

114TH CONGRESS  
1ST SESSION

# H. R. 3667

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2015

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

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## A BILL

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

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “United Nations Transparency, Accountability, and Re-  
6 form Act of 2015”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—FUNDING OF THE UNITED NATIONS

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

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

- Sec. 201. Findings.
- Sec. 202. Definitions.
- Sec. 203. Oversight of United States contributions to the United Nations System.
- Sec. 204. Transparency for United States Contributions.
- Sec. 205. Integrity for United States Contributions.
- Sec. 206. Refund of monies owed by the United Nations to the United States.
- Sec. 207. Annual reports on United States Contributions to the United Nations.
- Sec. 208. Report on United Nations procurement practices.

#### TITLE III—UNITED STATES POLICY AT THE UNITED NATIONS

- Sec. 301. Annual publication.
- Sec. 302. Annual financial disclosure.
- Sec. 303. Policy with respect to expansion of the Security Council.
- Sec. 304. Access to reports and audits.
- Sec. 305. Waiver of immunity.
- Sec. 306. Review of United Nations Conventions on Terrorism.
- 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. United States policy on Taiwan's participation in United Nations Entities.
- Sec. 312. United States policy on Tier 3 human rights violators.

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

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

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

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

#### TITLE VI—2014 GAZA REPORT

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

#### TITLE VII—BIASED AND COMPROMISED ACTIVITIES

- Sec. 701. Withholding of funds.

## TITLE VIII—UNRWA

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

## TITLE IX—INTERNATIONAL ATOMIC ENERGY AGENCY

- Sec. 901. Technical cooperation program.  
 Sec. 902. United States policy at the IAEA.  
 Sec. 903. Sense of Congress regarding the Nuclear Security Action Plan of the IAEA.

## TITLE X—PEACEKEEPING

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

**1 SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **SEC. 101. FINDINGS.**

7 Congress makes the following findings:

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

14 (2) The Secretary of State has yet provide to  
15 Congress a report on all United States contributions  
16 to the United Nations and United Nations Entities  
17 as required 90 days after the enactment of the Con-  
18 solidated and Further Continuing Appropriations  
19 Act of 2015 (Public Law 113–235) on December 16,  
20 2014, in accordance with House Report 113–499,  
21 which accompanied the State, Foreign Operations,  
22 and Related Programs Appropriations Bill of 2015.

23 (3) Under current rules and contribution levels,  
24 it is possible to assemble the two-thirds majority  
25 needed for important United Nations budget votes

1 with a group of countries that, taken together, pay  
2 approximately 1 percent of the total United Nations  
3 regular budget.

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

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

12 (6) Amidst the continuing financial, corruption,  
13 and sexual abuse scandals of the past several years,  
14 American public disapproval of United Nations has  
15 reached all-time highs. A 2015 Gallup poll revealed  
16 that 57 percent of Americans believe that the United  
17 Nations is doing a poor job.

18 (7) Significant improvements in United Nations  
19 transparency and accountability are necessary for  
20 improving public perceptions of American support  
21 for United Nations operations.

22 (8) Because of their need to justify future con-  
23 tributions from donors, voluntarily funded organiza-  
24 tions have more incentive to be responsive and effi-  
25 cient in their operations than organizations funded

1 by compulsory contributions that are not tied to per-  
2 formance.

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

14 (10) Article XVII of the Charter of the United  
15 Nations, which states that “[t]he expenses of the  
16 Organization shall be borne by the Members as ap-  
17 portioned by the General Assembly”, leaves to the  
18 discretion of the General Assembly the basis of ap-  
19 portionment, which could be done on the basis of  
20 voluntary pledges by Member States.

21 (11) Unlike United States assessed contribu-  
22 tions to the United Nations regular budget, which  
23 are statutorily capped at 22 percent of the total,  
24 there is no cap on voluntary contributions.

1           (12) The United States, which contributes gen-  
2           erously to international organizations whose activi-  
3           ties it recognizes as credible, worthwhile, and effi-  
4           cient, contributes more than 22 percent of the budg-  
5           et of certain voluntarily funded United Nations Spe-  
6           cialized Agencies.

7           (13) John Bolton, former United States Perma-  
8           nent Representative to the United Nations, has stat-  
9           ed that “Moving to voluntary funding would end the  
10          UN practice of charging member states for the ex-  
11          penses of the UN and its activities. Member states  
12          would instead determine for themselves how much to  
13          provide to the UN and, importantly, the specific  
14          tasks and activities that those contributions would  
15          support. The shift toward a voluntary payment sys-  
16          tem would impose a stronger market incentive for  
17          UN programs and activities to meet their goals and  
18          justify continued funding.”.

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

21 (a) UNITED STATES POLICY.—

22           (1) IN GENERAL.—It is the policy of the United  
23          States to seek to shift the funding mechanism for  
24          the regular budget of the United Nations from an  
25          assessed to a voluntary basis.

1           (2) ACTION AT UNITED NATIONS.—The Presi-  
2           dent shall direct the United States Permanent Rep-  
3           resentative to the United Nations to use the voice,  
4           vote, and influence of the United States at the  
5           United Nations to shift the funding mechanism for  
6           the regular budget of the United Nations to a vol-  
7           untary basis, and to make it a priority to build sup-  
8           port for such a transformational change among  
9           Member States, particularly key United Nations do-  
10          nors.

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

23          (c) WITHHOLDING OF NONVOLUNTARY CONTRIBU-  
24          TIONS.—

1           (1) IN GENERAL.—Beginning 2 years after the  
2 effective date of this Act and notwithstanding any  
3 other provision of law, no funds may be obligated or  
4 expended for a United States assessed contribution  
5 to the regular budget of the United Nations in an  
6 amount greater than 50 percent of the United  
7 States share of assessed contributions for the reg-  
8 ular budget of the United Nations unless there is in  
9 effect a certification by the Secretary, as described  
10 in subsection (b).

11           (2) ALLOWANCE.—For a period of 1 year after  
12 appropriation, funds appropriated for use as a  
13 United States contribution to the regular budget of  
14 the United Nations but withheld from obligation and  
15 expenditure pursuant to paragraph (1) may be obli-  
16 gated and expended for that purpose upon the cer-  
17 tification described in subsection (b). After 1 year,  
18 in the absence of such certification, those funds shall  
19 revert to the United States Treasury.

20 **SEC. 103. BUDGET JUSTIFICATION FOR UNITED STATES**  
21                           **CONTRIBUTIONS TO THE REGULAR BUDGET**  
22                           **OF THE UNITED NATIONS.**

23           (a) DETAILED ITEMIZATION.—The annual congres-  
24 sional budget justification shall include a detailed itemized

1 request in support of the contribution of the United States  
2 to the regular budget of the United Nations.

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

5 (1) contain information relating to the amounts  
6 requested in support of each of the various sections  
7 and titles of the regular budget of the United Na-  
8 tions; and

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

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

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

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

1 (b) CONTENTS.—The report required under sub-  
2 section (a) shall describe the following:

3 (1) Progress toward the goal of shifting the  
4 funding for the United Nations Regular Budget to  
5 a voluntary basis as identified in section 102, and a  
6 detailed description of efforts and activities by  
7 United States diplomats and officials toward that  
8 end.

9 (2) Progress toward each of the policy goals  
10 identified in the prior sections of this title, and a de-  
11 tailed, goal-specific description of efforts and activi-  
12 ties by United States diplomats and officials toward  
13 those ends.

14 (3) The status of the implementation of man-  
15 agement reforms within the United Nations and its  
16 specialized agencies.

17 (4) The number of outputs, reports, or other  
18 mandates generated by General Assembly resolutions  
19 that have been eliminated.

20 (5) The progress of the General Assembly to  
21 modernize and streamline the committee structure  
22 and its specific recommendations on oversight and  
23 committee outputs, consistent with the landmark  
24 March 2005 report of the Secretary General entitled

1 “In larger freedom: towards development, security  
2 and human rights for all”.

3 (6) The status of the review by the General As-  
4 sembly of all mandates older than 5 years and how  
5 resources have been redirected to new challenges,  
6 consistent with such March 2005 report of the Sec-  
7 retary General and other relevant reports.

8 (7) The continued utility and relevance of the  
9 Economic and Financial Committee and the Social,  
10 Humanitarian, and Cultural Committee, in light of  
11 the duplicative agendas of those committees and the  
12 Economic and Social Council.

13 (8) Whether the United Nations or any of its  
14 specialized agencies has contracted with any party  
15 included on the Lists of Parties Excluded from Fed-  
16 eral Procurement and Nonprocurement Programs.

