

115TH CONGRESS  
1ST SESSION

# S. 169

To counter anti-Semitism at the United Nations, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 17, 2017

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

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## A BILL

To counter anti-Semitism at the United Nations, 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 “Countering Anti-Semitism and Anti-Israel Activities at  
6 the United Nations Act of 2017”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Anti-Semitism and the United Nations.
- Sec. 4. Reform of United Nations Human Rights Council.
- Sec. 5. United States contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Sec. 6. Report on United States contributions to the United Nations and to countries seeking to implement UN Security Council Resolution 2334.

Sec. 7. Report to Congress on voting practices in the United Nations.

Sec. 8. Report on anti-Semitic and anti-Israeli activity at the United Nations and its agencies.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

6 (A) the Committee on Foreign Relations of  
7 the Senate;

8 (B) the Committee on Appropriations of  
9 the Senate;

10 (C) the Committee on Homeland Security  
11 and Governmental Affairs of the Senate;

12 (D) the Committee on Foreign Affairs of  
13 the House of Representatives;

14 (E) the Committee on Appropriations of  
15 the House of Representatives; and

16 (F) the Committee on Oversight and Gov-  
17 ernment Reform of the House of Representa-  
18 tives.

19 (2) **EMPLOYEE.**—The term “employee” means  
20 an individual who is employed in the general serv-  
21 ices, professional staff, or senior management of the

1 United Nations, including consultants, contractors,  
2 and subcontractors.

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

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

10 (5) REFUGEE.—The term “refugee” has the  
11 meaning given the term in section 101(a)(42) of the  
12 Immigration and Nationality Act (8 U.S.C.  
13 1101(a)(42)).

14 (6) SECRETARY.—The term “Secretary” means  
15 the Secretary of State.

16 (7) SECRETARY-GENERAL.—The term “Sec-  
17 retary-General” means the Secretary-General of the  
18 United Nations.

19 (8) SECURITY COUNCIL.—The term “Security  
20 Council” means the Security Council of the United  
21 Nations.

22 (9) UNITED NATIONS ENTITY.—The term  
23 “United Nations entity” means any United Nations  
24 agency, commission, conference, council, court, de-  
25 partment, forum, fund, institute, office, organiza-

1       tion, partnership, program, subsidiary body, tri-  
2       bunal, trust, university or academic body, related or-  
3       ganization or subsidiary body, wherever located, that  
4       flies the United Nations flag or is authorized to use  
5       the United Nations logo, including but not limited to  
6       those United Nations affiliated agencies and bodies  
7       identified as recipients of United States contribu-  
8       tions under section 1225(b)(3)(E) of the John War-  
9       ner National Defense Authorization Act for Fiscal  
10      Year 2007 (Public Law 109–364; 120 Stat. 2424).

11           (10) UNITED STATES CONTRIBUTION.—The  
12      term “United States contribution” means an as-  
13      sessed or voluntary contribution, whether financial,  
14      in-kind, or otherwise, from the United States Fed-  
15      eral Government to a United Nations entity, includ-  
16      ing contributions passed through other entities for  
17      ultimate use by a United Nations entity. United  
18      States contributions include those contributions  
19      identified pursuant to section 1225(b)(3)(E) of the  
20      John Warner National Defense Authorization Act  
21      for Fiscal Year 2007 (Public Law 109–364; 120  
22      Stat. 2424).

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

24           (a) IN GENERAL.—The President shall direct the  
25      United States Permanent Representative to the United

1 Nations to use the voice, vote, and influence of the United  
2 States at the United Nations to make every effort—

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

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

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

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

1 (D) continues to develop and implement  
2 education awareness programs about the Holo-  
3 caust and anti-Semitism throughout the world  
4 as part of an effort to combat intolerance and  
5 hatred; and

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

10 (2) to secure the adoption of a resolution by the  
11 General Assembly that establishes the mechanisms  
12 described in paragraph (1)(C); and

13 (3) to continue working toward further reduc-  
14 tion of anti-Semitism in the United Nations and its  
15 specialized agencies, programs, and funds.

