government of Sudan and the Sudan People's Liberation Movement, PLM.

Earlier this year, the people of southern Sudan voted in an election deemed free and fair by the international community. On July 9th, I was in Juba as south Sudan became the world's newest nation.

Last year, incumbent Laurent Gbagbo defied the democratic will of his people and refused to step down as President of Cote d'Ivoire. What followed was a full-scale military conflict. With international support, the victor, President Ouattara, was installed. Following months of fighting, Gbagbo was finally captured; and the democratic will of the d'Ivoiriens were realized with the help of the United Nations' troops.

Democracy and peace, along with economic security, are major deterrents to conflicts. Supporting peace is also more cost effective than unilateral intervention.

The United Nations is the biggest tool in our democracy promotion and peacekeeping toolbox. Ranking Member Berman's substitute amendment addresses all of our key concerns with the United Nations without diminishing our ability to influence necessary reforms. I urge my colleagues to support the Berman amendment and oppose the underlying bill.

Thank you very much, and I yield back the remainder of my time.

Chairman ROS-LEHTINEN. I thank the gentleman from New Jersey.

I am pleased to yield to speak on the Berman amendment or the underlying bill—and/or—to Mr. Burton.

Mr. BURTON. Thank you, Madam Chairwoman; and I really appreciate you moving this bill.

The U.N. is really our buddy. They vote with us almost never. We built a building for them in New York. The Rockefellers built it. We pay for the police to protect everybody when they come to the New York to the cost of billions of dollars over the years. And let's just look at what we have got.

We pay 22 percent of the U.N. regular budget and 27 percent of the U.N. peacekeeping budget. In dollar terms, the administration's budget for this year, Fiscal Year 2011, is $516.3 million to the U.N. regular budget and $2.182 billion for the peacekeeping budget. According to OMB, U.S. contributions for the U.N. system were more than $6.347 billion—billion—in 2009.

I don't know if anybody realizes, but we have some financial difficulties here in the United States.

Now let's just take a look at what the U.N. has done.

In August 2011, Cuba, which has provided biotechnology to other rogue regimes which are closely allied with serial proliferators—North Korea, Iran, and Syria—Cuba assumed the presidency of the Conference on Disarmament. Do you believe that?

In 2011, June, North Korea, a serial nuclear proliferator that secretly developed nuclear weapons and continues to violate multiple U.N. Security Council sanctions resolutions, assumes the presidency of the Conference on Disarmament. You get that?

Saudi Arabia in November 2010, which severely restricts the human rights of Saudi women—and I went over to try to get some American women out of there who were held against their will—they were elected to the Board of U.N. Women.

Cuba, a gross human rights violator, in 2010 is named vice chair of the U.N. Human Rights Council. Did you get that, Madam Chairwoman?

Chairman ROS-LEHTINEN. I did.

Mr. BURTON. They are vice chairman of the Human Rights Council, Cuba. How many people do they have in prisons over there and torture people and everything? Our old buddy Castro.

Iran in 2010, which severely restricts the human rights of Iranian women and has stoned women to death, is announced as a member of the U.N. Commission on the Status of Women.

We are giving these people billions of dollars. They never work with us. I don't even know when why we give them anything. I really don't. It is crazy.

Now, if we want to help people who are starving in Africa and so forth and work with some of the countries to help provide assistance to them, that is one thing. But the U.N. is never, has never, and never will be a good friend to the United States. They are pointing every kind of crackpot regime, from Cuba to North Korea to Saudi Arabia to Cuba to Libya to Iran, to leadership positions; and we continue to give them our money. I think the American taxpayers, if they knew all this, would say this is a bunch of bull.

Chairman ROS-LEHTINEN. Thank you very much, and the gentleman yields back. It is a wonderful precedent that Mr. Berman started. They are yielding back the time.

So pleased to yield to the gentleman from New York, Mr. Ackerman, to speak on the Berman amendment and/or the underlying bill.

Mr. ACKERMAN. I get it, too. I say I get it, too. I got all of it.

And the reason why people are yielding back their time is because they don't have enough good things to say about the bill that is in front of us, not a lot of real merit to it.

Let me correct a couple of things. We didn't give anybody the money to build the United Nations. It was given by a great Republican businessman from New York, Mr. Rockefeller, and his family; and that money built the United Nations out of a vision that this Republican had that the world could be a better place if people came together and had a place to speak and talk and meet and the countries of the world could talk out their grievances instead of going to war. It has not always been successful, but it is the only thing we have got going for us to try to make that happen.

The previous speaker mentioned that we pay for the police to police the United Nations. I will just call to your attention we are

supposed to pay for the police to reimburse them, but we don't. And Mr. Berman had the good sense to correct that or try to correct that by putting in his substitute language that both myself and Peter King from New York have been working on for years that would require the prompt payment of the amount of money that is supposed to be reimbursed to the City of New York, which has laid out millions and millions and millions of dollars over the years and has not been paid back. So if you want to correct that injustice that was just cited, then vote for the substitute.

So we want to make the dues voluntary, and that way we can have our say in how it gets spent. Wouldn't that be just? That makes as much sense as making income tax voluntary so we can pick and choose what we want to pay for if we didn't like this war or that war or we don't like some kind of program. Or if we really don't like Medicare, don't pay that part, or don't like Social Security or health care or whatever it is you don't like. You don't like Congress, don't pay the part of your taxes that pays us. And see where we get and how logical that would be to the American people or any other people to make funding optional, voluntary so we can pick and choose.

Now the United Nations is not supposed to be our pal. We don't own it. It is not a branch of the American Government or an arm of the American people. It is where all the people of the world express their grievances and argue things that we disagree about. If we agreed on everything, we wouldn't need the United Nations. But we don't.

And the fact that bad countries that do bad things at times in bad areas of human behavior get to chair committees is not because they have been chosen because they are the admirable party in women's rights or human rights or whatever it is. It is because they rotate these things among regions of the world, and then the region gets to choose if they are up for the chairmanship of that committee. And sometimes it is a bad guy's turn. Get it? It is not because these people are exemplary. It is ironic that they get to chair these things, but that is what happens when you are a country.

It was mentioned that we should withhold because other countries don't pay as much as we do, other countries are not as big, as big as we are or as wealthy as we are, despite our problems. And United Nations isn't an entitlement, and its programs aren't entitlements. But I would like to speak about entitlements.

There is not a serious player in Washington, DC—the good thing is this bill is never going to see the light of day. Nobody even suspects the Senate would ever take it up, much less pass it. That is the good thing about it.

But there is an entitlement here. It is the entitlement that my grandchildren, the entitlement that they grow up in a world of peace. It is the entitlement of Israeli people's grandchildren and Palestinian people's grandchildren.

There is only one hope, because we are having a lot of difficulty of doing this on a bilateral basis. And that hope still rests in the United Nations with all its flaws and all of the bad things and inconsistencies that occur there. And to disguise this as this is for the benefit of the Israelis is sad, but laughable. The last thing the

Israelis would like to see is the United States and the President of the United States, the defender-in-chief of Israel, President Obama, not to be in the United Nations so he and we could veto bad things that would happen in the United Nations were we not there, both for Israelis and others as well.

I would urge the passage of the substitute, because it is a darn sight better than the underlying bill which, when we do pass it, isn't going anywhere anyway. So that is the only consolation that I have.

Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Thank you so much.

The gentleman from New York, Mr. Rohrabacher of California, is recognized.

Mr. ROHRABACHER. Thank you very much, Madam Chairman.

Gee, I wonder if the Rockefellers got a tax advantage when they gave all that property to the United Nations. I think it is very fitting and very apropos that the Rockefellers were so involved——

Mr. ACKERMAN. Would the gentleman yield?

Mr. ROHRABACHER. Not yet, because I have a statement to make.

Mr. ACKERMAN. I thought you wanted an answer.

Mr. ROHRABACHER. If there is time afterwards, I would be happy to.

Let me just note that I think the Rockefellers represent the global elite that goes hand in hand with the anti-American spirit that is so prevalent in the United Nations.

Let's just get down to what this is all about today. The underlying bill that we are talking about, that the chairman has spent considerable time developing, is something that the American People, when they find out about it, are going to be very supportive of.

The fact is that at a time when the level of deficit spending is so out of control that it is heading our country to an economic calamity the idea of reducing expenditures, the expenditure of American tax dollars on U.N. programs that are not in our national interest, is not just a good idea, it is a great idea, and so just the underlying idea that we are going to do that, that is terrific.

Let's look at some other major issues that we are deciding today, and my colleague from New York just mentioned it in passing, but that is that our contributions to the United Nations are on a voluntary—should we want to put them on a voluntary basis. Today, they are not on a voluntary basis, and the bottom line is the American people believe that money that we take from them should not be given to someone else to spend in any way that other body wants, even if it is against our interest, and let us note that the United Nations is not a sovereign body and has no legitimate authority to assess a tax or assess a demand of the American people.