17 **TITLE II—TRANSPARENCY AND**  
18 **ACCOUNTABILITY FOR**  
19 **UNITED STATES CONTRIBU-**  
20 **TIONS TO THE UNITED NA-**  
21 **TIONS**

22 **SEC. 201. FINDINGS.**

23 Congress makes the following findings:

24 (1) As underscored by continuing revelations of  
25 waste, fraud, and abuse, oversight and account-

1 ability mechanisms within the United Nations sys-  
2 tem remain significantly deficient, despite decades of  
3 reform attempts, including those initiated by Secre-  
4 taries General of the United Nations.

5 (2) Notwithstanding the personal intentions of  
6 any Secretary General of the United Nations to pro-  
7 mote institutional transparency and accountability  
8 within the United Nations System, the Secretary  
9 General lacks the power to impose far reaching man-  
10 agement reforms without the concurrence of the  
11 General Assembly.

12 (3) Groupings of Member States whose voting  
13 power in the General Assembly significantly out-  
14 paces their proportional contributions to the United  
15 Nations system have repeatedly and successfully de-  
16 feated, delayed, and diluted various reform proposals  
17 that would have enabled more detailed oversight and  
18 scrutiny of United Nations system operations and  
19 expenditures.

20 (4) To an unacceptable degree, major donor  
21 states, including the United States, lack access to  
22 reasonably detailed, reliable information that would  
23 allow them to determine how their contributions  
24 have been spent by various United Nations system

1 entities, further contributing to the lack of account-  
2 ability within the United Nations system.

3 (5) In September 2015, the State Department  
4 announced the United States would withhold 15 per-  
5 cent of United States contributions to the World In-  
6 tellectual Property Organization (WIPO) because  
7 the Secretary of State could not certify that WIPO  
8 is meeting best practices for the protection of whis-  
9 tleblowers from retaliation in accordance with the  
10 Consolidated Appropriations Act of 2014 (Public  
11 Law 113–76).

12 **SEC. 202. DEFINITIONS.**

13 In this title:

14 (1) **ACCOUNTABILITY CERTIFICATION.**—The  
15 term “Accountability Certification” means an an-  
16 nual, written affirmation by the head or authorized  
17 designee of a United Nations Entity provided to the  
18 Secretary of State that the Entity—

19 (A) provides the public with full, complete,  
20 and unfettered access to all relevant docu-  
21 mentation relating to operations and activities,  
22 including budget and procurement activities;

23 (B) implements best practices for the pro-  
24 tection of whistleblowers from retaliation, in-  
25 cluding best practices for—

- 1 (i) protection against retaliation for  
2 internal and lawful public disclosures;
- 3 (ii) legal burdens of proof;
- 4 (iii) statutes of limitation for report-  
5 ing retaliation;
- 6 (iv) access to independent adjudicative  
7 bodies, including external arbitration; and
- 8 (v) results that eliminate the effects of  
9 proven retaliation;
- 10 (C) implements and upholds policies and  
11 procedures to require the filing of individual an-  
12 nual financial disclosure forms by each of its  
13 employees at the P-5 level and above and to re-  
14 quire that such forms be made available to the  
15 Office of Internal Oversight Services, to Mem-  
16 ber States, and to the public;
- 17 (D) has established an effective ethics of-  
18 fice;
- 19 (E) has established a fully independent,  
20 autonomous, and effective internal oversight  
21 body;
- 22 (F) has adopted and implemented, and is  
23 in full compliance with, International Public  
24 Sector Accounting Standards;

1 (G) has established a cap on its adminis-  
2 trative overhead costs;

3 (H) is not subject to sanctions by the Se-  
4 curity Council; and

5 (I) is not subject to sanctions by the  
6 United States.

7 (2) OVERSIGHT INFORMATION.—The term  
8 “Oversight Information” includes—

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

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

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

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

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

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

1 (G) documents or other records alleging or  
2 involving improper use of resources, mis-  
3 conduct, mismanagement, or other violations of  
4 rules and regulations applicable to the United  
5 Nations Entity; and

6 (H) other documentation relevant to the  
7 oversight work of Congress with respect to  
8 United States contributions to the United Na-  
9 tions system.

10 (3) **TRANSPARENCY CERTIFICATION.**—The term  
11 “Transparency Certification” means an annual,  
12 written affirmation by the head or authorized des-  
13 ignee of a United Nations Entity, provided to the  
14 Department of State, that the Entity will cooperate  
15 with the Department of State and Congress, includ-  
16 ing by providing the Department of State and Con-  
17 gress with full, complete, and unfettered access to  
18 Oversight Information as defined in this title.

19 **SEC. 203. OVERSIGHT OF UNITED STATES CONTRIBUTIONS**  
20 **TO THE UNITED NATIONS SYSTEM.**

21 (a) **PURPOSE.**—The purpose of this section is to en-  
22 hance oversight of United States contributions to the  
23 United Nations System and the use of those contributions  
24 by United Nations Entities, in an effort to eliminate and  
25 deter waste, fraud, and abuse in the use of those contribu-

1 tions, and thereby to contribute to the development of  
2 greater transparency, accountability, and internal controls  
3 throughout the United Nations System.

4 (b) IMPLEMENTATION.—

5 (1) IN GENERAL.—The Department of State  
6 shall collect and maintain current records regarding  
7 Transparency Certifications and Accountability Cer-  
8 tifications by all United Nations Entities that re-  
9 ceive United States contributions and submit that  
10 information for inclusion in the report required  
11 under section 207.

12 (2) NOTIFICATION.—The Department of State  
13 shall keep the appropriate congressional committees  
14 fully informed of how United Nations Entities are  
15 spending United States contributions prior to the  
16 President’s budget request, and periodically through-  
17 out the remainder of the year thereafter.

18 (3) REFERRALS.—

19 (A) IN GENERAL.—The Secretary of State  
20 shall promptly report to the Attorney General  
21 and to the appropriate congressional commit-  
22 tees when the Secretary of State has reasonable  
23 grounds to believe a Federal criminal law has  
24 been violated by a United Nations Entity or one  
25 of its employees, contractors, or representatives.

1           (B) NOTIFICATION.—The Secretary of  
2 State shall promptly report, when appropriate,  
3 to the appropriate congressional committees,  
4 and to the Secretary General or to the head of  
5 the appropriate United Nations Entity, cases in  
6 which the Secretary of State reasonably believes  
7 that mismanagement, misfeasance, or malfea-  
8 sance is likely to have taken place within a  
9 United Nations Entity and disciplinary pro-  
10 ceedings are likely justified, and shall keep the  
11 appropriate congressional committees informed  
12 of any relevant actions undertaken by the Sec-  
13 retary General or relevant United Nations Enti-  
14 ty.

15           (4) CONFIRMATION OF TRANSPARENCY BY  
16 UNITED NATIONS ENTITIES.—

17           (A) PROMPT NOTICE BY DEPARTMENT OF  
18 STATE.—Whenever information or assistance  
19 requested from a United Nations Entity by the  
20 Department of State pursuant to a Trans-  
21 parency Certification is, in the opinion of the  
22 Secretary of State, unreasonably refused or not  
23 provided in a timely manner, the Secretary of  
24 State shall notify the appropriate congressional  
25 committees, the head of that particular United

1 Nations Entity, and the Secretary General of  
2 the circumstances in writing, without delay.

3 (B) NOTICE OF COMPLIANCE.—If and  
4 when the information or assistance being  
5 sought by the Department of State in connec-  
6 tion with a notification pursuant to subpara-  
7 graph (A) is provided to the satisfaction of the  
8 Secretary of State, the Secretary of State shall  
9 so notify in writing to the appropriate congres-  
10 sional committees and the head of that par-  
11 ticular United Nations Entity.

12 (C) NONCOMPLIANCE.—If the information  
13 or assistance being sought by the Department  
14 of State in connection with a notification pursu-  
15 ant to subparagraph (A) is not provided within  
16 90 days of that notification, then the United  
17 Nations Entity that is the subject of the notifi-  
18 cation is deemed to be noncompliant with its  
19 Transparency Certification.

20 (D) RESTORATION OF COMPLIANCE.—  
21 After the situation has been resolved to the sat-  
22 isfaction of the Secretary of State, the Sec-  
23 retary of State shall promptly provide prompt,  
24 written notification of that fact and of the res-  
25 toration of compliance, along with a description

1 of the basis for the Secretary of State's deci-  
2 sion, to the appropriate congressional commit-  
3 tees, the head of that United Nations Entity,  
4 the Secretary General, and any office or agency  
5 of the Federal Government that has provided  
6 that United Nations Entity with any United  
7 States contribution during the prior 2 years.

