

AMENDMENT TO H.R. 2410, AS REPORTED**OFFERED BY Mr. Roskam**

Strike section 405 and insert the following:

1 **SEC. 405. UNITED STATES ARREARAGES TO THE UNITED**
2 **NATIONS.**

3 (a) **IN GENERAL.**—Subject to subsection (b), the Sec-
4 retary of State is authorized to pay United States arrear-
5 ages to the United Nations accumulated as a result of
6 budgetary shortfalls and cap-related restrictions between
7 calendar years 2000 and 2009.

8 (b) **CERTIFICATION.**—Funds made available under
9 subsection (a) shall not be made available for payments
10 to the United Nations until the Secretary of State submits
11 a certification to the appropriate congressional committees
12 that the following reforms or obligations have been adopt-
13 ed and implemented by the United Nations or its Member
14 States, as appropriate:

15 (1) At least 80 percent of the total regular
16 budget of the United Nations is apportioned on a
17 voluntary basis.

18 (2) The head or authorized designee of every
19 United Nations organization, agency, program, enti-
20 ty, or affiliate (referred to in this section as the “en-

1 tity”) provides an annual, written affirmation that
2 such entity will cooperate with the United States
3 Government, including by providing the United
4 States Government, upon request, with full access to
5 oversight information (as such term is defined in
6 subsection (c)).

7 (3) The United Nations General Assembly has
8 adopted a comprehensive convention on terrorism
9 that includes the definition described in subpara-
10 graphs (A), (B) and (C), and a definition of ter-
11 rorism that—

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

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

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

1 fense against an action described in such sub-
2 paragraph.

3 (4) No United Nations organization, agency,
4 program, affiliate, or other entity has, in a position
5 of leadership any of the following:

6 (A) Iran, Syria, Sudan, Cuba, or North
7 Korea.

8 (B) A national of a country specified in
9 subparagraph (A).

10 (C) A country or a national of a country,
11 the government of which the Secretary of State
12 has determined, for purposes of section 6(j) of
13 the Export Administration Act of 1979, section
14 620A of the Foreign Assistance Act of 1961,
15 section 40 of the Arms Export Control Act, or
16 other provision of law, is a government that has
17 repeatedly provided support for acts of inter-
18 national terrorism and the government of which
19 the Secretary has determined has not disman-
20 tled and surrendered its weapons of mass de-
21 struction programs under international
22 verification.

23 (5) All United Nations Member States have
24 fully implemented and are in full compliance with
25 United Nations Security Council Resolutions 1696

1 (2006), 1718 (2006), 1737 (2006), 1747 (2007),
2 and 1803 (2008).

3 (6) No official, employee, consultant, con-
4 tractor, subcontractor, representative, or affiliate of
5 the United Nations Relief and Works Agency for
6 Palestine Refugees in the Near East (UNRWA)—

7 (A) is a member of an organization des-
8 ignated as a foreign terrorist organization by
9 the Secretary of State in accordance with sec-
10 tion 219(a) of the Immigration and Nationality
11 Act (8 U.S.C. 1189(a));

12 (B) has propagated, disseminated, or in-
13 cited anti-American, anti-Israel, or anti-Semitic
14 rhetoric or propaganda; or

15 (C) has used any UNRWA resources, in-
16 cluding publications or websites, to propagate
17 or disseminate political materials, including po-
18 litical rhetoric regarding the Israeli-Palestinian
19 conflict.

20 (7) No UNRWA school, hospital, clinic, other
21 facility, or other infrastructure or resource is being
22 used by a foreign terrorist organization for oper-
23 ations, planning, training, recruitment, fundraising,
24 indoctrination, communications, sanctuary, storage

1 of weapons or other materials, or any other pur-
2 poses.

3 (8) UNRWA is subject to comprehensive finan-
4 cial audits by an internationally recognized third
5 party independent auditing firm and has imple-
6 mented an effective system of vetting and oversight
7 to prevent the use, receipt, or diversion of any
8 UNRWA resources by any foreign terrorist organiza-
9 tion or members thereof.