When my colleague mentioned about when it would make the income tax voluntary, that is what scares people. Because there are some people who would like to give the United Nations the power to tax and the authority to take money away from the American people and spend it exactly the way they want to.

Just the fact that the chairman and those of us who support her are trying to make sure that if we are taxing our people at a time of crisis when our people are out of work that their money isn't

going to go to be spent on anti-American and anti-democratic projects that have been put in place by the United Nations, we are following not only the will of the people but we are following what the Constitution is all about.

The Constitution gives us, the Congress, authority to control the purse strings, and we are the ultimate power when it comes to the expenditure of those tax dollars, and it should be. When we give them to an organization, it should be on a voluntary basis, so if that organization gets too far out and starts appointing Iran to head up a commission on the status of women, that maybe that we can help put pressure on them not to make those kind of decisions.

Now, my colleague from New York pointed out that this idea that the chairmanship of these types of commissions and committees just are there. You know, they happen to go into the hands of these dictators and oddballs and lunatics, and we should just say, well, that is because it rotates; they really didn't have a choice. Get it?

Well, I want you to get something. The bottom line is, if they have a system that is set up that puts these gangsters in charge of policy, then the system is wrong. There is something wrong with that system, and it should be corrected, and as long as we maintain that we can voluntarily contribute or not, we will have the pressure we need to try to reform the system so that gangsters, that Nazis, don't get put in charge of human rights commissions.

I would suggest that what we have before us is something that constitutionally is very important, as well as practically is very important, and practically we cannot continue this level of deficit spending. If we have to bring it down, let's bring it down this way. Quit financing people who hate us, and, number two, let's make sure U.S. contributions are voluntary.

Thank you.

Chairman ROS-LEHTINEN. I thank the gentleman for his statement.

I am pleased to yield to the ranking member on the Subcommittee on Western Hemisphere, the gentleman from New York, for the Berman substitute or the underlying bill.

Mr. ENGEL. I thank the chair for her courtesy, gracious courtesy as always.

And, look, I am certainly not going to make excuses for the United Nations. I share the frustrations many of my colleagues have articulated on the other side of the aisle and that people on this side of the aisle feel as well.

I will vote for the Berman substitute, but I understand the chair's sincere frustration in wanting to change the way the U.N. and some of these other countries take us for granted, spit in our face, and think they will have American money to just go around and kind of use it to whet their mouth to spit right back in our face.

The bottom line, though—and this is what I am going to be listening to in this debate this afternoon—is what is in our best interests, what is in the best interests of the United States of America. Certainly I feel the frustration and would like to say, you know what? I am taking my marbles, and I am going home. Because this is an organization that cannot be fixed.

But, on the other hand, I have to question and say, are we better off being there where we can have some influence, as we are trying to have now with this ridiculous Palestinian universal declaration of statehood, where we can have some influence, where we are putting together the votes on the Security Council so that they, the Palestinians, do not have the nine votes which would force the United States to veto it? Are we better off being there and preventing bad things from happening or would we be better off not being there? I think a very good case can be made that we are better off being there.

Now, it doesn't mean—I don't think it means that we should just continue to play business as usual and provide the money for them to do all these awful things that my colleagues have mentioned. So I think it is a balancing act. I think we have to decide what is in our best interests.

Some of my colleagues have suggested, for instance, that we—and this committee voted along party line vote to withdraw from the OAS, the Organization of American States, with all the Republicans voting yes and all the Democrats voting no. I happen to believe that the Organization of American States, although very flawed, is a hell of a lot better with United States' participation, because that is the one organization in the Western Hemisphere which we can influence. We have an extreme influence in that organization.

And there are other organizations which exclude the United States, like UNASUR and MERCOSUR, where we have no influence. Do we want to really destroy the OAS and have these other organizations become preeminent?

I sort of feel that way a little bit about the United Nations. I don't know if we kind of walk away what does that do.

Michael Bloomberg, our mayor in New York City, has urged us to defeat the legislation, because he is looking at it from a point of view of the New York economy; and the United Nations obviously enhances the stature of New York and helps the New York economy as well.

But I do think, I do think, that, whether or not the chair's legislation becomes law or not, we in the United States have got to give this issue a good hard look. Because we can all recite all the outrages in the United Nations that have happened where our country is treated horrifically while they take our money and kind of laugh in our face.

So I want to say, Madam Chair, I share your frustration and I know how you feel and I share the frustration. The question is, what is the best way to deal with that and would it be in our best interest to withdraw funds at this point and have voluntary contributions? I am going to be listening for the rest of the afternoon.

Chairman ROS-LEHTINEN. Thank you very much. Thank you.

And the ranking member and I have a gentleman/gentlelady agreement to see if we can wrap it up before the Joint Session because there are many activities related to the South Korean President's address. And with that in mind, I am pleased to yield to Mr. Fortenberry for any remarks that he might have on the amendment.

Mr. FORTENBERRY. Thank you, Madam Chair. I probably won't take the whole time.

Madam Chair, first, let me say this. I believe that the United States should be an active participant in multilateral institutions. However, of late, we have seen the rogue regimes of both Cuba and North Korea assume leadership roles at the United Nations. As it was mentioned, North Korea took the presidency of the U.N. Conference on Disarmament in spite of its nuclear weapons proliferation. Cuba, with its massive human rights violations, gallingly took vice chair of the U.N. Human Rights Council last year.

Madam Chairman, these countries need to order their own houses before they are given the jurisdiction over panels affecting the rest of the world. Giving a country like Cuba or North Korea chairmanship over disarmaments and human rights is a farce.

It is true that the United States has done a lot—the United Nations, excuse me, has done a lot of good across time. In its proper role, the United Nations is one of the strongest multilateral institutions the world has seen; and it does allow meaningful space for dialogue for the responsible community of nations on all measures of crises throughout the world. But when the United Nations steps out of its lane and employs divisive tactics of ideological aggression or when it appears to condone gross human rights violations by granting presidency or chairmanships to bad actors, that good is tarnished.

Madam Chair, an amendment I am offering today tries to restore some integrity to the United Nations. It directs the United States' permanent representative to the United Nations to use the voice, vote, and influence of the United States to ensure that no representative of a country designated by the Department of State as a tier 3 human rights violating country, one that does not fully comply with the minimum standards set forth by the Trafficking Victims Protection Act, shall preside as a chair or president of any United Nations panel.

These are countries that not only do not comply with certain basic human rights standards that are the policy of our Government and are assessed by our own State Department but are not making any efforts to do so. These countries, again, must get their own houses in order before the international community grants them any authority on the global stage. I believe this is a responsible and reasonable use of our leverage as a country and will improve the overall mission of the United Nations.

I thank the chair and the ranking member as well for agreeing to adopt this amendment.

Chairman ROS-LEHTINEN. Correct. We have adopted it as part of the en bloc.

I thank the gentleman for the time and will now go to Mr. Connolly.

Mr. CONNOLLY. Madam Chairman, although, obviously, philosophically I sadly have a disagreement with the underlying premise of this bill, I want to thank you and your staff particularly for your accommodation on the en bloc amendments, particularly Doug Anderson of your staff and of course the ranking member as well. So thank you very much for your courtesy.

Chairman ROS-LEHTINEN. I love the brevity. Thank you so much. You are going to be recognized a lot from now on.

Mrs. Schmidt is recognized.

Mrs. SCHMIDT. Thank you.

I really would like to speak to what I think are some of the positive benefits of this overall bill and really focus my points on the peacekeeping issue.

There are a total of 16 vital and achievable reforms under the peacekeeping title, seven of which are required under the certification section of the underlying bill. Madam Chair, these seven reforms tied to the certification include the adoption of a uniform code of conduct that applies equally to all peacekeeping personnel, regardless of category or rank, training on and distribution of personnel copies of the code of conduct for all peacekeepers, signature of an oath by all personnel to abide by the code and assume personal liability for failure to do so, design and implementation of educational outreach programs to explain prohibited acts to host populations, creation of a centralized database to track cases of misconduct, adoption of a model memorandum of understanding, and, seven, establishment of an independent investigation and audit function for peacekeeping within the U.N. Department of Peacekeeping Operations and Office of Internal Oversight Services.

Madam Chair, these reforms are reasonable, achievable, and, in fact, have been recommended by the U.N. itself. All seven of these reforms are consistent with the recommendations contained in the 2005 report by the special advisor on the prevention of sexual exploitations and abuse. All but one of these reforms, the oath, were specifically endorsed by the Special Committee on Peacekeeping.

Additional far-reaching reforms will be required to make U.N. peacekeeping more efficient and effective, but for the purposes of this bill only the most critical and immediately achievable were addressed.