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

10 (A) PROMPT NOTICE BY SECRETARY OF  
11 STATE.—Whenever a United Nations Entity  
12 that has provided an Accountability Certifi-  
13 cation is, in the opinion of the Secretary of  
14 State, not in full compliance with any or all of  
15 the provisions of that certification, the Sec-  
16 retary of State shall notify the appropriate con-  
17 gressional committees, the head of that par-  
18 ticular 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 United Nations Entity resumes full  
23 compliance with its Accountability Certification  
24 following the provision of the notification pursu-  
25 ant to subparagraph (A), the Secretary of State

1 shall so notify in writing the appropriate con-  
2 gressional committees and the head of that  
3 United Nations Entity.

4 (C) NONCOMPLIANCE.—If the United Na-  
5 tions Entity named in the notification in sub-  
6 paragraph (A) does not resume full compliance  
7 with its Accountability Certification to the sat-  
8 isfaction of the Secretary of State within 90  
9 days of that notification, then the United Na-  
10 tions Entity that is the subject of the notifica-  
11 tion is deemed to be noncompliant with its Ac-  
12 countability Certification, and the Secretary of  
13 State shall provide prompt, written notification  
14 of that fact to the appropriate congressional  
15 committees, the head of that United Nations  
16 Entity, the Secretary General, and any office or  
17 agency of the Federal Government that has  
18 provided that United Nations Entity with any  
19 United States Contribution during the prior 2  
20 years.

21 (D) RESTORATION OF COMPLIANCE.—  
22 After the situation has been resolved to the sat-  
23 isfaction of the Secretary of State, the Sec-  
24 retary of State shall promptly provide prompt,  
25 written notification of that fact and of the res-

1           toration of compliance, along with a description  
2           of the basis for the Secretary of State’s deci-  
3           sion, to the appropriate congressional commit-  
4           tees, the head of that United Nations Entity,  
5           the Secretary General, and any office or agency  
6           of the Federal Government that has provided  
7           that United Nations Entity with any United  
8           States contribution during the prior 2 years.

9           (6) REPORTING.—

10           (A) REPORTING.—In the report submitted  
11           by the Director of the Office of Management  
12           and Budget to Congress pursuant to section  
13           207, the Secretary of State shall submit for in-  
14           clusion a section that, among other things, in-  
15           cludes a list and detailed description of the cir-  
16           cumstances surrounding any notification of  
17           compliance issued pursuant to paragraph (4)(C)  
18           or (5)(C) during the covered timeframe, and  
19           whether and when the Secretary has reversed  
20           such finding of noncompliance.

21           (B) PROHIBITED DISCLOSURES.—Nothing  
22           in this subsection shall be construed to author-  
23           ize the public disclosure of information that  
24           is—

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

3 (ii) specifically required by Executive  
4 order to be protected from disclosure in  
5 the interest of national defense or national  
6 security or in the conduct of foreign af-  
7 fairs; or

8 (iii) a part of an ongoing criminal in-  
9 vestigation.

10 (C) PRIVACY PROTECTIONS.—The Sec-  
11 retary of State shall exempt from public disclo-  
12 sure information received from a United Na-  
13 tions Entity that the Secretary of State be-  
14 lieves—

15 (i) constitutes a trade secret or privi-  
16 leged and confidential personal financial  
17 information;

18 (ii) constitutes confidential personal  
19 medical information;

20 (iii) accuses a particular person of a  
21 crime;

22 (iv) would, if publicly disclosed, con-  
23 stitute a clearly unwarranted invasion of  
24 personal privacy; and

1 (v) would compromise an ongoing law  
2 enforcement investigation or judicial trial  
3 in the United States.

4 **SEC. 204. TRANSPARENCY FOR UNITED STATES CONTRIBU-**  
5 **TIONS.**

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

10 (1) the intended United Nations Entity recipi-  
11 ent has not provided to the Secretary of State within  
12 the preceding year a Transparency Certification as  
13 defined in section 202(1);

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

17 (3) the intended United Nations Entity recipi-  
18 ent has not provided to the Secretary of State within  
19 the preceding year an Accountability Certification as  
20 defined in section 202(3); or

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

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

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

9 **SEC. 205. INTEGRITY FOR UNITED STATES CONTRIBU-**  
10 **TIONS.**

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

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

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

1 Yugoslavia, or to the International Criminal Tribunal for  
2 Rwanda.

3 (b) TREATMENT OF FUNDS WITHHELD FOR NON-  
4 COMPLIANCE.—At the conclusion of each fiscal year, any  
5 funds that had been appropriated for use as a United  
6 States contribution to a United Nations Entity during  
7 that fiscal year, but could not be obligated or expended  
8 because of the restrictions of subsection (a), shall be re-  
9 turned to the United States Treasury, and are not subject  
10 to reprogramming for any other use. Any such funds re-  
11 turned to the Treasury shall not be considered arrears to  
12 be repaid to any United Nations Entity.

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

15 (a) FINDINGS.—Congress makes the following find-  
16 ings:

17 (1) United States taxpayer funds overpaid to  
18 United Nations Entities and payable back to the  
19 United States sometimes remain in the hands of the  
20 United Nations because the United States has not  
21 requested the return of those funds.

22 (2) Such funds have been paid into, among  
23 other United Nations Entities, the United Nations  
24 Tax Equalization Fund (TEF), which was estab-  
25 lished under the provisions of United Nations Gen-

1       eral Assembly Resolution 973 (1955), and which is  
2       used to reimburse United Nations staff members  
3       subject to United States income taxes for the cost  
4       of those taxes.

5           (3) In recent years, the TEF has taken in con-  
6       siderably more money than it has paid out, with the  
7       United States apparently overpaying into the TEF  
8       by \$24,363,000 in 2014 alone.

9           (4) According to the United Nations Financial  
10      Report and Audited Financial Statements released  
11      on July 23, 2015, “The cumulative surplus payable  
12      to the United States of America at year-end was  
13      \$27,600,000”.

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

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

24          (b) STATEMENT OF POLICY.—It is the policy of the  
25      United States—



1 et shall submit to Congress a report listing all assessed  
2 and voluntary contributions of the United States Govern-  
3 ment for the preceding fiscal year to the United Nations  
4 and United Nations affiliated agencies and related bodies.

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

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

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

17 (3) For each such contribution—

18 (A) the amount of such contribution;

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

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

24 (D) the purpose of such contribution; and

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

4 (c) SCOPE OF INITIAL REPORT.—The first report re-  
5 quired under subsection (a) shall include the information  
6 required under this section for the previous three fiscal  
7 years.

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

14 **SEC. 208. REPORT ON UNITED NATIONS PROCUREMENT**  
15 **PRACTICES.**

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

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

23 (1) progress toward the goal of donor countries  
24 establishing a threshold number for procurement  
25 purposes, of which 50 percent of the procurement

1 for donor programs over \$1,000,000,000 shall utilize  
2 donor vendors;

3 (2) the status of the amount and percentage of  
4 procurement at the United Nations through United  
5 States vendors; and

6 (3) the status of examinations and investiga-  
7 tions if companies on the Excluded Parties List Sys-  
8 tem are receiving contracts through the United Na-  
9 tions, and the values of such contracts.

## 10 **TITLE III—UNITED STATES POL-** 11 **ICY AT THE UNITED NATIONS**

### 12 **SEC. 301. ANNUAL PUBLICATION.**

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

### 21 **SEC. 302. ANNUAL FINANCIAL DISCLOSURE.**

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 implement a system for the required

1 filing of individual annual financial disclosure forms by  
2 each employee of the United Nations and its specialized  
3 agencies, programs, and funds at the P-5 level and above,  
4 which shall be made available to the Office of Internal  
5 Oversight Services, to Member States, and to the public.

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

8 It is the policy of the United States to use the voice,  
9 vote, and influence of the United States at the United Na-  
10 tions to oppose any proposals on expansion of the Security  
11 Council if such expansion would—

12 (1) diminish the influence of the United States  
13 on the Security Council; or

14 (2) include veto rights for any new members of  
15 the Security Council.

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

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

23 **SEC. 305. WAIVER OF IMMUNITY.**

24 The President shall direct the United States Perma-  
25 nent Representative to the United Nations to use the

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

14 **SEC. 306. REVIEW OF UNITED NATIONS CONVENTIONS ON**  
15 **TERRORISM.**

16 (a) IN GENERAL.—The President shall direct the  
17 United States Permanent Representative to the United  
18 Nations to use the voice, vote, and influence of the United  
19 States at the United Nations to initiate a comprehensive  
20 review of United Nations Conventions on Terrorism that  
21 builds upon the recommendations of the December 2004  
22 report of the High-Level Panel on Threats, Challenges,  
23 and Change with the goal of providing recommendations  
24 to the Security Council.

1 (b) REPORT.—A year from the date of enactment, the  
2 Secretary of State, in coordination with the United States  
3 Permanent Representative to the United Nations, shall re-  
4 port to the appropriate congressional committees on the  
5 status of the review under subsection (a).