10 (9) No UNRWA-funded school or educational
11 institution uses textbooks or other educational mate-
12 rials that propagate or disseminate anti-American,
13 anti-Israel, or anti-Semitic rhetoric, propaganda or
14 incitement.

15 (10) No recipient of UNRWA funds or loans is
16 a member of a foreign terrorist organization.

17 (11) The following duplicative, anti-Israel enti-
18 ties have been eliminated by the United Nations:

19 (A) The United Nations Division for Pales-
20 tinian Rights.

21 (B) The Committee on the Exercise of the
22 Inalienable Rights of the Palestinian People.

23 (C) The United Nations Special Coordi-
24 nator for the Middle East Peace Process and
25 Personal Representative to the Palestine Lib-

1 eration Organization and the Palestinian Au-
2 thority.

3 (D) The NGO Network on the Question of
4 Palestine.

5 (E) The Special Committee to Investigate
6 Israeli Practices Affecting the Human Rights of
7 the Palestinian People and Other Arabs of the
8 Occupied Territories.

9 (F) Any other entity the Secretary deter-
10 mines results in duplicative efforts or funding
11 or fails to ensure balance in the approach to
12 Israeli-Palestinian issues.

13 (12) The issuance of a directive by the Sec-
14 retary General or the Secretariat, as appropriate,
15 that—

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

22 (B) requires all employees of the United
23 Nations and its specialized agencies, programs,
24 and funds to be subject to punitive action, in-

1 including immediate dismissal, for making anti-
2 Semitic statements or references;

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

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

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

20 (13) The adoption of a resolution by the Gen-
21 eral Assembly that establishes the mechanisms de-
22 scribed in paragraph (12)(C).

23 (14) The United Nations Human Rights Coun-
24 cil does not include a Member State—

1 (A) subject to sanctions by the Security
2 Council;

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

5 (C) subject, within the prior five years, to
6 a country-specific resolution passed under
7 Agenda Item 9 by the former United Nations
8 Human Rights Commission;

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

19 (E) which the President has designated as
20 a country of particular concern for religious
21 freedom under section 402(b) of the Inter-
22 national Religious Freedom Act of 1998 (22
23 U.S.C. 6442(b)).

24 (15) The establishment of an Office of Compli-
25 ance in the Secretariat of the IAEA that shall—

1 (A) function as an independent body com-
2 posed of technical experts who shall work in
3 consultation with IAEA inspectors to assess
4 compliance by IAEA Member States and pro-
5 vide recommendations to the IAEA Board of
6 Governors concerning penalties to be imposed
7 on IAEA Member States that fail to fulfill their
8 obligations under IAEA Board resolutions;

9 (B) base its assessments and recommenda-
10 tions on IAEA inspection reports;

11 (C) take into consideration information
12 provided by IAEA Board Members that are one
13 of the five nuclear weapons states as recognized
14 by the Treaty on the Non-Proliferation of Nu-
15 clear Weapons (21 UST 483) (commonly re-
16 ferred to as the “Nuclear Nonproliferation
17 Treaty” or the “NPT”); and

18 (D) be staffed from existing personnel in
19 the Department of Safeguards of the IAEA or
20 the Department of Nuclear Safety and Security
21 of the IAEA.

22 (16) The IAEA does not provide direct or indi-
23 rect technical assistance to any country—

24 (A) the government of which the Secretary
25 of State has determined, for purposes of section

1 6(j) of the Export Administration Act of 1979,
2 section 620A of the Foreign Assistance Act of
3 1961, section 40 of the Arms Export Control
4 Act, or other provision of law, is a government
5 that has repeatedly provided support for acts of
6 international terrorism and the government of
7 which the Secretary has determined has not dis-
8 mantled and surrendered its weapons of mass
9 destruction programs under international
10 verification;

11 (B) that is under investigation for a breach
12 of or noncompliance with its IAEA obligations
13 or the purposes and principles of the Charter of
14 the United Nations; or

15 (C) that is in violation of its IAEA obliga-
16 tions or the purposes and principles of the
17 Charter of the United Nations.