Madam Chair, there is a profound sense of urgency when discussing these reforms, for they seek to protect innocents from unconscionable acts of sexual abuse and criminal misconduct, including corruption and the illegal exploitation of natural resources. Madam Chair, these acts do not occur in a vacuum. They occur when order has broken down and a permissible environment has been allowed to flourish. They demean the value of U.N. peacekeeping and offend the values enshrined in the U.N. charter. They perpetuate conflict rather than restore peace.

Just as the peacekeepers owe a duty of care to the people they have been sent to protect, we owe a duty of care to the U.N. nations' peacekeeping. It is incumbent upon us as the greatest contributors to U.N. peacekeeping to do everything within our power to help stop these abuses and restore the sullied reputation of U.N. peacekeeping. And I commend you, Madam Chair, for advancing this in an efficient manner.

Chairman ROS-LEHTINEN. Thank you. I thank the gentlelady.

We have three last speakers, and then we will move to the vote on the Berman substitute. Ms. Schwartz is recognized. Thank you.

Ms. SCHWARTZ. Thank you, and I will not take my full time, I hope.

But I do want to just say that certainly I wanted to add my voice in opposition to the underlying bill that we are considering today and wanted to say, as drafted, that my concern, of course, is that it would poison the U.S. relationship within the U.N. that could eventually force our withdrawal from the United Nations. And while there are certainly areas where I would agree with the majority, the other side of the aisle, that there is a need for reform in the U.N., and we have discussed many of them at different times during the hearings here, but I believe, along with the ranking member, that using financial withholdings to advance a shift from assess to payments of voluntary—will only lead to additional frustrations within the U.N. and the weakening of our position in making some of the changes and reforms we like to see at the U.N. and, in fact, enhance other member states that we disagree with by giving them an even stronger consistent voice in the organization without our presence and without our objections.

The U.N., as we have all talked about, was established as a forum for nations to confront our conflicts diplomatically and to collaborate on solutions to problems that affect a significant majority of member states. It has served as a significant multiplier for our own foreign affairs budget, allows the U.S. to advance our national security interests at a fraction of the cost in lives and money of sustained military operations.

Just a comparison, last year the contribution made by the United States to the U.N. was roughly $450 million. It took the Department of Defense roughly 34 hours of operation in Afghanistan to spend that same amount of money. So it could certainly be perceived as money very appropriately spent.

I just want to say, in a world of increasing global problems, it is shortsighted to walk away from an institution that has, with our direct involvement, been able to advance solutions to these problems.

Most recently, the U.N. has been instrumental in imposing sanctions on Syria, Libya, and Iran; and we should certainly acknowledge the significant role the U.N. plays in successful peacekeeping and humanitarian efforts in critical post-conflict situations around the world.

I appreciate the chairman's concern regarding the degree of favoritism displayed by members of the U.N. to the Palestinians. Nonetheless, Israel itself finds that it works within the U.N. to resolve certain issues. Our involvement as Israel's friend and ally plays an extremely important role in mitigating this hostility and advocating for fairness toward Israel within the U.N.

So, again, I appreciate the need for reform. Nonetheless, the U.N. has proven to be invaluable for America and American leadership in the world. To abandon the U.N. would only embolden our adversaries.

These sentiments are shared not only by our own current Secretary of State, but by the previous administration as well. Former Secretary John Bolton had come to the Hill on numerous occasions to testify against earlier iterations of this legislation over these same exact concerns. So, short of the ranking member's amendment in the nature of a substitute being agreed to, I will not be supporting this legislation.

Chairman ROS-LEHTINEN. I thank the gentlelady; and I am so pleased to yield to my Florida colleague, Mr. Deutch who, along with Ms. Buerkle, represents us so well as our delegates to the U.N.

Mr. DEUTCH. Thank you very much, Madam Chair. Thank you as well for giving us the opportunity to debate these issues, transparency and peacekeepers.

UNCHR, the Human Rights Council, serves in this anti-Israel—pervasive anti-Israel bias need to be addressed. And I thank the ranking member for his amendment which addresses them, and I will support that amendment, but I cannot support this legislation.

I wanted to focus, as some others have, on the specific issue that I spend so much time dealing with, which is this obsession that so many member states have with attempts to delegitimize the free and democratic state of Israel. There is no arguing that for years Israel has been subject to extreme bias by members of the United Nations, Durban, Goldstone. Israel has a permanent agenda item at the Human Rights Council. These must be condemned, and I join every member of this committee in doing so.

But even after all of these events Israel has not walked away from the U.N., and neither should we. Neither should the United States. It is because of U.S. engagement that we are able to make advances. Since the administration decided to fully reengage at the U.N., we have created a long-term strategy to help normalize Israel status in and across the U.N. and a broader multilateral system. And our engagement serves not only as a benefit to advancing Israel as a legitimate member of the international community. It serves our interests, more importantly.

We have worked to ensure that Israel has the opportunity to contribute fully to all U.N. institutions even as it continues to be singled out by some member states. We garnered enough support to defeat a resolution at the IAEA singling out Israel's nuclear program for rebuke. We worked with our ally Israel to support the appointment of Israelis to U.N. positions. Frances Raday was recently chosen as an expert member of the Human Rights Council's special working group to eliminate discrimination against women. We helped secure the passage of three Israel-sponsored resolutions on agricultural technology in the General Assembly. We have worked to improve Israel's status in multilateral bodies, including joining the OECD last year, a collection of the world's 30 top economies.

Israel has chosen to play an active role in peacekeeping humanitarian missions. Israel is engaged at the U.N.; we should be as well. Thanks in part to efforts—U.S. efforts on its behalf, Israel will join the board of the U.N. Children's Fund and chair an economic and social council of that body in the coming months. These are the sorts of important steps we have taken.

At the Human Rights Council it is true there are serious flaws. Efforts to delegitimize Israel are pervasive, and anti-Israel resolutions are disproportionate, and the Human Rights Council is the best evidence of that. And we have to be critical, and we have to argue against it and be passionate in our opposition.

But had we not scaled back our engagement at the U.N. during the last administration, the U.S. would have been at the table from the beginning, at the start of the Human Rights Council where we

could have had a say in creating legitimate membership interests, standards that would have prevented some of the worst human rights abusers like Cuba and Libya from membership.

Both the chairman's bill and the ranking member's substitute contain standards for Human Rights Council membership, but only the ranking member's amendment ensures that we are an active participant in bringing about reforms. The bottom line is, since U.S. involvement in the Human Rights Council, the U.S. has had a significant impact. Since we rejoined, our leadership led to the authorization of international mandates to closely monitor and address human rights situations in Iran, Libya, Syria, the Ivory Coast, Burma, North Korea, Cambodia, and Sudan.

Perhaps most importantly, it was U.S. leadership that kept Iran and Syria from gaining seats on the Council. We helped establish a special rapporteur on human rights in Iran. We were there to speak out vehemently against the Goldstone report. We were there. We were showing leadership.

That is what the United States always does. The United States doesn't turn and walk away from a battle. We have to stand up for what we believe in, and we have to do it in a forum where the entire world hears what we say.

Nothing would hurt Israel more, by the way, or hurt our interests or any of our allies' interests if we decided—if another country decided, because we stopped making payments to the United Nations, if someone decided to challenge our position on the Security Council. They could say that the U.S. doesn't take its responsibility to the international community seriously. Why should it continue to have a permanent seat on the Security Council?

Imagine if we didn't have a veto. Imagine what we would not have been able to do on behalf of our interests and our allies' interests. We have to stand up for what we believe in as a nation, and we need to do it in the venue that gives us the loudest and strongest voice.

I thank you.

Chairman ROS-LEHTINEN. Thank you. I thank the gentleman.

Mr. Carnahan, that was a bloodless coup d'etat. I dethroned you. You are our very able partner at the U.N. with Ms. Buerkle.

You are recognized. You are our last speaker. We will then vote on the Berman substitute and then go on to the underlying bill. Mr. Carnahan is recognized.

Mr. CARNAHAN. Thank you, Madam Chair and Ranking Member.

It is with great respect—I just want to go on record—I cannot support your U.N. reform bill without Ranking Member Berman's substitute language. Many of us here want to see continued reforms throughout the U.N. system, but not retreat. And none of us, including me, condone many of the actions that we have heard about that have gone on at the U.N. We have heard over time but also we have heard recited here today.

But the best way—the best way to push reforms and advance our core values and beliefs is through responsible, effective engagement and by meeting our financial obligations. The Bush administration policy of underfunding those obligations to the U.N., and adhering to a policy of disengagement throughout the U.N. system damaged

our standing at the U.N. and around the world and brought our perception around the world to its lowest levels on record.

The bill would turn back the clock to these Bush era policies of disengagement, undermine our credibility, weaken our ability to advocate for reform, and inhibit our ability to champion our values and will put at risk U.S. national security interests. I believe that anti-U.S., anti-democratic, and anti-reform contingents at the U.N. would think this kind of disengagement was great, because it is like us taking our players off the field and putting our agenda at a disadvantage.