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

1 the Secretary General in staffing decisions to accom-  
2 modate changing priorities.

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

4 The United States shall withhold from United States  
5 contributions to the regular assessed budget of the United  
6 Nations for a biennial period amounts that are propor-  
7 tional to the percentage of such budget that are expended  
8 with respect to a United Nations human rights treaty  
9 monitoring body or committee that was established by—

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

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

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

16 (a) DEPARTMENT OF STATE REVIEW AND RE-  
17 PORT.—

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

24 (A) complete an audit of the functions of  
25 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

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

3           (b) IMPLEMENTATION BY PERMANENT REPRESENTA-  
4 TIVE.—

5           (1) IN GENERAL.—The President shall direct  
6           the United States Permanent Representative to the  
7           United Nations to use the voice, vote, and influence  
8           of the United States at the United Nations to seek  
9           the implementation of the recommendations con-  
10          tained in the report required under subsection  
11          (a)(1)(B).

12          (2) WITHHOLDING OF FUNDS.—Until such rec-  
13          ommendations have been implemented, the United  
14          States shall withhold from United States contribu-  
15          tions to the regular assessed budget of the United  
16          Nations for a biennial period amounts that are pro-  
17          portional to the percentage of such budget that are  
18          expended for such entities.

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

20          The President shall direct the United States perma-  
21          nent representative to the United Nations to use the voice,  
22          vote, and influence of the United States at the United Na-  
23          tions to make every effort to—

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

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

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

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

23          (D) continues to develop and implements  
24 education awareness programs about the Holo-  
25 caust and anti-Semitism throughout the world,

1 as part of an effort to combat intolerance and  
2 hatred; and

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

7 (2) secure the adoption of a resolution by the  
8 General Assembly that establishes the mechanisms  
9 described in paragraph (1)(C); and

10 (3) continue working toward further reduction  
11 of anti-Semitic language and anti-Israel resolutions  
12 in the United Nations and its specialized agencies,  
13 programs, and funds.

14 **SEC. 311. UNITED STATES POLICY ON TAIWAN'S PARTICIPA-**  
15 **TION IN UNITED NATIONS ENTITIES.**

16 The Secretary of State shall direct the United States  
17 Permanent Representative to the United Nations to use  
18 the voice, vote, and influence of the United States at the  
19 United Nations to ensure meaningful participation for  
20 Taiwan in relevant United Nations Entities in which Tai-  
21 wan has expressed an interest in participating.

22 **SEC. 312. UNITED STATES POLICY ON TIER 3 HUMAN**  
23 **RIGHTS VIOLATORS.**

24 The Secretary of State shall direct the United States  
25 Permanent Representative to the United Nations to use

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

7 **TITLE IV—STATUS OF PALES-**  
8 **TINIAN ENTITIES AT THE**  
9 **UNITED NATIONS**

10 **SEC. 401. FINDINGS.**

11 Congress makes the following findings:

12 (1) In 1989, the Palestine Liberation Organiza-  
13 tion (PLO) launched an effort to evade direct nego-  
14 tiations for peace with the State of Israel by instead  
15 pursuing Palestinian membership in international  
16 organizations, which could imply de facto recognition  
17 of a Palestinian state by the United Nations.

18 (2) The executive branch, with significant sup-  
19 port from Members of Congress, successfully  
20 stopped the PLO's effort by credibly threatening, as  
21 noted in a May 1, 1989, statement by then-Sec-  
22 retary of State James A. Baker, "that the United  
23 States [would] make no further contributions, vol-  
24 untary or assessed, to any international organization

1 which makes any change in the P.L.O.'s present sta-  
2 tus as an observer organization.”.

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

8 (4) The Palestinian leadership has continued its  
9 effort to evade direct negotiations for peace with the  
10 State of Israel by seeking recognition of a Pales-  
11 tinian state from foreign governments and in inter-  
12 national forums.

13 (5) On September 30, 2015, Abu Mazen de-  
14 clared that Palestinian leadership would no longer be  
15 bound by its signed agreements with Israel.

16 (6) Further efforts to bypass negotiations and  
17 to unilaterally declare a Palestinian state, or to ap-  
18 peal to the United Nations or other international fo-  
19 rums or to foreign governments for recognition of a  
20 Palestinian state or membership or other upgraded  
21 status for the Palestinian observer mission at those  
22 forums, would violate the underlying principles of  
23 the Oslo Accords, the Road Map, and other relevant  
24 Middle East peace process efforts.

1           (7) In 2011, the United Nations Educational,  
2           Scientific, and Cultural Organization (UNESCO)  
3           granted full membership to the Palestinians, trig-  
4           gering United States law that prohibits United  
5           States funding for any United Nations organization  
6           that grants membership to the PLO.

7           (8) On December 15, 2010, the House of Rep-  
8           resentatives passed House Resolution 1765, in  
9           which, inter alia, the House of Representatives:

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

14                   (B) “supports the Administration’s opposi-  
15                   tion to a unilateral declaration of a Palestinian  
16                   state”; and

17                   (C) “calls upon the Administration to . . .  
18                   lead a diplomatic effort to persuade other na-  
19                   tions to oppose a unilateral declaration of a  
20                   Palestinian state and to oppose recognition of a  
21                   Palestinian state by other nations, within the  
22                   United Nations, and in other international fo-  
23                   rums prior to achievement of a final agreement  
24                   between Israel and the Palestinians.”.

1           (9) Ambassador Rosemary DiCarlo, former  
2           United States Deputy Permanent Representative to  
3           the United Nations, stated on July 26, 2011, “Let  
4           there be no doubt: symbolic actions to isolate Israel  
5           at the United Nations in September will not create  
6           an independent Palestinian state . . . The United  
7           States will not support unilateral campaigns at the  
8           United Nations in September or any other time.”.

9           (10) On September 16, 2011, the Deputy Na-  
10          tional Security Advisor for Strategic Communica-  
11          tions stated that “We would veto actions through  
12          the Security Council and oppose action through the  
13          Security Council associated with a unilateral dec-  
14          laration of [Palestinian] statehood.”.

15   **SEC. 402. STATEMENT OF POLICY.**

16          It is the policy of the United States to oppose the  
17          recognition of a Palestinian state by any United Nations  
18          Entity, or any upgrade, including full membership, in the  
19          status of the Palestinian observer mission at the United  
20          Nations, the Palestine Liberation Organization, the Pales-  
21          tinian Authority, or any other Palestinian administrative  
22          organization or governing entity, at any United Nations  
23          Entity, prior to the achievement of a final peace agree-  
24          ment negotiated between and agreed to by Israel and the  
25          Palestinians.

1 **SEC. 403. IMPLEMENTATION.**

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

7 (b) WITHHOLDING OF FUNDS.—The Secretary of  
8 State shall withhold United States contributions from any  
9 United Nations Entity that recognizes a Palestinian state  
10 or upgrades in any way, including granting full member-  
11 ship, the status of the Palestinian observer mission at the  
12 United Nations, the Palestine Liberation Organization,  
13 the Palestinian Authority, or any other Palestinian admin-  
14 istrative organization or governing entity, at that United  
15 Nations Entity, prior to the achievement of complete and  
16 final peace agreement negotiated between and agreed to  
17 by Israel and the Palestinians. Funds appropriated for use  
18 as a United States contribution to the United Nations but  
19 withheld from obligation and expenditure pursuant to this  
20 section shall immediately revert to the United States  
21 Treasury and shall not be considered arrears to be repaid  
22 to any United Nations Entity.

23 **TITLE V—UNITED NATIONS**  
24 **HUMAN RIGHTS COUNCIL**

25 **SEC. 501. FINDINGS.**

26 Congress makes the following findings:

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

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

15           (3) For example, many members of the United  
16 Nations Human Rights Council are rated "Not  
17 Free" or only "Partly Free" by Freedom House.  
18 Only a minority of members were rated "Free".

19           (4) The structure and composition of the  
20 United Nations Human Rights Council have made it  
21 subject to gross political manipulation, with the re-  
22 sult that, during its almost seven years of operation,  
23 the Council has passed over 61 resolutions censuring  
24 the democratic, Jewish State of Israel, as compared  
25 to relatively few or no resolutions censuring dictator-

1 ships or addressing severe, ongoing human rights  
2 abuses around the world.

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

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

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

18 (8) Some of these special rapporteurs and mem-  
19 bers of the Advisory Committee have displayed con-  
20 sistent bias against the United States, Israel, and  
21 the Jewish people, while providing support to human  
22 rights abusers.

