

Union Calendar No. 68

109TH CONGRESS
1ST SESSION

H. R. 2745

[Report No. 109-120]

To reform the United Nations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2005

Mr. HYDE (for himself and Mr. PENCE) introduced the following bill; which was referred to the Committee on International Relations

JUNE 10, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 7, 2005]

A BILL

To reform 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 *“Henry J. Hyde United Nations Reform Act of 2005”.*

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Statement of Congress.

TITLE I—MISSION AND BUDGET OF THE UNITED NATIONS

Sec. 101. United States financial contributions to the United Nations.
Sec. 102. Weighted voting.
Sec. 103. Budget certification requirements.
Sec. 104. Accountability.
Sec. 105. Terrorism and the United Nations.
Sec. 106. United Nations treaty bodies.
Sec. 107. Equality at the United Nations.
Sec. 108. Report on United Nations reform.
Sec. 109. Report on United Nations personnel.

**TITLE II—HUMAN RIGHTS AND THE ECONOMIC AND SOCIAL
 COUNCIL (ECOSOC)**

Sec. 201. Human rights.
Sec. 202. Economic and Social Council (ECOSOC).

TITLE III—INTERNATIONAL ATOMIC ENERGY AGENCY

Sec. 301. International Atomic Energy Agency.
*Sec. 302. Sense of Congress regarding the Nuclear Security Action Plan of the
 IAEA.*

TITLE IV—PEACEKEEPING

*Sec. 401. Sense of Congress regarding reform of United Nations peacekeeping op-
 erations.*
*Sec. 402. Statement of policy relating to reform of United Nations peacekeeping
 operations.*
Sec. 403. Certification.

**TITLE V—DEPARTMENT OF STATE AND GOVERNMENT
 ACCOUNTABILITY OFFICE**

Sec. 501. Positions for United States citizens at international organizations.
Sec. 502. Budget justification for regular assessed budget of the United Nations.
Sec. 503. Review and report.
Sec. 504. Government Accountability Office.

**TITLE VI—CERTIFICATIONS AND WITHHOLDING OF
 CONTRIBUTIONS**

Sec. 601. Certifications and withholding of contributions.

3 **SEC. 2. DEFINITIONS.**

4 *In this Act:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.—The term “appropriate congressional commit-*
3 *tees” means the Committee on International Relations*
4 *of the House of Representatives and the Committee on*
5 *Foreign Relations of the Senate.*

6 (2) *EMPLOYEE.—The term “employee” means an*
7 *individual who is employed in the general services,*
8 *professional staff, or senior management of the United*
9 *Nations, including contractors and consultants.*

10 (3) *GENERAL ASSEMBLY.—The term “General*
11 *Assembly” means the General Assembly of the United*
12 *Nations.*

13 (4) *MEMBER STATE.—The term “Member State”*
14 *means a Member State of the United Nations. Such*
15 *term is synonymous with the term “country”.*

16 (5) *SECRETARY.—The term “Secretary” means*
17 *the Secretary of State.*

18 (6) *SECRETARY GENERAL.—The term “Secretary*
19 *General” means the Secretary General of the United*
20 *Nations.*

21 (7) *SECURITY COUNCIL.—The term “Security*
22 *Council” means the Security Council of the United*
23 *Nations.*

24 (8) *SPECIALIZED AGENCIES AND SPECIALIZED*
25 *AGENCIES OF THE UNITED NATIONS.—The terms “spe-*

1 *cialized agencies” and “specialized agencies of the*
2 *United Nations” mean—*

3 *(A) the Food and Agriculture Organization*
4 *(FAO);*

5 *(B) the International Atomic Energy Agen-*
6 *cy (IAEA);*

7 *(C) the International Civil Aviation Orga-*
8 *nization (ICAO);*

9 *(D) the International Fund for Agricultural*
10 *Development (IFAD);*

11 *(E) the International Labor Organization*
12 *(ILO);*

13 *(F) the International Maritime Organiza-*
14 *tion (IMO);*

15 *(G) the International Telecommunication*
16 *Union (ITU);*

17 *(H) the United Nations Educational, Sci-*
18 *entific, and Cultural Organization (UNESCO);*