While far from perfect, the record of accomplishment over the past several years proves that a policy of engagement is far more successful than one of disengagement. Among a few of the successes—think about it—the U.S. engagement; critical structural reforms implemented; creating U.N. women, streamlining women's programs throughout the U.N. system; serious management reforms, including higher ethical standards and whistle-blower protections; groundbreaking U.N. Security Council actions on Iran and North Korea; and forcing Iran to give up its seat on the Human Rights Council.

Key accomplishments at the Human Rights Council include resolutions on freedom of expression, assembly, and discrimination; creation of the human rights monitoring mechanisms for Cote d'Ivoire, Libya, Iran, and Syria; and positive steps forward on reducing a number of anti-Israel resolutions on the Council.

And for those of my colleagues concerned about our ally Israel, talk to any of the representatives of the country of Israel. I am sure you will hear from them their strong support for full-strength U.S. involvement at the U.N. and not a watered-down U.S. engagement.

So, with that, we still have progress to be made at the U.N., but our reputation, our ability to affect change, and these accomplishments prove that a policy of engagement is far better than a policy of disengagement. This bill is not in our national interest, and I urge that we support the substitute language of Ranking Member Berman.

Chairman ROS-LEHTINEN. I thank the gentleman.

Mr. Cardoza is recognized. He is going to yield time to Mr. Ackerman.

Mr. CARDOZA. Thank you, Madam Chair. I would like to yield such time as he may consume to my friend and colleague from New York.

Mr. ACKERMAN. I thank the gentleman. I just need a minute or so to wrap up.

First, a lot of the justification of this bill is attributed to trying to help Israel. I think we have all noted, especially recently, that Israel gets unjustly blamed for an awful lot of things in this world. I didn't think that this bill by the majority should be one of them.

There is no justification to pin this on Israel. If you want to pass it, pass it on your own arguments, but don't lay this at Israel's feet. Talk to the Israelis if you really want to know what they think about it.

Secondly, one of our colleagues brought up a question—I guess it was more in tone of trying to discredit the existence of the United Nations by its funding source. I was quite surprised. I don't

think you should jump to a conclusion that just because the Rockefellers are Republicans or just because they are rich that makes them greedy. They did not donate the property for the United Nations to get a tax credit.

You may find it shocking, but the United Nations is not a 501(c)(3) charity designated entity of the United States. Surprise, surprise. But your legislation seems to treat it as such, and you would deny it the right to exist because you might disagree with some of the things that it does on behalf of its total membership, which I disagree with also from time to time.

The United Nations is an important place. It doesn't do everything right. We don't do everything right. I don't do everything right. I don't know anybody that does everything right. But we have to strive to make things better, especially something that is set up with the intent of making things better in the world. That is the purpose of the United Nations.

We shouldn't be looking because we disagree with some of the things that occur there or the votes—I disagree with some of the votes that are done here—we don't want to do away with the Congress, or do we?

We are starting another movement.

This approach is basically if you don't like what is going on in a place that we have membership with the entire international community that the direction we should take is just cut and run, cut the money and run away. That is what this bill does. It is cut and run. It is not stand and fight for the things in which we believe to try to make the world a better place, to convince players that are not decent players that they should become better players and to resolve conflicts by peaceful means. Just cut and run. Starve the beast. Take away the money. Let's get out.

Do you know who would be happy with this strategy, who would gladly vote for this bill? If you are looking for international votes for this bill, do you know who wants it? The countries that get sanctioned by the U.N.

The Iranians love this bill. No U.S. involvement in the U.N., no U.N. to sanction them, no countries united to deprive them of the ability to do the things that they are looking to do that are rather dark and sinister. The Iranians will vote for this bill. Give them a chance.

The Libyans will vote for this bill. They don't like the U.N. either. They don't want us involved. The Syrians would love us out. The Cubans would love us out. The North Koreans would love us out.

These are the supporters of this dark bill. If you are looking for support for this bill, look to those countries. Don't look to this side of the aisle.

I yield back the balance of my time.

Chairman ROS-LEHTINEN. Thank you.

Hearing no further request for time, the question occurs on——

Mr. BERMAN. Madam Chair.

Chairman ROS-LEHTINEN. Yes, sir.

Mr. BERMAN. I ask unanimous consent to include in the record——

Chairman ROS-LEHTINEN. Without objection.

Mr. BERMAN [continuing]. A letter from the Secretary of State and the Public Opinion Strategies and Hart Research Associates poll on——

Chairman ROS-LEHTINEN. Without objection.

[The information referred to follows:]

THE SECRETARY OF STATE
WASHINGTON
October 12, 2011

The Honorable Howard L. Berman
Committee on Foreign Affairs
House of Representatives
Washington, D.C. 20515

Dear Mr. Berman:

I am writing to express my deep concern over H.R. 2829, the United Nations Transparency, Accountability, and Reform Act of 2011. This bill mandates actions that would severely limit the United States' participation in the United Nations, damaging long-standing treaty commitments under the United Nations Charter and gravely harming U.S. national interests, those of our allies, and the security of Americans at home and abroad.

If implemented, the bill's requirement to withhold 50 percent of U.S. assessed contributions to the United Nations absent a shift to voluntary-only funding would undercut international collaboration in advancing core U.S. national security interests such as staunching nuclear proliferation, combating terrorism, fully implementing sanctions on countries such as Iran and North Korea, preventing conflict around the globe, supporting elections in countries just undergoing transition to democracy, fighting pandemic disease, providing life-saving humanitarian relief to countries such as Haiti, and supporting peaceful transitions in places such as the new nation of South Sudan. Through international cooperation, the United States reaps real security benefits that make Americans safer and more secure.

At a time when we all are expected to do more with less, this bill would gravely diminish our ability to burden share with other nations, defray costs, and enhance the impact of our own limited resources. We cannot depend on United Nations missions such as UNAMI in Iraq and UNAMA in Afghanistan to help American troops return home safely and successfully, while taking actions that will decimate the budgets that underpin these important missions. In the end, engagement through the United Nations comes at a fraction of the cost of acting alone.

This bill also represents a dangerous retreat from the longstanding, bipartisan focus of the United States on constructive engagement within the United Nations to galvanize collective action to tackle urgent security problems. If we act to diminish

our global stature, the United States would surrender a key platform from which to shape international priorities, such as obtaining tough sanctions on Iran. The restrictions regarding U.S. contributions to the International Atomic Energy Agency, for example, are counterproductive to our non-proliferation efforts and cooperation to secure nuclear material worldwide, and would undercut our successes in isolating countries such as Iran. This bill could also have the effect of restricting funding to UNICEF, the World Food Program, and the World Health Organization.

The United States strongly supports serious, sustained reform of the United Nations to make it more lean, nimble, and cost-effective. Through our leadership, across Administrations, the United States has brought greater transparency, accountability, and efficiency to the United Nations. This reform must continue. We will also sustain our vigorous and principled push for fair treatment of Israel, which is still all too often unfairly singled out across the UN system. Withholding U.S. contributions and shifting to voluntary funding erode the concrete dividends of our leadership and undermine ongoing reform efforts at the United Nations.

As challenges to U.S. national security interests become more global in nature, we must use all the tools at our disposal to advance U.S. values and national security interests. The United Nations, for all its imperfections, is indispensable to advancing these goals. This bill would effectively cede American leadership, creating a void for our adversaries to fill.

The Department of Justice advises that the legislation also raises constitutional concerns and the Department will submit its concerns separately in the future.

For the reasons outlined above, the State Department opposes this bill. Should it be presented to the President, I will recommend that he veto it.

The Office of Management and Budget advises that there is no objection to the presentation of this letter from the standpoint of the Administration's legislative program.

Sincerely yours,

Hillary Rodham Clinton

Hillary Rodham Clinton

TO: **INTERESTED PARTIES**

FR: **BILL MCINTURFF/LIZ HARRINGTON/GEOFF GARIN**

DT: **OCTOBER 11th, 2011**

RE: **UNITED NATIONS FOUNDATION – INDEX OF PUBLIC OPINION ON INTERNATIONAL ISSUES AND THE UNITED NATIONS**

EXECUTIVE SUMMARY:

National research conducted from October 1-4, 2011 by Public Opinion Strategies and Hart Research Associates, on behalf of the United Nations Foundation, shows:

- Voters overwhelmingly believe it is important the United States maintain an active role within the United Nations.
  - More than eight out of ten voters (86%) say it is important that the United States maintain an active role within the United Nations, with a substantial majority (65%) saying it is 'very important' the United States do so.

- Americans support the United States paying our dues to the United Nations on time and in full. Sixty-four percent of voters (64%) favor the United States paying our dues to the United Nations on time and in full, while 31% oppose.
  - Majorities of Republicans, Independents, and Democrats favor paying our UN dues on time and in full.