18 (17) The IAEA has changed the policy regard-
19 ing the Small Quantities Protocol in order to—

20 (A) rescind and eliminate the Small Quan-
21 tities Protocol;

22 (B) require any IAEA Member State that
23 has previously signed a Small Quantities Pro-
24 tocol to sign, ratify, and implement the Addi-
25 tional Protocol, provide immediate access for

1 IAEA inspectors to its nuclear-related facilities,
2 and agree to the strongest inspections regime of
3 its nuclear efforts; and

4 (C) require that any IAEA Member State
5 that does not comply with subparagraph (B) be
6 ineligible to receive nuclear material, tech-
7 nology, equipment, or assistance from any
8 IAEA Member State and subject to suspension
9 of its privileges, including—

10 (i) limiting its ability to vote on its
11 case;

12 (ii) being prevented from receiving
13 any technical assistance; and

14 (iii) being prevented from hosting
15 meetings.

16 (18) Adoption of a resolution by the IAEA
17 Board of Governors that, in addition to the restric-
18 tions already imposed, makes Iran ineligible to re-
19 ceive any nuclear material, technology, equipment,
20 or assistance from any IAEA Member State and in-
21 eligible for any IAEA assistance not related to safe-
22 guards inspections or nuclear security until the
23 IAEA Board of Governors determines that Iran—

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

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

3 (C) has permanently ceased and disman-
4 tled all activities and programs related to nu-
5 clear-enrichment and reprocessing.

6 (19) The following reforms, to be adopted by
7 the United Nations Department of Peacekeeping
8 Operations or the General Assembly, as appropriate:

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

20 (B) All personnel, regardless of category or
21 rank, serving in a peacekeeping operation have
22 been trained concerning the requirements of the
23 Code of Conduct and each has been given a per-
24 sonal copy of the Code, translated into the na-
25 tional language of such personnel.

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

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

22 (E) The creation of a centralized data
23 base, including personnel photos and finger-
24 prints, has been completed and is being main-
25 tained in the United Nations Department of

1 Peacekeeping Operations that tracks cases of
2 misconduct, including the outcomes of inves-
3 tigations and subsequent prosecutions, to en-
4 sure that personnel, regardless of category or
5 rank, who have engaged in misconduct or other
6 criminal activities are permanently barred from
7 participation in future peacekeeping operations.

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

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

20 (ii) designate a competent legal au-
21 thority, preferably a prosecutor with exper-
22 tise in the area of sexual exploitation and
23 abuse where appropriate, to participate in
24 any investigation into an allegation of mis-

1 conduct brought against an individual of
2 such Member State;

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

9 (iv) report to the Department of
10 Peacekeeping Operations on the outcome
11 of any such investigation;

12 (v) undertake to conduct on-site court
13 martial proceedings, where practical and
14 appropriate, relating to allegations of mis-
15 conduct alleged against an individual of
16 such Member State; and

17 (vi) assume responsibility for the pro-
18 vision of appropriate assistance to a victim
19 of misconduct committed by an individual
20 of such Member State.

21 (G) A professional and independent inves-
22 tigative and audit function has been established
23 within the United Nations Department of
24 Peacekeeping Operations and the OIOS to mon-
25 itor United Nations peacekeeping operations.

1 (c) OVERSIGHT INFORMATION DEFINED.—In this
2 section, the term “oversight information” includes—

3 (1) internally and externally commissioned au-
4 dits, program reviews, performance reports, and
5 evaluations;

6 (2) financial statements, records, and billing
7 systems;

8 (3) program budgets and program budget impli-
9 cations, including revised estimates and reports pro-
10 duced by or provided to the Secretary General and
11 the Secretary General’s agents on budget related
12 matters;

13 (4) operational plans, budgets, and budgetary
14 analyses for peacekeeping operations;

15 (5) analyses and reports regarding the scale of
16 assessments;

17 (6) databases and other data systems con-
18 taining financial or programmatic information;

19 (7) documents or other records alleging or in-
20 volving improper use of resources, misconduct, mis-
21 management, or other violations of rules and regula-
22 tions applicable to the United Nations entity; and

23 (8) other documentation relevant to the audit
24 and investigative work of the United States Govern-

- 1 ment regarding United States contributions to the
- 2 United Nations system.