19 *(I) the United Nations Industrial Develop-*
20 *ment Organization (UNIDO);*

21 *(J) the Universal Postal Union (UPU);*

22 *(K) the World Health Organization (WHO)*
23 *and its regional agencies;*

24 *(L) the World Meteorological Organization*
25 *(WMO); and*

1 *(M) the World Intellectual Property Organi-*
2 *zation (WIPO).*

3 **SEC. 3. STATEMENT OF CONGRESS.**

4 *Congress declares that, in light of recent history, it is*
5 *incumbent upon the United Nations to enact significant re-*
6 *form measures if it is to restore the public trust and con-*
7 *fidence necessary for it to achieve the laudable goals set*
8 *forth in its Charter. To this end, the following Act seeks*
9 *to reform the United Nations.*

10 **TITLE I—MISSION AND BUDGET**
11 **OF THE UNITED NATIONS**

12 **SEC. 101. UNITED STATES FINANCIAL CONTRIBUTIONS TO**
13 **THE UNITED NATIONS.**

14 *(a) STATEMENTS OF POLICY.—*

15 *(1) IN GENERAL.—It shall be the policy of the*
16 *United States to use its voice, vote, and influence at*
17 *the United Nations to—*

18 *(A) pursue a streamlined, efficient, and ac-*
19 *countable regular assessed budget of the United*
20 *Nations; and*

21 *(B) shift funding mechanisms of certain or-*
22 *ganizational programs of the United Nations*
23 *specified under paragraph (4) from the regular*
24 *assessed budget to voluntarily funded programs.*

1 (2) *UNITED STATES CONTRIBUTIONS.*—*It shall be*
2 *the policy of the United States to—*

3 (A) *redirect United States contributions to*
4 *the United Nations to achieve the policy objec-*
5 *tives described in paragraph (1)(B); and*

6 (B) *redirect a portion of funds from the fol-*
7 *lowing organizational programs to pursue the*
8 *policy objectives described in paragraph (1)(A):*

9 (i) *Public Information.*

10 (ii) *General Assembly affairs and con-*
11 *ference services.*

12 (3) *FUTURE BIENNIUM BUDGETS.*—*It shall be*
13 *the policy of the United States to use its voice, vote,*
14 *and influence at the United Nations to ensure that fu-*
15 *ture biennial budgets of the United Nations, as agreed*
16 *to by the General Assembly, reflect the shift in fund-*
17 *ing mechanisms described in paragraph (1)(B) and*
18 *the redirection of funds described in paragraph (2).*

19 (4) *CERTAIN ORGANIZATIONAL PROGRAMS.*—*The*
20 *organizational programs referred to in paragraph*
21 *(1)(B) are the following:*

22 (A) *Economic and social affairs.*

23 (B) *Least-developed countries, landlocked*
24 *developing countries and small island developing*
25 *States.*

1 (C) *United Nations support for the New*
2 *Partnership for Africa's Development.*

3 (D) *Trade and development.*

4 (E) *International Trade Center UNCTAD/*
5 *WTO.*

6 (F) *Environment.*

7 (G) *Human settlements.*

8 (H) *Crime prevention and criminal justice.*

9 (I) *International drug control.*

10 (J) *Economic and social development in Af-*
11 *rica.*

12 (K) *Economic and social development in*
13 *Asia and the Pacific.*

14 (L) *Economic development in Europe.*

15 (M) *Economic and social development in in*
16 *Latin America and the Caribbean.*

17 (N) *Economic and social development in*
18 *Western Asia.*

19 (O) *Regular program of technical coopera-*
20 *tion.*

21 (P) *Development account.*

22 (Q) *Protection of and assistance to refugees.*

23 (R) *Palestine refugees.*

24 (b) *AUTHORIZATION WITH RESPECT TO THE REG-*
25 *ULAR ASSESSED BUDGET OF THE UNITED NATIONS.—Sub-*

1 *ject to the amendment made by subsection (c), the Secretary*
2 *of State is authorized to make contributions toward the*
3 *amount assessed to the United States by the United Nations*
4 *for the purpose of funding the regular assessed budget of*
5 *the United Nations.*

6 *(c) UNITED STATES FINANCIAL CONTRIBUTIONS TO*
7 *THE UNITED NATIONS.—Section 11 of the United Nations*
8 *Participation Act of 1945 (22 U.S.C. 287e–3) is amended*
9 *to read as follows:*