- There continues to be even greater support for the United States paying our peacekeeping dues to the United Nations on time and in full (71% favor/25% oppose).
    - This is also true regardless of party. Majorities of Republicans, Independents, and Democrats continue to favor paying our peacekeeping dues to the United Nations on time and in full.

- A majority of Americans (55%) opposes proposed legislation that would cut United States' funding of the United Nations, while 39% favor it. Intensity matters, and there is a higher level of strong opposition (37% strongly oppose) to this proposed legislation compared to strong support (21% strongly favor).
    - Majorities of Democrats and Independents oppose the proposed legislation, while a small majority of Republicans support the proposed legislation.

- There continues to be significant recognition of the contemporary relevance of the United Nations. More than two-thirds of Americans (68%) believe the United Nations is still needed today.
    - Majorities of Republicans, Independents, and Democrats agree with this assessment.

- Consistent with past tracks, a majority of Americans perceive the United Nations as an "only somewhat effective" organization (51%).

- Significant majorities of Americans overwhelmingly believe the United States should be supportive of all of the 17 UN programs we tested. The top four programs were:

    - Helping to reverse the spread of HIV and malaria and other major diseases around the world.
    - Improving the access to safe drinking water in poor, developing countries.
    - Working to better the lives of adolescent girls around the world by helping assure girls have access to quality education and health care, adequate livelihoods, and freedom from violence and harmful practices.
    - Improving the health of women and children in poor, developing countries by making sure they have access to vaccines and maternal health care.

DETAILED FINDINGS:

Question:	Answer:
Are Americans supportive of the United States paying our dues and peacekeeping dues to the United Nations on time and in full?	**Yes.**

- More than six out of ten Americans continue to favor the United States paying our dues to the United Nations on time and in full.

Pay UN General Dues On Time/In Full

	Favor	Oppose
October 2010	63%	31%
May 2011	60%	34%
October 2011	64%	31%

  - Majorities of Republicans, Independents, and Democrats favor paying our UN dues on time and in full.

Pay UN General Dues On Time/In Full – By Party

	Favor	Oppose
Republicans	50%	46%
Independents	54%	38%
Democrats	81%	15%

- There is greater support for the United States paying our peacekeeping dues to the United Nations on time and in full.

Pay UN Peacekeeping Dues On Time/In Full

	Favor	Oppose
June 2009	70%	25%
October 2010	72%	23%
May 2011	69%	27%
October 2011	71%	25%

- This is also true by party. Majorities of Republicans, Independents, and Democrats support the U.S. paying our UN peacekeeping dues on time and in full.

Pay UN Peacekeeping Dues On Time/In Full -- By Party

	Favor	Oppose
Republicans	62%	33%
Independents	62%	32%
Democrats	83%	14%

Question:	Answer:
Do Americans support legislation that would change the way the United States works with and pays its dues to the United Nations?	**No.**

- A majority of Americans (55%) opposes proposed legislation that would cut United States' funding of the United Nations, while 39% favor it.
  - We asked the following question:

    "There is currently a proposal before the United States Congress that would change the way the United States works with and pays its dues to the United Nations. Please listen carefully as I read you a brief description of this proposal.
    - *It cuts fifty percent of the United States' funding to the United Nations.*
    - *It ends United States' funding to UNICEF and the World Health Organization.*
    - *It ends United States' funding of United Nations' agencies that respond and take action after a natural disaster or humanitarian crisis.*

    OVERALL, would you would tell your Member of Congress to support or oppose this proposal?"

- Intensity matters. There is a higher level of strong opposition to this proposed legislation compared to strong support. Nearly four out of ten Americans (37%) say they strongly oppose this legislation compared to only 21% who say they strongly support it.

  39% TOTAL SUPPORT
  55% TOTAL OPPOSE

  21% STRONGLY SUPPORT
  18% SOMEWHAT SUPPORT
  18% SOMEWHAT OPPOSE
  37% STRONGLY OPPOSE

- There is a partisan divide on this proposed legislation. Majorities of Democrats and Independents oppose the proposed legislation, while a small majority of Republicans support the proposed legislation.

  Proposed Legislation That Would Cut U.S. Funding Of UN – By Party

	Support	Oppose
Republicans	50%	44%
Independents	41%	51%
Democrats	29%	67%

Question:	Answer:
How do Americans perceive the United Nations today?	**1) Voters believe it is important for the U.S. to maintain an active role in the UN.** **2) Voters believe the UN is still needed today.** **3) Voters continue to have a favorable opinion of the UN.**

o Voters overwhelmingly believe it is important the United States maintain an active role within the United Nations.

- We asked the following question:
  "And thinking specifically about the United Nations and the United States...How important do you think it is for the United States to maintain an active role within the United Nations? Would you say...it is very important, somewhat important, not too important, or not at all important?"

Eighty-six percent (86%) of voters say it is important that the United States maintain an active role within the United Nations, with more than six in ten voters (65%) saying it is *very* important the United States do so.

	Total Important	Total Not Important
June 2009	85%	15%
May 2011	85%	15%
October 2011	86%	13%

- There continues to be significant recognition of the contemporary relevance of the United Nations. More than two-thirds of Americans (68%) believe the United Nations is still needed today. Majorities of Republicans, Independents, and Democrats agree with this assessment.

UN IS...STILL NEEDED TODAY/OUTLIVED IT'S USEFULNESS

	Total	Republicans	Independents	Democrats
October 2011	68%/24%	54%/38%	59%/32%	85%/9%

- Consistent, within the margin of error, with our past four tracks, Americans' perception of the United Nations remains at a favorable level.

	United Nations Image	
	Favorable	Unfavorable
June 2009	54%	35%
October 2009	50%	36%
April 2010	60%	30%
October 2010	59%	29%
May 2011	59%	28%
October 2011	56%	30%

- The UN's favorable rating continues to be on par with the other international organizations we tested.

	Favorable	Unfavorable
United Nations	56%	30%
UNICEF	54%	11%
NATO	53%	20%
WHO	52%	17%
The World Bank	21%	43%

- Consistent with our past tracks, the United Nations is perceived as an "only somewhat effective" organization.

  Overall, how effective do you feel the United Nations is? Do you think the United Nations is a...(insert response)...organization?

Very Effective	5%
Pretty Effective	19%
Only Somewhat Effective	51%
Not That Effective	13%
Not At All Effective	11%

Question:	Answer:
Do Americans believe the United States should be supportive of programs or functions the United Nations serves?	**Yes.**

- We tested 17 different programs of the UN and asked respondents to say whether they thought the United States should be very, somewhat, not too, or not at all supportive of each item. All 17 programs received overwhelming support. The table on the following page shows all of the programs tested and the percentage of Americans saying the United States should be supportive of each program.

Summary of Support UN Projects – Ranked by % Very Supportive	Very Supportive	Total Supportive
Helping to reverse the spread of HIV and malaria and other major diseases around the world.	61%	88%
Improving the access to safe drinking water in poor, developing countries.	59%	89%
Working to better the lives of adolescent girls around the world by helping assure girls have access to quality education and health care, adequate livelihoods, and freedom from violence and harmful practices.	58%	88%
Improving the health of women and children in poor, developing countries by making sure they have access to vaccines and maternal health care.	56%	89%
Promoting gender equality, women's rights, and the advancement of women and girls around the world.	53%	85%
Delivering humanitarian aid around the world.	50%	87%
Strengthening the promotion and protection of human rights around the world and resolving situations of human rights violations.	50%	85%
Helping to eradicate extreme poverty and hunger around the world.	49%	85%
Providing leadership and aid in humanitarian crisis situations.	47%	86%
Improving the health situation in poor, developing countries.	46%	86%
Providing voluntary family planning services such as information about access to contraception for women in poor, developing countries.	45%	77%
Improving the access to clean cooking stoves in poor, developing countries to prevent deaths to women and children from toxic indoor cooking smoke and to help combat climate change.	40%	76%
Preventing and resolving deadly conflict around the world.	39%	77%
Building peace in countries emerging from conflict.	36%	78%
Establishing common standards of practice for international trade, business, and international law.	36%	78%
Taking the lead in efforts to address climate change.	34%	65%
Providing support and oversight for conducting free and fair elections in countries around the world with little or no history of democracy.	32%	73%

Chairman ROS-LEHTINEN. And if I could put also in the record Ambassador Bolton's enthusiastic support for this bill. I don't know where it came out——

Mr. BERMAN. He is not under instructions any longer.

Chairman ROS-LEHTINEN. Many op-eds that he has written in favor of this bill.

But if we are going to put in things for the record, without objection, let that be in there as well.

[The information referred to follows:]

The Weekly Standard

The UNESCO Follies Are Back

The Obama administration bungles the Palestinians' membership vote.