16 (b) WITHHOLDING OF FUNDS.—Notwithstanding  
17 any other provision of law, of the amounts appropriated  
18 or otherwise made available for the United Nations and  
19 its affiliated agencies under the heading “Contributions  
20 for International Organizations” for fiscal year 2017 and  
21 each fiscal year thereafter, no amounts may be obligated  
22 or expended until the President certifies to the appropriate  
23 congressional committees that no United Nations agency  
24 or United Nations affiliated agency grants any official sta-  
25 tus, accreditation, or recognition to any organization

1 which promotes or condones anti-Semitism, or which in-  
2 cludes any such organization as a subsidiary or member.  
3 Amounts appropriated in a fiscal year for use as a United  
4 States contribution to the United Nations, but withheld  
5 from obligation and expenditure pursuant to this sub-  
6 section, shall revert to the United States Treasury at the  
7 end of such fiscal year and shall not be considered arrears  
8 to be repaid to any United Nations entity.

9 (c) UNITED STATES POLICY REGARDING UNITED  
10 NATIONS SECURITY COUNCIL RESOLUTION 2334.—

11 (1) FINDINGS.—Congress makes the following  
12 findings:

13 (A) Clause 10 of section 8 of Article I of  
14 the Constitution of the United States reserves  
15 to Congress the power “To define and punish  
16 . . . Offenses against the Law of Nations”.

17 (B) United Nations Security Council Reso-  
18 lution 2334, adopted on December 23, 2016,  
19 seeks to reaffirm that “the establishment by  
20 Israel of settlements in the Palestinian territory  
21 occupied since 1967, including East Jerusalem  
22 . . . constitutes a flagrant violation under  
23 international law”.

1 (C) Congress has never included the build-  
2 ing of such settlements in the definition of an  
3 Offence against the Law of Nations.

4 (2) POLICY.—It shall be the policy of the  
5 United States—

6 (A) to reject the premise in United Na-  
7 tions Security Council Resolution 2334 that the  
8 establishment by Israel of settlements in the  
9 Palestinian territory occupied since 1967 con-  
10 stitutes a violation of international law;

11 (B) to affirm that the establishment by  
12 Israel of settlements in the Palestinian territory  
13 occupied since 1967, including East Jerusalem,  
14 does not constitute an Offence against the Law  
15 of Nations, as defined by Congress; and

16 (C) to prohibit United States funding of  
17 any United Nations entity that attempts to en-  
18 force United Nations Security Council Resolu-  
19 tion 2334.

20 **SEC. 4. REFORM OF UNITED NATIONS HUMAN RIGHTS**  
21 **COUNCIL.**

22 (a) IN GENERAL.—Until the Secretary submits, to  
23 the appropriate congressional committees, a certification  
24 that the requirements described in subsection (b) have  
25 been satisfied—



1           (1) the United States contribution to the reg-  
2           ular budget of the United Nations shall be reduced  
3           by an amount equal to the percentage of such con-  
4           tribution that the Secretary determines would be al-  
5           located by the United Nations to support the United  
6           Nations Human Rights Council or any of its special  
7           procedures;

8           (2) the Secretary shall not make a voluntary  
9           contribution to the United Nations Human Rights  
10          Council; and

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

13          (b) CERTIFICATION.—The annual certification re-  
14          ferred to in subsection (a) is a certification made by the  
15          Secretary to Congress that the agenda of the United Na-  
16          tions Human Rights Council does not include a permanent  
17          item related to the State of Israel or the Palestinian terri-  
18          tories.

19          (c) REVERSION OF FUNDS.—Amounts appropriated  
20          and available for a United States contribution to the  
21          United Nations, but withheld from obligation and expendi-  
22          ture pursuant to this section shall immediately revert to  
23          the United States Treasury. The United States Govern-  
24          ment shall not consider such amounts to be arrears to be  
25          repaid to any United Nations entity.