23 (9) Miguel D’Escoto Brockmann, a member of  
24 the United Nations Human Rights Council Advisory  
25 Committee who has previously served as President of

1 the United Nations General Assembly and as foreign  
2 minister for the Sandinista regime in Nicaragua, has  
3 implicitly accused the United States of terrorism,  
4 has called former President Ronald Reagan a  
5 “butcher”, has called for an international boycott of  
6 Israel, has stated that the Palestinians were being  
7 “crucified” by Israel, has called Israel’s defensive  
8 Operation Cast Lead in the Gaza Strip a “mon-  
9 strosity” and “genocide”, has urged the United Na-  
10 tions to use the term “apartheid” in discussing  
11 Israeli treatment of Palestinians, has embraced Ira-  
12 nian leader Mahmoud Ahmadinejad after  
13 Ahmadinejad delivered an anti-American, anti-Israel  
14 address to the United Nations General Assembly,  
15 has stated that charges of genocide against Suda-  
16 nese dictator Omar Hassan al Bashir are “racist”,  
17 and has declared Fidel Castro “World Hero of Soli-  
18 darity”, stating that Castro “embod[ied] virtues and  
19 values worth emulation by all of us”.

20 (10) The five-year review of the United Nations  
21 Human Rights Council concluded on June 17, 2011,  
22 and failed to make any significant reforms to its  
23 fundamental and severe structural flaws, including  
24 its absence of substantive membership criteria, or to  
25 remove the permanent agenda item on Israel.

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

19          (12) United States membership in the Human  
20          Rights Council has not led to reform of its funda-  
21          mental flaws diminished the Council’s virulently  
22          anti-Israel behavior. The Council has passed 35 res-  
23          olutions criticizing Israel since the United States  
24          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

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

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

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

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

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

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

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

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

1 freedom under section 402(b) of the Inter-  
2 national Religious Freedom Act of 1998;

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

7 (F) subject to sanctions by the United  
8 States; and

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

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

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

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

3           (3) which the Secretary of State has deter-  
4           mined, for purposes of section 6(j) of the Export Ad-  
5           ministration Act of 1979 (as continued in effect pur-  
6           suant to the International Emergency Economic  
7           Powers Act), section 40 of the Arms Export Control  
8           Act, section 620A of the Foreign Assistance Act of  
9           1961, or other provision of law, is a government that  
10          has repeatedly provided support for acts of inter-  
11          national terrorism;

12          (4) which the President has designated as a  
13          country of particular concern for religious freedom  
14          under section 402(b) of the International Religious  
15          Freedom Act of 1998;

16          (5) designated by the Department of State pur-  
17          suant to section 110 of the Trafficking Victims Pro-  
18          tection Act of 2000 (22 U.S.C. 7107) as a Tier 3  
19          country; or

20          (6) subject to sanctions by the United States.

21          (d) REVERSION OF FUNDS.—Funds appropriated for  
22          use as a United States contribution to the United Nations  
23          but withheld from obligation and expenditure pursuant to  
24          this section shall immediately revert to the United States

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

### 3 **TITLE VI—2014 GAZA REPORT**

#### 4 **SEC. 601. FINDINGS.**

5 Congress finds the following:

6 (1) On January 12, 2009, the United Nations  
7 Human Rights Council passed Resolution A/HRC/S-  
8 9/L.1, which authorized a “fact-finding mission” re-  
9 garding Israel’s conduct of Operation Cast Lead  
10 against violent militants in the Gaza Strip between  
11 December 27, 2008, and January 18, 2009.

12 (2) The resolution pre-judged the outcome of its  
13 investigation by one-sidedly mandating the “fact-  
14 finding mission” to “investigate all violations of  
15 international human rights law and International  
16 Humanitarian Law by . . . Israel, against the Pal-  
17 estinian people . . . particularly in the occupied  
18 Gaza Strip, due to the current aggression”.

19 (3) The mandate of the “fact-finding mission”  
20 makes no mention of the relentless rocket and mor-  
21 tar attacks, which numbered in the thousands and  
22 spanned a period of eight years, by Hamas and  
23 other violent militant groups in Gaza against civilian  
24 targets in Israel, that necessitated Israel’s defensive  
25 measures.

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

7           (5) The mission’s flawed and biased mandate  
8           gave serious concern to many United Nations  
9           Human Rights Council Member States which re-  
10          fused to support it, including Bosnia and  
11          Herzegovina, Cameroon, Canada, France, Germany,  
12          Italy, Japan, the Netherlands, the Republic of  
13          Korea, Slovakia, Slovenia, Switzerland, Ukraine, and  
14          the United Kingdom of Great Britain and Northern  
15          Ireland, and troubled many distinguished individuals  
16          who refused invitations to head the mission.

17          (6) On September 15, 2009, the “United Na-  
18          tions Fact Finding Mission on the Gaza Conflict”  
19          released its report, commonly referred to as the  
20          “Goldstone Report”, which repeatedly made sweep-  
21          ing and unsubstantiated determinations that the  
22          Israeli military had deliberately attacked civilians  
23          during Operation Cast Lead.

24          (7) The Goldstone Report, in effect, denied the  
25          State of Israel the right to self-defense, and never

1 noted the fact that Israel had the right to defend its  
2 citizens from the repeated violent attacks committed  
3 against civilian targets in southern Israel by Hamas  
4 and other Foreign Terrorist Organizations operating  
5 from Gaza.

6 (8) The Goldstone Report largely ignored the  
7 culpability of the Government of Iran and the Gov-  
8 ernment of Syria, both of whom sponsor Hamas and  
9 other Foreign Terrorist Organizations.

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

21 (10) Three years later, on July 23, 2014, the  
22 United Nations Human Rights Council passed Reso-  
23 lution A/HRC/RES/S-21/1, which authorized a  
24 “commission of inquiry” regarding the conflict be-

1       tween Israel and Hamas between July 8, 2014, and  
2       August 26, 2014.

3           (11) On June 22, 2015, the “United Nations  
4       Independent Commission of Inquiry on the 2014  
5       Gaza conflict” released its report, hereafter referred  
6       to as the “Gaza report”, which attempted to estab-  
7       lish a false moral equivalency between the actions of  
8       Israel’s military and of Hamas and other Foreign  
9       Terrorist Organizations operating from Gaza.

10          (12) The Gaza report, in effect, denies the  
11       State of Israel the right to self defense, and never  
12       notes the fact that Israel had the right to defend its  
13       citizens from the repeated violent attacks committed  
14       against civilian targets in southern Israel by Hamas  
15       and other Foreign Terrorist Organizations operating  
16       from Gaza.

17          (13) Hamas uses civilian populations as human  
18       shields by placing their missile batteries in densely  
19       populated areas and near schools, hospitals, and  
20       mosques.

21          (14) Israel’s military went to extraordinary  
22       lengths to target only terrorist actors and to mini-  
23       mize collateral damage by warning Gaza residents of  
24       imminent attacks.

1           (15) Hamas urged the residents of Gaza to ig-  
2           nore the Israeli warnings and to remain in their  
3           houses and encouraged Palestinians to gather on the  
4           roofs of their homes to act as human shields.

5           (16) The Gaza report reflects the longstanding,  
6           historic bias at the United Nations against the  
7           democratic, Jewish State of Israel.

8           (17) The Gaza report is being exploited by  
9           Israel's enemies to excuse the actions of violent mili-  
10          tant groups and their state sponsors, and to justify  
11          isolation of and punitive measures against the demo-  
12          cratic, Jewish State of Israel.

13          (18) Efforts to delegitimize the democratic  
14          State of Israel and deny it the right to defend its  
15          citizens and its existence can be used to delegitimize  
16          other democracies and deny them the same right.

17 **SEC. 602. STATEMENT OF POLICY.**

18          It is the policy of the United States to—

19               (1) consider the Gaza report irredeemably bi-  
20               ased and unworthy of further consideration or legit-  
21               imacy;

22               (2) strongly and unequivocally oppose any con-  
23               sideration, legitimization, or endorsement of the  
24               Gaza report, or any other measures stemming from  
25               this report, in multilateral fora;

1           (3) lead a high-level diplomatic campaign in  
2           support of the revocation and repudiation, by the  
3           United Nations General Assembly, of the Gaza re-  
4           port and any United Nations resolutions stemming  
5           from the report, including

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

10 **SEC. 603. WITHHOLDING OF FUNDS; REFUND OF UNITED**  
11 **STATES TAXPAYER DOLLARS.**

12           (a) WITHHOLDING OF FUNDS.—The Secretary of  
13 State shall withhold from the United States contribution  
14 to the regular budget of the United Nations an amount  
15 that is equal to the percentage of such contribution that  
16 the Secretary determines would be or has been expended  
17 by the United Nations for any part of the Gaza report  
18 or its preparatory or follow-on activities.