John R. Bolton

November 14, 2011, Vol. 17, No. 09

The Palestinian Authority succeeded last Monday in becoming a member state in the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The vote was 107 in favor, 14 opposed, and 52 abstaining, with France, Spain, Austria, and India among those supporting PA admission. Two of our closest allies, the United Kingdom and Japan, abstained. Because of a 1990 federal law, supplemented in 1994, the State Department announced a few hours after the vote that the United States was ceasing its contribution to UNESCO.

The applicable statute, proposed in 1989 by Senator Bob Kasten, was a corollary to President George H.W. Bush's efforts to prevent the Palestine Liberation Organization (predecessor of the PA) from joining U.N. agencies including the World Health Organization (WHO) and UNESCO. Back then, the PLO was trying to create "facts on the ground" in the Middle East peace process by working the U.N.'s corridors. Because only states are eligible for membership in the U.N. system, becoming a member of U.N. bodies, in the PLO/PA's idiosyncratic view, would prove it was a state and therefore equivalent to Israel.

Europeans in particular were reluctant to oppose the PLO. In part, they dismissed as pro forma the Bush administration's warnings that Congress would retaliate financially if the PLO joined WHO; they assumed this stance was purely for domestic consumption, to appease "the Jewish lobby," which Europeans believed in even before professors Walt and Mearsheimer unearthed it.

Those of us in the administration working to block the PLO realized we needed to take much stronger steps. Accordingly, Secretary of State James Baker issued a statement that he would recommend to the president eliminating all U.S. contributions, assessed or voluntary, to any U.N. organization that granted the PLO full membership or changed its observer-state status. Everyone understood that Bush 41 would accept Baker's suggestion.

The effect was dramatic. PLO membership was defeated in May 1989 during a boisterous WHO meeting in Geneva that saw Libyans, Cubans, and Nicaraguan Sandinistas stand on their chairs denouncing American imperialism. Immediately afterwards, I flew from Geneva to Paris to meet with UNESCO's executive board. Ever since Ronald Reagan withdrew the United States from UNESCO in 1984 (along with Thatcher's Britain and Singapore), U.S. contributions to UNESCO had been minimal, so defunding was irrelevant. Instead, I delivered an equally stark message: You can have us or the PLO. The United States will never rejoin if the PLO is admitted. Different words, same music, same effect.

Some people might call this the exercise of smart power. Twenty-plus years later, however, confronted with a resurrected Palestinian U.N. membership campaign, Team Obama stumbled badly. Initially, there was even speculation, since denied, that the president might not order a Security Council veto of a PA application to the United Nations. (Applications to U.N. agencies are decided individually by their respective governing bodies.)

In the context of the financial crises since 2008, there are often calls for governments to use a "big bazooka," a really dramatic step to signal their willingness to take strong measures and thereby reassure global markets. Obama's hesitancy, embarrassment, and unwillingness to fire up a big-bazooka defunding threat undoubtedly contributed to last week's UNESCO defeat. Without question, the PA sensed this weakness and exploited it. Comments by State Department officials before and after the vote betrayed their displeasure with the statute, in effect blaming Congress for making them do something they didn't really want to do. Had they enthusiastically endorsed turning off the U.S. spigot to UNESCO, they would likely have succeeded, as the Bush administration did in 1989.

The difference between Obama and Bush 41 is that Bush understood America had higher priorities than funding U.N. agencies. He and Baker were not afraid to order, over the usual cries of doom and gloom, strong diplomacy to achieve our objectives. And their muscular strategy prevailed. U.S. Middle East policy was not derailed by politically incontinent Palestinian leadership, and the U.N. system was not deprived of any funding. Under Obama, the opposite is happening on both counts.

George W. Bush decided to rejoin UNESCO in 2003 under the mistaken impression he could thereby stem criticism of his administration's unilateralism. Predictably, however, the "international community" pocketed the U.S. return while continuing its unrelentingly hostile appraisal of Bush and his policies. For the privilege of continuing to be abused, Washington resumed payment of its assessed share of UNESCO's annual budget; the U.S. share reached approximately $80,000,000 this fiscal year.

The State Department's prompt announcement last week that it was cutting off funding to UNESCO was its savviest action in this affair to date. State thus followed the Bush 41 administration's Plan B, namely, to cauterize the wound within the U.N. system caused by the PA's victory. Our theory in 1989 was that, even had we failed to stop the PLO from joining WHO, the traumatic prospect of a systemwide funding cutoff would bring the rest of the U.N. entities to their senses, minimizing the damage.

We will now see whether the Obama administration, having failed to implement Plan A effectively, can handle Plan B. Every indication is that the PA will continue its membership campaign throughout the U.N. system; precedent is a powerful tool in U.N. circles, and the Palestinians will fully exploit it. Perhaps they hope to run the table in as many U.N. agencies as possible before their application for membership in the U.N. itself comes back before the Security Council in a few months, thus pressuring Obama not to use his veto.

One thing is certain after the administration cutoff of UNESCO funding: We are at least $80,000,000 closer to solving this year's federal deficit problem. In fact, the entire episode provides strong arguments for moving toward voluntary funding, rather than assessed or mandatory contributions, across the entire U.N. system. Representative Ileana Ros-Lehtinen has introduced legislation, recently reported to the House floor, to do just that. Her timing couldn't be better.

John R. Bolton is a senior fellow at the American Enterprise Institute. He served as U.S. ambassador to the United Nations in 2005-06.

http://www.weeklystandard.com/print/articles/unesco-follies-are-back_607777.html

@AmbJohnBolton John Bolton
Rep. Ros-Lehtinen's bill for U.S. to voluntarily fund UN programs is best way to achieve real UN reform and stop its anti-Israel policies.

HAARETZ.com

- Published 03:57 14.09.11
- Latest update 03:57 14.09.11

Congresswoman Ros-Lehtinen tells Haaretz: We must stop Palestinians' 'dangerous scheme'

Ileana Ros-Lehtinen is behind a bill that would cut U.S. funding for UN organizations who support recognition of Palestine as state.

By Natasha Mozgovaya Tags: Palestinian state Mahmoud Abbas

Ileana Ros-Lehtinen, Representative for Florida and chairwoman of the House Foreign Affairs Committee, is one of the loudest voices in Congress opposing the Palestinian plan to secure United Nations recognition for statehood. A bill she introduced earlier this month would cut funding to any UN body that supports the Palestinian bid.

The initiative was criticized by Obama administration officials and Ros-Lehtinen's Democratic colleagues in Congress, but the Congresswoman made it clear on Tuesday that she has no intentions of backpedalling on the issue.

State Department officials have said the bill puts U.S. ability to pursue its foreign policy goals in danger, but Ros-Lehtinen disagrees, saying that it will restore 'respect' to the UN.

"I don't think this bill is dangerous," Ros-Lehtinen told Haaretz. "I think it will build on diplomatic efforts because it will bring the UN back to being the respected body it was. The UN is an admirable organization, built upon the ashes of the Holocaust, but it became an arena for third world dictators to bash the principles upon which the UN was founded," she said.

"This bill is not to bash the UN. It says, let's build programs that will successfully promote peace. I don't mind a good debate and people calling the bill 'backwards' or 'dangerous,' but it's not backwards to demand transparency, when bodies like the Human Rights Council are hijacked by human rights abusers like China and are used to demonize Israel," she added.

Ros-Lehtinen criticized the level of U.S funding to the UN, saying that high-levels of funding leave little room for incentive to institutional reform.

"Our executive branch goes along, pays billions to the UN, so the UN has zero incentive to reform. We should shift UN funding to a voluntary basis, because smart withholding the funds works," she said.

The threat to cut financial aid to the Palestinians, despite the Administration's objections, makes perfect sense, Ros-Lehtinen added.

"We need to stop Abu-Mazen's dangerous scheme. I hope that the U.S. Congress takes a very forceful stand against this statehood issue. It's time to tell the Palestinians: If you are going with this statehood issue and it is

granted, then the U.S. must cut funding to the Palestinians. We gave them billions of dollars these past years, but is Israel safer because of this money going to the Palestinian Authority?"

Is she not concerned that if the U.S. withdraws funds, the vacuum will be filled by countries such as Iran and Saudi Arabia?

"Of course these countries can always try to fill the vacuum, but at least we won't be part of the problem, and if we fund this scheme, we are part of the problem, we are funding a sworn enemy of the State of Israel, and I don't want our tax dollars to do that," she says.

"We are willing to do everything we can to make sides speak to each other. We think that if the Palestinians continue to refuse to negotiate with Israelis, where is the incentive for the Palestinians to get into these negotiations, unless we withhold money?"

John Bolton, former U.S. Ambassador to the UN, is one supporter of the bill.

"The only way to achieve lasting reform at the UN is in changing the way the UN is funded. It's a very important part of the legislation," Bolton said.

Bolton does not agree that the current U.S. administration is doing everything possible to prevent the UN vote on Palestinian statehood.

"We've thrown this away. In fact, we helped to cause this problem," he says. "The only effective way to deal with it is to say to the UN that if they vote to recognize Palestine as a state, we should cut our funding."