1 **SEC. 5. UNITED STATES CONTRIBUTIONS TO THE UNITED**  
2 **NATIONS RELIEF AND WORKS AGENCY FOR**  
3 **PALESTINE REFUGEES IN THE NEAR EAST.**

4 (a) IN GENERAL.—Section 301(c) of the Foreign As-  
5 sistance Act of 1961 (22 U.S.C. 2221(c)) is amended to  
6 read as follows:

7 “(c) PALESTINE REFUGEES; CONSIDERATIONS AND  
8 CONDITIONS FOR FURNISHING ASSISTANCE.—The United  
9 States may not provide contributions to the United Na-  
10 tions Relief and Works Agency for Palestine Refugees in  
11 the Near East (UNRWA) for programs in the West Bank  
12 and Gaza, a successor entity or any related entity, or to  
13 the regular budget of the United Nations for the support  
14 of UNRWA or a successor entity for programs in the West  
15 Bank and Gaza, until the Secretary certifies to the appro-  
16 priate congressional committees (as defined in section  
17 226) that—

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

21 “(A) is a member of Hamas or any United  
22 States-designated terrorist group; or

23 “(B) has propagated, disseminated, or in-  
24 cited anti-Israel, or anti-Semitic rhetoric or  
25 propaganda;

1           “(2) no UNRWA school, hospital, clinic, other  
2 facility, or other infrastructure or resource is being  
3 used by Hamas or an affiliated group for operations,  
4 planning, training, recruitment, fundraising, indoc-  
5 trination, communications, sanctuary, storage of  
6 weapons or other materials, or any other purposes;

7           “(3) UNRWA is subject to comprehensive fi-  
8 nancial audits by an internationally recognized third  
9 party independent auditing firm and has imple-  
10 mented an effective system of vetting and oversight  
11 to prevent the use, receipt, or diversion of any  
12 UNRWA resources by Hamas or any United States-  
13 designated terrorist group, or their members; and

14           “(4) no recipient of UNRWA funds or loans is  
15 a member of Hamas or any United States-des-  
16 ignated terrorist group.”.

17       (b) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that—

19           (1) the President and the Secretary should lead  
20 a high-level diplomatic effort to encourage other re-  
21 sponsible nations to withhold contributions to the  
22 United Nations Relief and Works Agency for Pal-  
23 estine Refugees in the Near East (referred to in this  
24 section as “UNRWA”) to any successor or related  
25 entity, or to the regular budget of the United Na-

1 tions for the support of UNRWA or a successor en-  
2 tity (through staff positions provided by the United  
3 Nations Secretariat, or otherwise) until UNRWA  
4 has met the conditions listed in subparagraphs (A)  
5 through (F) of section 301(c) of the Foreign Assist-  
6 ance Act of 1961, as added by subsection (a);

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

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

13 (4) it should be the goal of the United States  
14 to eliminate UNRWA and give the Office of the  
15 United Nations High Commissioner for Refugees  
16 full responsibility for Palestine refugees (as defined  
17 by the Office of the United Nations High Commis-  
18 sioner for Refugees).

19 (c) REPORT.—The Secretary of State shall—

20 (1)(A) fulfill the reporting requirement relating  
21 to the United Nations Relief and Works Agency  
22 under the Protracted Refugee Situations subheading  
23 in Senate Report 112–172, as referenced under the  
24 Migration and Refugee Assistance heading in Senate  
25 Report 113–81 and Senate Report 113–195; and

1 (B) publish an unclassified version of the report  
2 not later than 60 days after the date of the enact-  
3 ment of this Act; or

4 (2) if the Secretary is unable to fulfill the re-  
5 quirement under paragraph (1), submit a written  
6 justification to the Committee on Foreign Relations  
7 of the Senate and the Committee on Foreign Affairs  
8 of the House of Representatives that describes the  
9 specific reasons why such requirement cannot be  
10 met.