19           (b) REFUND OF UNITED STATES TAXPAYER DOL-  
20 LARS.—Funds appropriated for use as a United States  
21 contribution to the regular budget of the United Nations  
22 but withheld from obligation and expenditure pursuant to  
23 subsection (a) shall immediately revert to the United  
24 States Treasury and shall not be considered arrears to be  
25 repaid to any United Nations Entity.

1                   **TITLE VII—BIASED AND**  
2                   **COMPROMISED ACTIVITIES**

3   **SEC. 701. WITHHOLDING OF FUNDS.**

4           (a) **IN GENERAL.**—Until the Secretary of State sub-  
5   mits to the appropriate congressional committees a certifi-  
6   cation, on a case-by-case basis, that the requirements de-  
7   scribed in subsection (b) have been satisfied, the United  
8   States shall withhold from the United States contribution  
9   to the regular budget of the United Nations an amount  
10   that is equal to the percentage of such contribution that  
11   the Secretary determines has been allocated by the United  
12   Nations for any conference, meeting, or other multilateral  
13   forum, or the preparatory or follow-on activities of any  
14   conference, meeting, or other multilateral forum, that is  
15   organized under the aegis or jurisdiction of the United Na-  
16   tions or of any United Nations Entity.

17           (b) **REQUIREMENTS.**—The certification referred to in  
18   subsection (a) is a certification made by the Secretary of  
19   State to the appropriate congressional committees con-  
20   cerning the following:

21                   (1) The specified conference or forum was not  
22                   used to single out the United States or the State of  
23                   Israel for unfair or unbalanced criticism.

24                   (2) The specified conference or forum was not  
25                   used to propagate racism, racial discrimination, anti-

1 Semitism, denial of the Holocaust, incitement to vio-  
2 lence or genocide, xenophobia, or related intolerance.

3 (3) The specified conference or forum was not  
4 used to advocate for restrictions on the freedoms of  
5 speech, expression, religion, the press, assembly, or  
6 petition, or for restrictions on other fundamental  
7 human rights and freedoms.

8 (4) The leadership of the specified conference  
9 or forum does not include a Member State, or a rep-  
10 resentative from a Member State—

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

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

15 (C) the government of which the Secretary  
16 of State has determined, for purposes of section  
17 6(j) of the Export Administration Act of 1979  
18 (as continued in effect pursuant to the Inter-  
19 national Emergency Economic Powers Act),  
20 section 40 of the Arms Export Control Act, sec-  
21 tion 620A of the Foreign Assistance Act of  
22 1961, or other provision of law, is a government  
23 that has repeatedly provided support for acts of  
24 international terrorism; or

1 (D) subject to sanctions by the United  
2 States.

### 3 **TITLE VIII—UNRWA**

#### 4 **SEC. 801. FINDINGS.**

5 Congress makes the following findings:

6 (1) United Nations General Assembly Resolu-  
7 tion 302 (1949) created the United Nations Relief  
8 and Works Agency for Palestine Refugees in the  
9 Near East (UNRWA) with the temporary, strictly  
10 humanitarian mandate to “carry out . . . direct re-  
11 lief and works programmes” for Palestinian refu-  
12 gees.

13 (2) The total annual budget of the United Na-  
14 tions Relief and Works Agency for Palestine Refu-  
15 gees in the Near East (UNRWA), including its core  
16 programs, emergency activities and special projects,  
17 exceeds almost \$1,400,000,000.

18 (3) The United States has long been the largest  
19 single contributing country to UNRWA.

20 (4) From 1950 to 2015, the United States has  
21 contributed over \$5,000,000,000 to UNRWA, in-  
22 cluding an average of over \$280,000,000 per year  
23 between 2009 and 2014.

1           (5) UNRWA staff unions, including the teach-  
2           ers' union, are frequently controlled by members af-  
3           filiated with Hamas.

4           (6) The late Representative Tom Lantos, in a  
5           May 13, 2002, letter, expressed his 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           (7) The curriculum of UNRWA schools, which  
19           has been known to use the textbooks of their respec-  
20           tive host governments or authorities, has a history  
21           of containing materials that are anti-Israel, anti-Se-  
22           mitic, and supportive of violent extremism.

23           (8) Despite UNRWA's contravention of United  
24           States law and activities that compromise its strictly  
25           humanitarian mandate, UNRWA continues to re-

1 ceive United States contributions, including  
2 \$408,751,396 in 2014.

3 (9) Assistance from the United States and  
4 other responsible nations allows UNRWA to claim  
5 that criticisms of the agency's behavior are un-  
6 founded. UNRWA spokesman Christopher Gunness  
7 has dismissed concerns by stating that "If these  
8 baseless allegations were even halfway true, do you  
9 really think the U.S. and [European Commission]  
10 would give us hundreds of millions of dollars per  
11 year?"

12 (10) Former UNRWA general counsel James  
13 Lindsay noted in a 2009 report that:

14 (A) "The United States, despite funding  
15 nearly 75 percent of UNRWA's national budget  
16 and remaining its largest single country donor,  
17 has mostly failed to make UNRWA reflect U.S.  
18 foreign policy objectives . . . Recent U.S. ef-  
19 forts to shape UNRWA appear to have been in-  
20 effective . . .";

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

1 (C) “A number of changes in UNRWA  
2 could benefit the refugees, the Middle East, and  
3 the United States, but those changes will not  
4 occur unless the United States, ideally with  
5 support from UNRWA’s other main financial  
6 supporter, the European Union, compels the  
7 agency to enact reforms.”; and

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

17 (11) The Government of Canada has placed re-  
18 strictions on its contributions to UNRWA, dem-  
19 onstrating consequences for UNRWA’s malfeasance  
20 and setting an example for the United States and  
21 other donor governments.

22 (12) During Israel’s Operation Protective Edge  
23 in 2014 in response to Hamas rocket attacks against  
24 Israel, UNRWA’s Commissioner General gave a  
25 press briefing ignoring the extraordinary efforts

1 Israel goes to avoid civilian casualties, and not once  
2 in the nearly 1,100 word statement mentioning  
3 Hamas or condemning Hamas' use of Palestinian  
4 children, women, and men as human shields in viola-  
5 tion of international humanitarian law.

6 (13) On July 16, 2014, UNRWA reported that  
7 it had found 20 missiles in one of its schools in  
8 Gaza, likely placed there by Hamas, and then in-  
9 stead of dismantling the missiles, UNRWA returned  
10 them to the "relevant authorities" in Gaza, and  
11 since Hamas controls Gaza, it likely turned them  
12 back over to Hamas.

13 (14) On July 22, 2014, UNRWA reported that  
14 it had found a second instance in which missiles  
15 were stockpiled in one of its schools in Gaza, and  
16 again failed to condemn Hamas publicly.

17 (15) On July 29, 2014, UNRWA confirmed  
18 that, for the third time in less than a month, a  
19 stockpile of Hamas rockets was found in one of its  
20 schools in Gaza, establishing a pattern of Hamas  
21 weapons being stored in UNRWA facilities, and call-  
22 ing into question UNRWA's claim of being caught  
23 unawares to Hamas' actions.

24 (16) On July 30, 2014, three Israeli Defense  
25 Force soldiers were killed in an explosion at a booby-

1 trapped UNRWA health clinic, which was housing  
2 the opening to one of Hamas' underground tunnels.

3 (17) On July 30, 2014, John Ging, head of  
4 UNRWA from 2006 to 2011, when asked if Hamas  
5 has been using human shields and using United Na-  
6 tions schools and hospitals to store weapons and as  
7 a shelter from which to launch missiles into Israel,  
8 stated in an interview, "Yes, the armed groups are  
9 firing their rockets into Israel from the vicinity of  
10 UN facilities and residential areas. Absolutely."

11 (18) During Operation Protective Edge in  
12 Gaza, UNRWA repeatedly distorted the facts and  
13 accused Israel of targeting Palestinian women and  
14 children based off of the casualty numbers provided  
15 to it by Gaza's Hamas-run Health Ministry, which  
16 has been shown to have deliberately lied about the  
17 casualty numbers.

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

19 Section 301 of the Foreign Assistance Act of 1961  
20 is amended by striking subsection (c) and inserting the  
21 following new subsection:

22 "(c)(1) WITHHOLDING.—Contributions by the  
23 United States to the United Nations Relief and Works  
24 Agency for Palestine Refugees in the Near East  
25 (UNRWA), to any successor or related entity, or to the

1 regular budget of the United Nations for the support of  
2 UNRWA or a successor entity (through staff positions  
3 provided by the United Nations Secretariat, or otherwise),  
4 may be provided only during a period for which a certifi-  
5 cation described in paragraph (2) is in effect. Notwith-  
6 standing any other provision of law, if such a certification  
7 cannot be made, such contributions shall be made avail-  
8 able to the United Nations High Commissioner for Refu-  
9 gees (UNHCR) specifically for use by UNHCR Emer-  
10 gency Response.