For Bolton, the problem lies is in the Obama's administration's Middle East policy.

"I said after President Obama's speech in the UN General Assembly in 2009, that it was the most anti-Israeli speech by an American president I've ever heard. And I think that since the creation of the State of Israel he is the most hostile president to Israel. I think you can see it play out in his policy, and the next week is going to be a bad week for Israel at the UN," Bolton said.

Commenting on the remarks attributed to the former Secretary of Defense Robert Gates, in which he called Israeli Prime Minister Benjamin Netanyahu "ungrateful," Bolton said he doubts Gates would say such a thing if it contradicted the position of the U.S. administration.

"It's a comment unworthy of Secretary Gates. This is a very important relationship for the U.S., and I think the Obama administration's policies in the region caused real problems not only for Israel, but for the U.S. itself. So that comment by Secretary Gates typifies the Obama administration's approach. I thought it was unprofessional, uncalled for, and very unfortunate in terms of the bilateral relationship," Bolton added.

Chairman ROS-LEHTINEN. Hearing no further request for recognition, the question occurs on the Berman substitute amendment. All those in favor, say aye. All those opposed, no.

In the opinion of the Chair, the noes have it, and the amendment is not agreed to.

Having concluded consideration of the Berman substitute and hearing no further amendment, the question occurs on agreeing to the bill, H.R. 2829, as amended. The clerk will call the roll. Aye.

Ms. CARROLL. The chairman votes aye.

Mr. Smith.

Mr. SMITH. Aye.

Ms. CARROLL. Mr. Smith votes aye.

Mr. Burton.

Mr. BURTON. Aye.

Ms. CARROLL. Mr. Burton votes aye.

Mr. Gallegly.

Mr. GALLEGLY. No.

Ms. CARROLL. Mr. Gallegly votes no.

Mr. BURTON. Aye.

Ms. CARROLL. Mr. Gallegly off no, on aye.

Mr. Rohrabacher.

Mr. ROHRABACHER. Aye.

Ms. CARROLL. Mr. Rohrabacher votes aye.

Mr. Manzullo.

Mr. MANZULLO. Aye.

Ms. CARROLL. Mr. Manzullo votes aye.

Mr. Royce.

Mr. ROYCE. Aye.

Ms. CARROLL. Mr. Royce votes aye.

Mr. Chabot.

Mr. CHABOT. Aye.

Ms. CARROLL. Mr. Chabot votes aye.

Mr. Paul.

[No response.]

Ms. CARROLL. Mr. Pence.

[No response.]

Ms. CARROLL. Mr. Wilson.

Mr. WILSON OF SOUTH CAROLINA. Aye.

Ms. CARROLL. Mr. Wilson votes aye.

Mr. Mack.

Mr. MACK. Aye.

Ms. CARROLL. Mr. Mack votes aye.

Mr. Fortenberry.

[No response.]

Ms. CARROLL. Mr. McCaul.

Mr. MCCAUL. Aye.

Ms. CARROLL. Mr. McCaul votes aye.

Mr. Poe.

Mr. POE. Aye.

Ms. CARROLL. Mr. Poe votes aye.

Mr. Bilirakis.

Mr. BILIRAKIS. Aye.

Ms. CARROLL. Mr. Bilirakis votes aye.

Mrs. Schmidt.

Mrs. SCHMIDT. Aye.
Ms. CARROLL. Mrs. Schmidt votes aye.
Mr. Johnson.
Mr. JOHNSON. Aye.
Ms. CARROLL. Mr. Johnson votes aye.
Mr. Rivera.
Mr. RIVERA. Aye.
Ms. CARROLL. Mr. Rivera votes aye.
Mr. Kelly.
Mr. KELLY. Aye.
Ms. CARROLL. Mr. Kelly votes aye.
Mr. Griffin.
[No response.]
Ms. CARROLL. Mr. Marino.
Mr. MARINO. Aye.
Ms. CARROLL. Mr. Marino votes aye.
Mr. Duncan.
Mr. DUNCAN. Aye.
Ms. CARROLL. Mr. Duncan votes aye.
Ms. Buerkle.
Ms. BUERKLE. Aye.
Ms. CARROLL. Ms. Buerkle votes aye.
Mrs. Ellmers.
Mrs. ELLMERS. Aye.
Ms. CARROLL. Mrs. Ellmers votes aye.
Mr. Turner.
Mr. TURNER. Aye.
Ms. CARROLL. Mr. Turner votes aye.
Mr. Berman.
Mr. BERMAN. No.
Ms. CARROLL. Mr. Berman votes no.
Mr. Ackerman.
Mr. ACKERMAN. No.
Ms. CARROLL. Mr. Ackerman votes no.
Mr. Faleomavaega.
[No response.]
Ms. CARROLL. Mr. Payne.
Mr. PAYNE. No.
Ms. CARROLL. Mr. Payne votes no.
Mr. Sherman.
Mr. SHERMAN. No.
Ms. CARROLL. Mr. Sherman votes no.
Mr. Engel.
Mr. ENGEL. No.
Ms. CARROLL. Mr. Engel votes no.
Mr. Meeks.
Mr. MEEKS. No.
Ms. CARROLL. Mr. Meeks votes no.
Mr. Carnahan.
Mr. CARNAHAN. No.
Ms. CARROLL. Mr. Carnahan votes no.
Mr. Sires.
[No response.]
Ms. CARROLL. Mr. Connolly.

Mr. CONNOLLY. No.
Ms. CARROLL. Mr. Connolly votes no.
Mr. Deutch.
Mr. DUETCH. No.
Ms. CARROLL. Mr. Deutch votes no.
Mr. Cardoza.
Mr. CARDOZA. No.
Ms. CARROLL. Mr. Cardoza votes no.
Mr. Chandler.
[No response.]
Ms. CARROLL. Mr. Higgins.
Mr. HIGGINS. No.
Ms. CARROLL. Mr. Higgins votes no.
Ms. Schwartz.
Ms. SCHWARTZ. No.
Ms. CARROLL. Ms. Schwartz votes no.
Mr. Murphy.
[No response.]
Ms. CARROLL. Ms. Wilson.
[No response.]
Ms. CARROLL. Ms. Bass.
Ms. BASS. No.
Ms. CARROLL. Ms. Bass votes no.
Mr. Keating.
Mr. KEATING. No.
Ms. CARROLL. Mr. Keating votes no.
Mr. Cicilline.
Mr. CICILLINE. No.
Ms. CARROLL. Mr. Cicilline votes no.
Chairman ROS-LEHTINEN. Have all members been recorded?
Mr. Griffin.
Mr. GRIFFIN. Aye.
Ms. CARROLL. Mr. Griffin votes aye.

Chairman ROS-LEHTINEN. Mr. Fortenberry wanted us to wait, but I am sorry. We know how he feels about the bill anyway.

The clerk will call the vote.

Ms. CARROLL. Madam Chair, on that vote there are 23 ayes, and 15 noes.

Chairman ROS-LEHTINEN. Thank you so much.

The ayes have it. The bill is agreed to, and without objection the motion to reconsider is laid upon the table. Without objection, the bill, as amended, will be reported favorably to the House as a single amendment in the nature of a substitute incorporating the amendments adopted by the committee; and the staff is directed to make technical and conforming changes.

Having concluded today's business, I want to thank all of our members and the staff for the hard work and the cooperation that went into this markup.

And, with that, the committee stands adjourned.

[Whereupon, at 3:38 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

FULL COMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Ileana Ros-Lehtinen (R-FL), Chairman

October 6, 2011

You are respectfully requested to attend an OPEN meeting of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hfca.house.gov):**

DATE: Thursday, October 13, 2011

TIME: 2:00 p.m.

MARKUP OF: H.R. 2829, To promote transparency, accountability, and reform within the United Nations system, and for other purposes.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE MARKUP

Day *Thursday* **Date** *10/13/11* **Room** *2172 RHOB*

Starting Time *2:30 P.M.* **Ending Time** *3:38 P.M.*

Recesses [ ] (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Rep. Ileana Ros Lehtinen

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

H.R. 2829, To promote transparency, accountability, and reform within the United Nations system, and for other purposes

COMMITTEE MEMBERS PRESENT:

Attendance attached.

NON-COMMITTEE MEMBERS PRESENT:

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Rep. Connolly SFR, Rep. Berman - Letter and poll from Sec. of State, & Amb. Bolton letter

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

H.R. 2829.
Rep. Ros-Lehtinen 92, Rep. Connolly 102, 103, & 104, Rep. Fortenberry 83, and Berman 63.