10 **“SEC. 11. UNITED STATES FINANCIAL CONTRIBUTIONS TO**
11 **THE UNITED NATIONS.**

12 *“(a) POLICY OF THE UNITED STATES RELATING TO*
13 *THE REGULAR ASSESSED BUDGET OF THE UNITED NA-*
14 *TIONS.—*

15 *“(1) IN GENERAL.—The President shall direct*
16 *the United States Permanent Representative to the*
17 *United Nations to use the voice, vote, and influence*
18 *of the United States at the United Nations to—*

19 *“(A) pursue a streamlined, efficient, and*
20 *accountable regular assessed budget of the United*
21 *Nations; and*

22 *“(B) shift funding mechanisms of certain*
23 *organizational programs of the United Nations*
24 *specified under paragraph (2) of subsection (c)*

1 *from the regular assessed budget to voluntarily*
2 *funded programs.*

3 “(2) *UNITED STATES CONTRIBUTIONS.*—*It shall*
4 *be the policy of the United States to—*

5 “(A) *redirect United States contributions to*
6 *the United Nations to achieve the policy objec-*
7 *tives described in paragraph (1)(B); and*

8 “(B) *redirect a portion of funds from the*
9 *following organizational programs to pursue the*
10 *policy objectives described in paragraph (1)(A):*

11 “(i) *Public Information.*

12 “(ii) *General Assembly affairs and*
13 *conferences services.*

14 “(3) *FUTURE BIENNIUM BUDGETS.*— *The Presi-*
15 *dent shall direct the United States Permanent Rep-*
16 *resentative to the United Nations to use the voice,*
17 *vote, and influence of the United States at the United*
18 *Nations to ensure that the shifting of funding mecha-*
19 *nisms under paragraph (1)(B) and redirecting of con-*
20 *tributions under paragraph (2) be reflected in future*
21 *resolutions agreed to by the General Assembly for the*
22 *regular assessed budget of the United Nations for the*
23 *period of a current biennium. To achieve the policies*
24 *described in paragraphs (1) and (2), the United*
25 *States Permanent Representative to the United Na-*

1 *tions shall withhold the support of the United States*
2 *for a consensus for such budget until such time as*
3 *such budget is reflective of such policies.*

4 “(b) *22 PERCENT LIMITATION.*—*In accordance with*
5 *section 601 of the Henry J. Hyde United Nations Reform*
6 *Act of 2005, the Secretary may not make a contribution*
7 *to a regularly assessed biennial budget of the United Na-*
8 *tions in an amount greater than 22 percent of the amount*
9 *calculable under subsection (c).*

10 “(c) *ANNUAL DUES.*—

11 “(1) *IN GENERAL.*—*For annual dues paid by the*
12 *United States to the United Nations each fiscal year,*
13 *the percentage specified in subsection (b) shall be mul-*
14 *tiplied by one-half of the amount of the regularly as-*
15 *essed budget of the United Nations for a current bi-*
16 *ennial period, as agreed to by resolution of the Gen-*
17 *eral Assembly.*

18 “(2) *CALCULATION WITH RESPECT TO CERTAIN*
19 *ORGANIZATIONAL PROGRAMS FOR REDIRECTION.*—*The*
20 *percentage specified in subsection (b) shall be multi-*
21 *plied by one-half of the sum of amounts budgeted by*
22 *resolution of the General Assembly for a current bien-*
23 *ennial period for the following certain organizational*
24 *programs:*

25 “(A) *Economic and social affairs.*

1 “(B) *Least-developed countries, landlocked*
2 *developing countries and small island developing*
3 *States.*

4 “(C) *United Nations support for the New*
5 *Partnership for Africa’s Development.*

6 “(D) *Trade and development.*

7 “(E) *International Trade Center UNCTAD/*
8 *WTO.*

9 “(F) *Environment.*

10 “(G) *Human settlements.*

11 “(H) *Crime prevention and criminal jus-*
12 *tice.*

13 “(I) *International drug control.*

14 “(J) *Economic and social development in*
15 *Africa.*

16 “(K) *Economic and social development in*
17 *Asia and the Pacific.*

18 “(L) *Economic development in Europe.*

19 “(M) *Economic and social development in*
20 *in Latin America and the Caribbean.*