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

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

20                       “(i) is a member of a Foreign Terrorist  
21 Organization;

22                       “(ii) has propagated, disseminated, or in-  
23 cited anti-American, anti-Israel, or anti-Semitic  
24 rhetoric or propaganda; or

1           “(iii) has used any UNRWA resources, in-  
2           cluding publications or Web sites, to propagate  
3           or disseminate political materials, including po-  
4           litical rhetoric regarding the Israeli-Palestinian  
5           conflict;

6           “(B) no UNRWA school, hospital, clinic, other  
7           facility, or other infrastructure or resource is being  
8           used by a Foreign Terrorist Organization for oper-  
9           ations, planning, training, recruitment, fundraising,  
10          indoctrination, communications, sanctuary, storage  
11          of weapons or other materials, or any other pur-  
12          poses;

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

20          “(D) no UNRWA-funded school or educational  
21          institution uses textbooks or other educational mate-  
22          rials that propagate or disseminate anti-American,  
23          anti-Israel, or anti-Semitic rhetoric, propaganda or  
24          incitement;

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

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

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

8           “(A) APPROPRIATE CONGRESSIONAL COMMIT-  
9 TEES.—The term ‘appropriate congressional com-  
10 mittees’ means—

11                   “(i) the Committees on Foreign Affairs,  
12 Appropriations, and Oversight and Government  
13 Reform of the House of Representatives; and

14                   “(ii) the Committees on Foreign Relations,  
15 Appropriations, and Homeland Security and  
16 Governmental Affairs of the Senate.

17           “(B) FOREIGN TERRORIST ORGANIZATION.—  
18 The term ‘Foreign Terrorist Organization’ means an  
19 organization designated as a Foreign Terrorist Or-  
20 ganization by the Secretary of State in accordance  
21 with section 219(a) of the Immigration and Nation-  
22 ality Act (8 U.S.C. 1189(a)).

23           “(4) EFFECTIVE DURATION OF CERTIFICATION.—  
24 The certification described in paragraph (2) shall be effec-  
25 tive for a period of 180 days from the date of transmission

1 to the appropriate congressional committees, or until the  
2 Secretary receives information rendering that certification  
3 factually inaccurate, whichever is earliest. In the event  
4 that a certification becomes ineffective, the Secretary shall  
5 promptly transmit to the appropriate congressional com-  
6 mittees a description of any information that precludes the  
7 renewal or continuation of the certification.

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

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

17 “(B) that, as a proportion of the total UNRWA  
18 budget, exceeds the proportion of the total budget  
19 for the United Nations High Commissioner for Ref-  
20 ugees (UNHCR) paid by the United States; or

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

23 **SEC. 803. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1           (1) the President and the Secretary of State  
2           should lead a high-level diplomatic effort to encour-  
3           age other responsible nations to withhold contribu-  
4           tions to UNRWA, to any successor or related entity,  
5           or to the regular budget of the United Nations for  
6           the support of UNRWA or a successor entity  
7           (through staff positions provided by the United Na-  
8           tions Secretariat, or otherwise) until UNRWA has  
9           met the conditions listed in subparagraphs (A)  
10          through (F) of section 301(c)(2) of the Foreign As-  
11          sistance Act of 1961 (as added by section 802 of  
12          this Act);

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

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

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

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

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

4           (a) PROHIBITION.—No funds from any United States  
5 assessed or voluntary contribution to the IAEA may be  
6 used to support any assistance provided by the IAEA  
7 through its Technical Cooperation program to North  
8 Korea and any country that—

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

17                   (2) is subject to sanctions by the United States  
18           as a proliferation concern or for being in breach of  
19           or noncompliance with its obligations regarding—

20                           (A) its safeguards agreement with the  
21           IAEA;

22                           (B) the Additional Protocol;

23                           (C) the Nuclear Non-Proliferation Treaty;

24                           (D) any relevant United Nations Security  
25           Council Resolution; or

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

5 (b) WITHHOLDING OF VOLUNTARY CONTRIBU-  
6 TIONS.—Not later than 30 days after the date of the en-  
7 actment of this Act, the Secretary of State shall withhold  
8 from the United States voluntary contribution to the  
9 IAEA an amount proportional to that spent by the IAEA  
10 on assistance through its Technical Cooperation Program  
11 to countries described in subsection (a).

12 (c) 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 (b) 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 (a), an amount  
18 equal to that specified in subsection (b) shall be withheld  
19 from the United States assessed contribution to the IAEA.

20 (d) REPORT.—Not later than 6 months after the date  
21 of the enactment of this Act, the President shall transmit  
22 to the appropriate congressional committees a report on  
23 the implementation of this section.

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

25 (a) UNITED STATES CONTRIBUTIONS.—

1           (1) VOLUNTARY CONTRIBUTIONS.—Voluntary  
2 contributions of the United States to the IAEA  
3 should primarily be used to fund activities relating  
4 to Nuclear Safety and Security or activities relating  
5 to Nuclear Verification.

6           (2) LIMITATION ON USE OF FUNDS.—The  
7 President shall direct the United States Permanent  
8 Representative to the IAEA to use the voice, vote,  
9 and influence of the United States at the IAEA to—

10                   (A) ensure that funds for safeguards in-  
11 spections are prioritized for countries that—

12                           (i) are or have been in the previous 5  
13 years in breach of or noncompliance with  
14 its obligations with—

15                                   (I) its safeguards agreement with  
16 the IAEA;

17                                   (II) the Additional Protocol;

18                                   (III) the Nuclear Non-Prolifera-  
19 tion Treaty;

20                                   (IV) any relevant United Nations  
21 Security Council Resolution; or

22                                   (V) the Charter of the United  
23 Nations; or

1           (ii) have newly established nuclear  
2           programs and are initiating nuclear pro-  
3           grams; and

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

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

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

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

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

13 (b) **MEMBERSHIP.**—

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

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

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

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

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

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

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

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

1 (d) REPORT.—Not later than 6 months after the date  
2 of the enactment of this Act and annually for 2 years  
3 thereafter, the President shall submit to the appropriate  
4 congressional committees a report on the implementation  
5 of this section.

6 **SEC. 903. SENSE OF CONGRESS REGARDING THE NUCLEAR**  
7 **SECURITY ACTION PLAN OF THE IAEA.**

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

14 **TITLE X—PEACEKEEPING**

15 **SEC. 1001. REFORM OF UNITED NATIONS PEACEKEEPING**  
16 **OPERATIONS.**

17 It is the sense of Congress that—

18 (1) although United Nations peacekeeping oper-  
19 ations have contributed greatly toward the pro-  
20 motion of peace and stability for over 6 decades and  
21 the majority of peacekeeping personnel who have  
22 served under the United Nations flag have done so  
23 with honor and courage, the record of United Na-  
24 tions peacekeeping has been severely tarnished by

1 operational failures and unconscionable acts of mis-  
2 conduct;

3 (2) in response to such failures, successive Sec-  
4 retaries General of the United Nations have  
5 launched numerous reform efforts, including the  
6 high-level Panel on United Nations Peace Oper-  
7 ations, led by former Foreign Minister of Algeria  
8 Lakhdar Brahimi, the 2005 report by the Special  
9 Advisor on the Prevention of Sexual Exploitation  
10 and Abuse, His Royal Highness Prince Zeid Ra'ad  
11 Zeid Al-Hussein of Jordan, the 2009 New Partner-  
12 ship Agenda, known as the "New Horizon" reports,  
13 and the 2015 report by the High-level Independent  
14 Panel on United Nations Peace Operations;

15 (3) despite the fact that the United Nations has  
16 had over a decade to implement many of these re-  
17 forms, nearly 10 years to implement the reforms in  
18 the Zeid Report, and the fact that Secretary General  
19 Ban Ki-Moon, his predecessor Kofi Annan, and the  
20 Special Committee on Peacekeeping Operations re-  
21 peatedly have expressed their commitment "to imple-  
22 menting fundamental, systematic changes as a mat-  
23 ter of urgency," a number of critical reforms con-  
24 tinue 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:

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

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

19 (iii) Where there is legitimate concern  
20 that the withdrawal from a country of an  
21 otherwise static United Nations peace-  
22 keeping operation would result in the re-  
23 sumption of major conflict, a burden-shar-  
24 ing arrangement that reduces the level of  
25 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 should be present in each operation to  
15 monitor compliance with the Code of Conduct,  
16 and should report simultaneously to the Head  
17 of Mission, the United Nations Department of  
18 Field Support, the United Nations Department  
19 of Peacekeeping Operations, and the Associate  
20 Director of the Office of Internal Oversight  
21 Services for Peacekeeping Operations.