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *3:38 P.M.*

Doug Anderson, General Counsel

Hearing/Briefing Title: Mark-up H.R. 2829

Date: 10/13/11

Present	Member
X	Ileana Ros-Lehtinen, FL
X	Christopher Smith, NJ
X	Dan Burton, IN
X	Elton Gallegly, CA
X	Dana Rohrabacher, CA
X	Donald Manzullo, IL
X	Edward R. Royce, CA
X	Steve Chabot, OH
	Ron Paul, TX
	Mike Pence, IN
X	Joe Wilson, SC
X	Connie Mack, FL
X	Jeff Fortenberry, NE
X	Michael McCaul, TX
X	Ted Poe, TX
X	Gus M. Bilirakis, FL
X	Jean Schmidt, OH
X	Bill Johnson, OH
X	David Rivera, FL
X	Mike Kelly, PA
X	Tim Griffin, AK
X	Tom Marino, PA
X	Jeff Duncan, SC
X	Ann Marie Buerkle, NY
X	Renee Ellmers, NC
X	Robert Turner, NY

Present	Member
X	Howard L. Berman, CA
X	Gary L. Ackerman, NY
	Eni F.H. Faleomavaega, AS
X	Donald M. Payne, NJ
X	Brad Sherman, CA
X	Eliot Engel, NY
X	Gregory Meeks, NY
X	Russ Carnahan, MO
	Albio Sires, NJ
X	Gerry Connolly, VA
X	Ted Deutch, FL
X	Dennis Cardoza, CA
	Ben Chandler, KY
X	Brian Higgins, NY
X	Allyson Schwartz, PA
	Chris Murphy, CT
	Frederica Wilson, FL
X	Karen Bass, CA
X	William Keating, MA
X	David Cicilline, RI

The Honorable Gerald E. Connolly (VA-11)

HCFA Markup of the United Nations Transparency, Accountability, and Reform Act of 2011 (H.R. 2829)
Thursday October 13, 2011
2pm

I thank the Chairman and the Ranking Member for working with me to ensure my three amendments would pass *en bloc* and by unanimous consent. I especially want to thank Doug Anderson from the Chairman's staff.

The first amendment ensures that confidential medical information is included on the list of privacy protections in the reporting section of Title II. Much of the UN's work relates to health—whether it's the health of women, children, or men. Any GAO report on the UN that protects sensitive financial information or trade secrets ought to respect private medical information. My amendment ensures that private medical information is treated with the same discretion as financial information

The second amendment expresses the sense of Congress that any UN definition of "terrorism" should not be used to undermine pro-democracy movements against authoritarian regimes. The Arab Spring has shown us that authoritarian leaders will do anything to stay in power, including using violence against citizens who are expressing their basic human rights. Any definition of terrorism should not be used to inadvertently legitimize a totalitarian regime's violation of its citizens' rights. I'm sure you can recall the early days of the Libyan Revolution when Col. Muammar Qadhafi continually dismissed the revolutionaries as members of al Qaeda, perhaps to legitimize any future actions against them. In the wake of the Arab Spring and any other pro-democracy movements that may materialize, it is important to show the world that we are watching how the word "terrorism" is used, and that we do not approve of a regime misusing that term when dealing with pro-democracy protestors.

The third and final amendment supports Taiwan's meaningful participation in relevant UN entities. While Taiwan is a major world economy with 23 million residents, it is only recognized as a non-governmental organization (NGO) under the name of ``Industrial Technology Research Institute" (ITRI) by the United Nations Framework Convention on Climate Change (UNFCCC). This NGO status only allows Taiwan to partake in UNFCCC side events, which is neither effective nor appropriate. I hope that the leadership of the UNFCCC will soon invite Taiwan to participate in an official capacity as the World Health Assembly has invited Taiwan to participate in its activities as an official observer in 2009 and 2010. This pro-Taiwan amendment supports Taiwan's participation in UN entities and is about Taiwan—not about any specific divisive policy issue.

With regard to the underlying bill: Madam Chairman, I have great respect for you and I believe that United Nations reform is in the United States' best interest. But we will have to agree to disagree on how best to achieve that reform.

H.R. 2829 withholds up to half of nonvoluntary U.S. contributions from the regular budget of the UN unless 80% of the total regular budget of the UN is apportioned on a voluntary basis. It is impossible to reach such a goal, which means that the de facto result will be defunding the U.N. It is mind boggling,

The Honorable Gerald E. Connolly (VA-11)

and I believe injurious to our foreign policy interests, that we are voting to defund a multilateral body which we created and which continues to serve a myriad of U.S. interests.

This Committee has heard time and time again that the UN is a force multiplier that operates in places where the U.S. would not want to venture alone. We have seen the good work that the UN can do—in East Timor's transition to independence, in Sudan's recent referendum, in Nepal after a decades-long civil war, and in countless other hot zones around the world.[1] Most recently, the UN Security Council lent credibility to the NATO mission in Libya by authorizing a no-fly zone in that country, a move which contributed to the departure of Muammar Qadhafi. Moreover, the UN Security Council has worked with the United States countless times, including in the imposition of sanctions against Iran.[2] UN Security Council Resolution 1929 complemented the new U.S. sanctions regime outlined in the Comprehensive Iran Sanctions and Divestment Act (CISADA). Defunding the UN would pose a direct risk to U.S. national security concerns.

H.R. 2829 aims to change fundamentally the way the world funds peacekeeping operations (PKOs). UN "blue helmets" operate in volatile areas to keep the peace. One such PKO mission is in the charged area of Jammu and Kashmir—a region claimed by nuclear neighbors Pakistan and India. The United Nations Military Observer Group in India and Pakistan supervises the ceasefire between India and Pakistan in the State of Jammu and Kashmir. The mission is composed of 94 personnel—both military and civilian—and has suffered eleven fatalities while serving their mission. In other words, this is not a cushy diplomatic assignment. It requires real risk, and the UN allows us to spread that risk.

Perhaps an operation of 94 personnel seems small, so let's talk about the UN Assistance Mission in Afghanistan (UNAMA), which quite clearly aligns with U.S. interests. UNAMA has two main areas of activities: political affairs and development and humanitarian issues. The mission currently has more than 1,600 civilian staff, the vast majority of whom (around 80 per cent) are Afghan nationals. UNAMA has 18 regional and provincial offices across Afghanistan and liaison offices in the region and the mission's staff is at real risk while they serve overseas. On April 1, 2011, an attack on a UNAMA office in Mazar-i-Sharif resulted in 12 casualties; 7 of those were UN personnel. Sadly, this is not the only instance of UN personnel being killed while serving in Afghanistan. In 2009, 11 people were killed when Taliban suicide bombers invaded a guest house in Kabul. These attacks are a harrowing reminder that UN personnel serve overseas in harm's way. These same personnel often act in concert with U.S. strategic interests.

Along those lines, there is also the United Nations Assistance Mission for IRAQ (UNAMI), which consists of 368 international civilian staff, 482 local civilian staff, 221 troops, and 13 military observers. If we

[1] Paraphrased from the testimony of Mark Quarterman of CSIS, at the January 25, 2011 HCFA briefing on the UN.
[2] For example, in May of 2010, the Security Council adopted Resolution 1929, which: added 15 Iranian firms affiliated with the Revolutionary Guard firms to the list of U.N.-sanctioned entities, and 22 other Iranian entities; instituted a mandatory ban on travel for certain Iranian individuals; gave countries the authorization to inspect any shipments—and to dispose of their cargo—if the shipments are suspected to carry contraband items; prohibited countries from allowing Iran to invest in uranium mining and related nuclear technologies, or nuclear-capable ballistic missile technology; banned sales to Iran of most categories of heavy arms and requests restraint in sales of light arms, and set up a "panel of experts," on the issue led by a U.S. State Department official.

The Honorable Gerald E. Connolly (VA-11)

were to defund the UN, I shudder to think of the results in Iraq and Afghanistan. Surely it's in our interest to spread the responsibility of rebuilding Iraq and Afghanistan among multiple nations through UNAMA and UNAMI. Everyone has a stake in rebuilding those countries, and the UN allows the U.S. to gain support for specific foreign policy objectives.

With regard to peacekeeping, it behooves us to remember the vast reach of PKOs—more than 120,000 UN peacekeepers are deployed in 14 operations around the world. Less than .08 per cent of those peacekeepers are American military personnel. The 100 or so American peacekeepers always remain under U.S. command. This bill (H.R. 2829) directs the President to oppose the creation of new peacekeeping operations and oppose the expansion of existing peacekeeping operations until very specific peacekeeping reforms have been adopted by the UN. There is no national security waiver—a rarity in a foreign policy bill. I fear that such a provision ties our hands at the UN and will cause great harm to our interests.

Instead of disengaging from the UN, an active U.S. presence in the UN reform effort is more ideal. After all, the notion that a complex, multi-layered organization has flaws is disappointing but not surprising. Despite the inefficiency and opaqueness of some parts of the United Nations, withholding funds from the UN may not be the best strategy in combating the UN's problems. The only way to prevent future scandal is through transparency, accountability, and an active U.S. presence.