

[Discussion Draft]**AMENDMENT TO H.R. 2829****OFFERED BY MS. ROS-LEHTINEN OF FLORIDA**

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

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

Strike section 202(1) and insert the following:

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

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

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

Strike section 203 and insert the following:

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

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

11 (b) IMPLEMENTATION.—

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

1 information for inclusion in the report required
2 under section 207.

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

7 (3) REFERRALS.—

8 (A) IN GENERAL.—The Secretary of State
9 shall promptly report to the United States At-
10 torney General and to the appropriate congres-
11 sional committees when the Secretary of State
12 has reasonable grounds to believe a Federal
13 criminal law has been violated by a United Na-
14 tions Entity or one of its employees, contrac-
15 tors, or representatives.

16 (B) NOTIFICATION.—The Secretary of
17 State shall promptly report, when appropriate,
18 to the appropriate congressional committees,
19 and to the Secretary General or to the head of
20 the appropriate United Nations Entity, cases in
21 which the Secretary of State reasonably believes
22 that mismanagement, misfeasance, or malfea-
23 sance is likely to have taken place within a
24 United Nations Entity and disciplinary pro-
25 ceedings are likely justified.

1 (4) CONFIRMATION OF TRANSPARENCY BY
2 UNITED NATIONS ENTITIES.—

3 (A) PROMPT NOTICE BY DEPARTMENT OF
4 STATE.—Whenever information or assistance
5 requested from a United Nations Entity by the
6 Department of State pursuant to a Trans-
7 parency Certification is, in the opinion of the
8 Secretary of State, unreasonably refused or not
9 provided in a timely manner, the Secretary of
10 State shall notify the appropriate congressional
11 committees, the head of that particular United
12 Nations Entity, and the Secretary General of
13 the circumstances in writing, without delay.

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

23 (C) NONCOMPLIANCE.—If the information
24 or assistance being sought by the Department
25 of State in connection with a notification pursu-

1 ant to subparagraph (A) is not provided within
2 90 days of that notification, then the United
3 Nations Entity that is the subject of the notifi-
4 cation is deemed to be noncompliant with its
5 Transparency Certification, and

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

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

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

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

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

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

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

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

20 (6) REPORTING.—

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

1 things, includes a list and detailed description
2 of the circumstances surrounding any notifica-
3 tion of compliance issued pursuant to para-
4 graph (4)(C) or (5)(C) during the covered time-
5 frame, and whether and when the Secretary has
6 reversed such finding of noncompliance.

7 (B) PROHIBITED DISCLOSURES.—Nothing
8 in this subsection shall be construed to author-
9 ize the public disclosure of information that
10 is—

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

13 (ii) specifically required by Executive
14 Order to be protected from disclosure in
15 the interest of national defense or national
16 security or in the conduct of foreign af-
17 fairs; or

18 (iii) a part of an ongoing criminal in-
19 vestigation.

20 (C) PRIVACY PROTECTIONS.—The Sec-
21 retary of State shall exempt from public disclo-
22 sure information received from a United Na-
23 tions Entity that the Secretary of State be-
24 lieves—

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

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

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

In section 207, insert “for two years” after “annually”.

In section 309, strike subsection (c).

In section 401, add at the end the following:

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

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

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

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

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

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

In section 701(32), strike “U.S. State Department”
and insert “The Department of State’s”.

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

3 (33) The Governments of Australia, Austria,
4 Bulgaria, the Czech Republic, France, Germany,
5 Italy, Latvia, the Netherlands, New Zealand, Po-
6 land, and the United Kingdom also did not partici-
7 pate in the Durban III meeting.

8 (34) On September 22, 2011, at the Durban
9 III meeting, the United Nations General Assembly
10 adopted Resolution A/RES/66/3, a “political declara-
11 tion” which “[r]eaffirm[ed] that the Durban Dec-

1 laration and Programme of Action... and the out-
2 come document of [Durban II]. . . are a com-
3 prehensive United Nations framework and solid
4 foundation for combating racism, racial discrimina-
5 tion, xenophobia, and related intolerance”,
6 “[r]ecall[ed] that the aim of [Durban III] is to mo-
7 bilize political will at the national, regional and
8 international levels and reaffirm our political com-
9 mitment to the full and effective implementation of
10 the Durban Declaration and Programme of Action
11 and the outcome document of [Durban II], and their
12 follow-up processes, at all these levels”, and
13 “welcome[d] the continued engagement of the
14 United Nations High Commissioner for Human
15 Rights to incorporate the implementation of the
16 Durban Declaration and Programme of Action into
17 the United Nations system”.

18 (35) On September 22, 2011, the White House
19 Press Secretary stated that “Since its inception. . .
20 the Durban process has included ugly displays of in-
21 tolerance and anti-Semitism. . . Last December, the
22 United States voted against the resolution estab-
23 lishing [Durban III] because we did not want to see
24 the hateful and anti-Semitic displays of the 2001
25 Durban Conference commemorated. Over the last

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

9 (36) Durban I, Durban II, Durban III, and
10 their preparatory and follow-on activities, have made
11 little or no demonstrable contribution to combating
12 racism, racial discrimination, xenophobia, and re-
13 lated intolerance.

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

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

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

1 sulted in United States taxpayer dollars being used
2 for those purposes.

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

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

12 (1) the Durban I, Durban II, and Durban III
13 conferences, and their preparatory and follow-on ac-
14 tivities, were subverted by members of the Organiza-
15 tion of the Islamic Conference and irredeemably dis-
16 torted into a forum for anti-Israel, anti-Semitic, and
17 anti-freedom activity;

18 (2) by walking out of the Durban I conference,
19 and by not participating in the Durban II con-
20 ference, and announcing that it would not partici-
21 pate in the Durban III meeting, the United States
22 Government upheld and reaffirmed the fundamental
23 commitment of the United States to combating rac-

1 ism, racial discrimination, xenophobia, and related
2 intolerance;

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

8 (4) the Governments of Australia, Austria, Bul-
9 garia, Canada, Israel, the Czech Republic, France,
10 Germany, Israel, Italy, Latvia, the Netherlands,
11 Italy, New Zealand, Poland, and the United King-
12 dom and any other government that decides not to
13 participate in the Durban III meeting, should be
14 commended for their decision to not participate in
15 Durban III; and

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

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

Strike section 801(16) and insert the following:

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

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

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

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

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

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

In section 801(33), strike “personnel and”.

Strike section 902(e) and insert the following:

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

1 ence of the United States at the IAEA to make
2 every effort to ensure the adoption of a resolution by
3 the IAEA Board of Governors that, in addition to
4 the restrictions already imposed, makes Iran and
5 Syria ineligible to receive any nuclear material, tech-
6 nology, equipment, or assistance from any IAEA
7 Member State and ineligible for any IAEA assist-
8 ance not related to safeguards inspections or nuclear
9 security until the IAEA Board of Governors deter-
10 mines that Iran or Syria, as the case may be—

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

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

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

18 (2) PENALTIES.—If an IAEA Member State is
19 determined to have violated the prohibition on as-
20 sistance to Iran or Syria described in paragraph (1)
21 before the IAEA Board of Governors determines
22 that Iran or Syria, as the case may be, has satisfied
23 the conditions described in subparagraphs (A)
24 through (C) of such paragraph, such Member State
25 shall be subject to the penalties described in sub-

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