21 “(N) *Economic and social development in*
22 *Western Asia.*

23 “(O) *Regular program of technical coopera-*
24 *tion.*

25 “(P) *Development account.*

1 “(Q) *Protection of and assistance to refu-*
2 *gees.*

3 “(R) *Palestine refugees.*

4 “(3) *REDIRECTION OF FUNDS.—Of amounts ap-*
5 *propriated for contributions towards payment of reg-*
6 *ular assessed dues to the United Nations for 2008 and*
7 *each subsequent year, if the funding mechanisms of*
8 *one or more of the organizational programs of the*
9 *United Nations specified in paragraph (2) have not*
10 *been shifted from the regular assessed budget to volun-*
11 *tarily funded programs in accordance with subsection*
12 *(a)(1), the Secretary shall ensure that such amounts*
13 *in each such fiscal year that are specified for each*
14 *such organizational program pursuant to the resolu-*
15 *tion agreed to by the General Assembly for the regular*
16 *assessed budget of the United Nations for the period*
17 *of a current biennium are redirected from payment of*
18 *the assessed amount for the regular assessed budget as*
19 *follows:*

20 “(A) *Subject to not less than 30 days prior*
21 *notification to Congress, the Secretary shall ex-*
22 *pend an amount, not to exceed 40 percent of the*
23 *amount specified for each such organizational*
24 *program pursuant to the resolution agreed to by*
25 *the General Assembly for the regular assessed*

1 *budget of the United Nations for the period of a*
2 *current biennium, as a contribution to an eligi-*
3 *ble organizational program specified in para-*
4 *graph (4).*

5 “(B) *Subject to not less than 30 days prior*
6 *notification to Congress, the Secretary shall ex-*
7 *pend the remaining amounts under this para-*
8 *graph to voluntarily funded United Nations spe-*
9 *cialized agencies, funds, or programs.*

10 “(4) *ELIGIBLE ORGANIZATIONAL PROGRAMS.—*
11 *The eligible organizational programs referred to in*
12 *paragraph (3)(A) for redirection of funds under such*
13 *paragraph are the following:*

14 “(A) *Internal oversight.*

15 “(B) *Human rights.*

16 “(C) *Humanitarian assistance.*

17 “(D) *An organizational program specified*
18 *in subparagraphs (A) through (P) of paragraph*
19 *(2), subject to paragraph (5).*

20 “(5) *EXPENDITURE OF REMAINING AMOUNTS TO*
21 *CERTAIN ORGANIZATION PROGRAMS.—*

22 “(A) *VOLUNTARY CONTRIBUTION.—Subject*
23 *to not less than 30 days prior notification to*
24 *Congress and the limitation specified under sub-*
25 *paragraph (B), the Secretary is authorized to*

1 *make a voluntary contribution to an organiza-*
2 *tional program of the United Nations specified*
3 *in subparagraphs (A) through (P) of paragraph*
4 *(2) of any amounts not contributed in a fiscal*
5 *year to an eligible organizational program speci-*
6 *fied in subparagraphs (A) through (C) of para-*
7 *graph (4).*

8 “(B) 10 PERCENT LIMITATION.—*A vol-*
9 *untary contribution under subparagraph (A) to*
10 *an organizational program of the United Na-*
11 *tions specified in subparagraphs (A) through (P)*
12 *of paragraph (2) may not exceed 10 percent of*
13 *the total contribution made under paragraph*
14 *(3)(A).*

15 “(d) FURTHER CALCULATION WITH RESPECT TO
16 *BUDGETS FOR PUBLIC INFORMATION AND GENERAL AS-*
17 *SEMBLY AFFAIRS AND CONFERENCE SERVICES.—*

18 “(1) 22 PERCENT LIMITATION.—*The Secretary*
19 *may not make a contribution to a regularly assessed*
20 *biennial budget of the United Nations in an amount*
21 *greater than 22 percent of the amount calculable*
22 *under paragraph (2).*

23 “(2) ANNUAL DUES EACH FISCAL YEAR.—

24 “(A) IN GENERAL.—*For annual dues paid*
25 *by the United States to the United Nations each*

1 *fiscal year, the percentage specified in paragraph*
2 *(1) shall be multiplied by one-half of the amount*
3 *of the regularly assessed budget of the United Na-*
4 *tions for a current biennial period, as agreed to*
5 *by resolution of the General Assembly.*