11 **SEC. 6. REPORT ON UNITED STATES CONTRIBUTIONS TO**  
12 **THE UNITED NATIONS AND TO COUNTRIES**  
13 **SEEKING TO IMPLEMENT UN SECURITY**  
14 **COUNCIL RESOLUTION 2334.**

15 (a) IN GENERAL.—Not later than 90 days after the  
16 date of the enactment of this Act, and annually thereafter,  
17 the Director of the Office of Management and Budget  
18 shall submit a report to Congress that—

19 (1) details all assessed and voluntary United  
20 States contributions, including in-kind contributions,  
21 to the United Nations and its affiliated agencies and  
22 related bodies during the previous fiscal year; and

23 (2) identifies the United States assistance pro-  
24 vided during the previous fiscal year to countries

1 that are actively seeking to implement United Na-  
2 tions Security Council Resolution 2334.

3 (b) CONTENT.—The report required under subsection  
4 (a) shall include—

5 (1) the total amount of assessed and voluntary  
6 United States contributions, including in-kind con-  
7 tributions, to the United Nations and United Na-  
8 tions affiliated agencies and related bodies;

9 (2) the approximate percentage of United  
10 States contributions to each United Nations affili-  
11 ated agency or body in such fiscal year compared to  
12 all contributions to such agency or body from any  
13 source in such fiscal year;

14 (3) for each such contribution—

15 (A) the amount of the contribution;

16 (B) a description of the contribution (in-  
17 cluding whether assessed or voluntary);

18 (C) the department or agency of the  
19 United States Government responsible for the  
20 contribution;

21 (D) the purpose of the contribution; and

22 (E) the United Nations or United Nations  
23 affiliated agency or related body receiving the  
24 contribution; and

1           (4) for each country that is actively seeking to  
2           implement United Nations Security Council Resolu-  
3           tion 2334, the total amount of assistance provided  
4           by the United States Government during the pre-  
5           vious fiscal year.

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

12       **SEC. 7. REPORT TO CONGRESS ON VOTING PRACTICES IN**  
13                               **THE UNITED NATIONS.**

14          Section 406(b) of the Foreign Relations Authoriza-  
15          tion Act, Fiscal Years 1990 and 1991 (22 U.S.C.  
16          2414a(b)) is amended—

17               (1) in paragraph (5), by striking “; and” and  
18               inserting “, including a separate section detailing  
19               the voting records of each member country on reso-  
20               lutions that condemn the Government of Israel;”

21               (2) in paragraph (6), by striking the period at  
22               the end and inserting “; and”; and

23               (3) by adding at the end the following:

24                       “(7) a table detailing the amount of direct  
25               United States foreign assistance provided to each

1 member country alongside the voting comparison de-  
2 scribed in paragraph (5).”.

3 **SEC. 8. REPORT ON ANTI-SEMITIC AND ANTI-ISRAELI AC-**  
4 **TIVITY AT THE UNITED NATIONS AND ITS**  
5 **AGENCIES.**

6 Not later than 180 days after the date of the enact-  
7 ment of this Act, and annually thereafter, the Secretary  
8 shall submit a report to the appropriate congressional  
9 committees that describes—

10 (1) all activities at the United Nations and its  
11 subagencies that can be construed to exhibit an anti-  
12 Israel or anti-Semitic bias, including official state-  
13 ments, proposed resolutions, and United Nations in-  
14 vestigations;

15 (2) the use of United Nations resources to pro-  
16 mote anti-Semitic or anti-Israel views, including  
17 publications, Internet websites, and textbooks or  
18 other educational materials used to propagate or dis-  
19 seminate political materials, including political rhet-  
20 oric regarding the Israeli-Palestinian conflict;

21 (3) the propagation, dissemination, or incite-  
22 ment of anti-Israel or anti-Semitic rhetoric or propa-  
23 ganda at the United Nations; and

24 (4) specific actions taken by the United States  
25 Government to address the instances of anti-Israel



- 1 or anti-Semitic activity at the United Nations de-
- 2 scribed under paragraphs (1) through (3).

○