22 (D) INVESTIGATIONS.—A permanent, pro-  
23 fessional, and independent investigative body  
24 should be established and introduced into

1 United Nations peacekeeping operations. In  
2 particular—

3 (i) the investigative body should in-  
4 clude professionals with experience in in-  
5 vestigating sex crimes and the illegal ex-  
6 ploitation of resources, as appropriate, as  
7 well as experts who can provide guidance  
8 on standards of proof and evidentiary re-  
9 quirements necessary for any subsequent  
10 legal action;

11 (ii) provisions should be included in  
12 all Memorandums of Understanding, in-  
13 cluding a Model Memorandum of Under-  
14 standing, that obligate Member States that  
15 contribute troops to a peacekeeping oper-  
16 ation to designate a military prosecutor  
17 who will participate in any investigation  
18 into credible allegations of misconduct  
19 brought against an individual of such  
20 Member State, so that evidence is collected  
21 and preserved in a manner consistent with  
22 the military law of such Member State;

23 (iii) the investigative body should be  
24 regionally based to ensure rapid deploy-  
25 ment and should be equipped with modern

1 forensics equipment for the purpose of  
2 positively identifying perpetrators and,  
3 where necessary, for determining paternity;  
4 and

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

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

18 (i) promulgating measures to prevent  
19 misconduct;

20 (ii) receiving reports by field per-  
21 sonnel and coordinating the Department's  
22 response to allegations of misconduct;

23 (iii) gathering follow-up information  
24 on completed investigations, particularly by  
25 focusing on disciplinary actions against the

1 individual concerned taken by the United  
2 Nations or by the Member State that is  
3 contributing troops to which such indi-  
4 vidual belongs, and sharing such informa-  
5 tion with the Security Council, the Depart-  
6 ment of Peacekeeping Operations, the  
7 Head of Mission, and the community  
8 hosting the peacekeeping operation; and

9 (iv) contributing pertinent data on  
10 conduct and discipline to the database re-  
11 quired pursuant to subparagraph (H).

12 (F) FINANCIAL LIABILITY AND VICTIMS  
13 ASSISTANCE.—Although peacekeeping oper-  
14 ations should provide immediate medical assist-  
15 ance to victims of sexual abuse or exploitation,  
16 the responsibility for providing longer-term  
17 treatment, care, or restitution lies solely with  
18 the individual found guilty of the misconduct.

19 In particular:

20 (i) The United Nations should not as-  
21 sume responsibility for providing long-term  
22 treatment or compensation under the Sex-  
23 ual Exploitation and Abuse Victim Assist-  
24 ance Mechanism by utilizing assessed con-  
25 tributions to United Nations peacekeeping

1 operations, thereby shielding individuals  
2 from personal liability and reinforcing an  
3 atmosphere of impunity.

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

13 (iii) In the case of misconduct by a  
14 member of a military contingent, appro-  
15 priate funds shall be withheld from the  
16 troop contributing country concerned.

17 (iv) In the case of misconduct by a ci-  
18 vilian employee or contractor of the United  
19 Nations, appropriate wages shall be gar-  
20 nished from such individual or fines shall  
21 be imposed against such individual, con-  
22 sistent with existing United Nations Staff  
23 Rules, and retirement funds shall not be  
24 shielded from liability.

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

11          (H) DATABASE.—A centralized database,  
12          including personnel photos, fingerprints, and bi-  
13          ometric data, should be created and maintained  
14          within the United Nations Department of  
15          Peacekeeping Operations, the Department of  
16          Field Support, and other relevant United Na-  
17          tions bodies without further delay to track cases  
18          of misconduct, including the outcome of inves-  
19          tigations and subsequent prosecutions, to en-  
20          sure that personnel who have engaged in mis-  
21          conduct or other criminal activities, regardless  
22          of category or rank, are permanently barred  
23          from participation in future peacekeeping oper-  
24          ations.

1 (I) COOPERATION OF MEMBER STATES.—

2 If a Member State routinely refuses to cooper-  
3 ate with the directives contained herein or acts  
4 to shield its nationals from personal liability,  
5 that Member State should be barred from con-  
6 tributing troops or personnel to future peace-  
7 keeping operations.

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

17 **SEC. 1003. CERTIFICATION.**

18 (a) NO NEW OR EXPANDED PEACEKEEPING OPER-  
19 ATIONS.—Until the Secretary of State certifies that the  
20 requirements described in subsection (b) have been satis-  
21 fied, the President shall direct the United States Perma-  
22 nent Representative to the United Nations to use the  
23 voice, vote, and influence of the United States at the  
24 United Nations to oppose the creation of new, or expan-  
25 sion of existing, United Nations peacekeeping operations.

1           (b) CERTIFICATION OF PEACEKEEPING OPERATIONS  
2 REFORMS.—The certification referred to in subsection (a)  
3 is a certification made by the Secretary to the appropriate  
4 congressional committees that the following reforms, or an  
5 equivalent set of reforms, related to peacekeeping oper-  
6 ations have been adopted by the United Nations Depart-  
7 ment of Peacekeeping Operations or the General Assem-  
8 bly, as appropriate:

9           (1) A single, uniform Code of Conduct that has  
10 the status of a binding rule and applies equally to  
11 all personnel serving in United Nations peacekeeping  
12 operations, regardless of category or rank, has been  
13 adopted by the General Assembly and duly incor-  
14 porated into all contracts and a Model Memorandum  
15 of Understanding, and mechanisms have been estab-  
16 lished for training such personnel concerning the re-  
17 quirements of the Code and enforcement of the  
18 Code.

19           (2) All personnel, regardless of category or  
20 rank, serving in a peacekeeping operation have been  
21 trained concerning the requirements of the Code of  
22 Conduct and each has been given a personal copy of  
23 the Code, translated into the national language of  
24 such personnel.

1           (3) All personnel, regardless of category or  
2 rank, are required to sign an oath that each has re-  
3 ceived a copy of the Code of Conduct, that each  
4 pledges to abide by the Code, and that each under-  
5 stands the consequences of violating the Code, in-  
6 cluding immediate termination of participation in  
7 and permanent exclusion from all current and future  
8 peacekeeping operations, as well as the assumption  
9 of personal liability for victims compensation as a  
10 condition of the appointment to such operation.

11           (4) All peacekeeping operations have designed  
12 and implemented educational outreach programs to  
13 reach local communities where peacekeeping per-  
14 sonnel of such operations are based to explain pro-  
15 hibited acts on the part of United Nations peace-  
16 keeping personnel and to identify the individual to  
17 whom the local population may direct complaints or  
18 file allegations of exploitation, abuse, or other acts  
19 of misconduct.

20           (5) The creation of a centralized database, in-  
21 cluding personnel photos, fingerprints, and biometric  
22 data, has been completed and is being maintained in  
23 the United Nations Department of Peacekeeping  
24 Operations that tracks cases of misconduct, includ-  
25 ing the outcomes of investigations and subsequent

1 prosecutions, to ensure that personnel, regardless of  
2 category or rank, who have engaged in misconduct  
3 or other criminal activities are permanently barred  
4 from participation in future peacekeeping operations.

5 (6) A Model Memorandum of Understanding  
6 between the United Nations and each Member State  
7 that contributes troops to a peacekeeping operation  
8 has been adopted by the United Nations Department  
9 of Peacekeeping Operations that specifically obli-  
10 gates each such Member State to—

11 (A) uphold the uniform Code of Conduct  
12 which shall apply equally to all personnel serv-  
13 ing in United Nations peacekeeping operations,  
14 regardless of category or rank;

15 (B) designate a competent legal authority,  
16 preferably a prosecutor with expertise in the  
17 area of sexual exploitation and abuse where ap-  
18 propriate, to participate in any investigation  
19 into an allegation of misconduct brought  
20 against an individual of such Member State;

21 (C) refer to its competent national or mili-  
22 tary authority for possible prosecution, if war-  
23 ranted, any investigation of a violation of the  
24 Code of Conduct or other criminal activity by  
25 an individual of such Member State;

1 (D) report to the Department of Field  
2 Support and the Department of Peacekeeping  
3 Operations on the outcome of any such inves-  
4 tigation;

5 (E) undertake to conduct on-site court  
6 martial proceedings, where practical and appro-  
7 priate, relating to allegations of misconduct al-  
8 leged against an individual of such Member  
9 State; and

10 (F) assume responsibility for the provision  
11 of appropriate assistance to a victim of mis-  
12 conduct committed by an individual of such  
13 Member State.

14 (7) A professional and independent investigative  
15 and audit function has been established within the  
16 United Nations Department of Peacekeeping Oper-  
17 ations and the Office of Internal Oversight Services  
18 to monitor United Nations peacekeeping operations.

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