6 *“(B) CALCULATION WITH RESPECT TO PUB-*
7 *LIC INFORMATION AND GENERAL ASSEMBLY AF-*
8 *FAIRS AND CONFERENCE SERVICES.—With re-*
9 *spect to such United States annual dues, the per-*
10 *centage specified in paragraph (1) shall be mul-*
11 *tiplied by one-half of the sum of amounts budg-*
12 *eted by resolution of the General Assembly for the*
13 *2004–2005 biennial period for the following or-*
14 *ganizational programs:*

15 *“(i) Public Information.*

16 *“(ii) General Assembly affairs and*
17 *conferences services.*

18 *“(C) REDIRECTION OF FUNDS.—*

19 *“(i) IN GENERAL.—The President shall*
20 *direct the United States Permanent Rep-*
21 *resentative to the United Nations to make*
22 *every effort, including the withholding of*
23 *United States support for a consensus budg-*
24 *et of the United Nations, to reduce the budg-*
25 *ets of the organizational programs specified*

1 *in subparagraph (B) for 2007 by ten per-*
2 *cent against the budgets of such organiza-*
3 *tional programs for the 2004–2005 biennial*
4 *period. If the budgets of such organizational*
5 *programs are not so reduced, 20 percent the*
6 *amount determined under subparagraph*
7 *(B) for contributions towards payment of*
8 *regular assessed dues for 2007 shall be redi-*
9 *rected from payment for the amount as-*
10 *essed for United States annual contribu-*
11 *tions to the regular assessed budget of the*
12 *United Nations.*

13 “(i) *SPECIFIC AMOUNTS.*—*The Sec-*
14 *retary shall make the amount determined*
15 *under clause (i) available as a contribution*
16 *to an eligible organizational program speci-*
17 *fied in subparagraphs (A) through (C) of*
18 *paragraph (4) of subsection (c).*

19 “(3) *POLICY WITH RESPECT TO 2008–2009 BIEN-*
20 *NIAL PERIOD AND SUBSEQUENT BIENNIAL PERIODS.*—

21 “(A) *IN GENERAL.*—*The President shall di-*
22 *rect the United States Permanent Representative*
23 *to the United Nations to make every effort, in-*
24 *cluding the withholding of United States support*
25 *for a consensus budget of the United Nations, to*

1 *reduce the budgets of the organizational pro-*
2 *grams specified in subparagraph (B) of para-*
3 *graph (2) for the 2008–2009 biennial period and*
4 *each subsequent biennial period by 20 percent*
5 *against the budgets of such organizational pro-*
6 *grams for the 2004–2005 biennial period.*

7 “(B) *CERTIFICATION.*—*In accordance with*
8 *section 601, a certification shall be required that*
9 *certifies that the reduction in budgets described*
10 *in subparagraph (A) has been implemented.”.*

11 (d) *EFFECTIVE DATE.*—*The amendment made by sub-*
12 *section (c) shall take effect and apply beginning on October*
13 *1, 2006.*

14 **SEC. 102. WEIGHTED VOTING.**

15 *It shall be the policy of the United States to actively*
16 *pursue weighted voting with respect to all budgetary and*
17 *financial matters in the Administrative and Budgetary*
18 *Committee and in the General Assembly in accordance with*
19 *the level of the financial contribution of a Member State*
20 *to the regular assessed budget of the United Nations.*

21 **SEC. 103. BUDGET CERTIFICATION REQUIREMENTS.**

22 (a) *CERTIFICATION.*—*In accordance with section 601,*
23 *a certification shall be required that certifies that the condi-*
24 *tions described in subsection (b) have been satisfied.*

1 (b) *CONDITIONS.—The conditions under this sub-*
2 *section are the following:*

3 (1) *NEW BUDGET PRACTICES FOR THE UNITED*
4 *NATIONS.—The United Nations is implementing*
5 *budget practices that—*

6 (A) *require the maintenance of a budget not*
7 *in excess of the level agreed to by the General As-*
8 *sembly at the beginning of each United Nations*
9 *budgetary biennium, unless increases are agreed*
10 *to by consensus and do not exceed ten percent;*
11 *and*

12 (B) *require the identification of expendi-*
13 *tures by the United Nations by functional cat-*
14 *egories such as personnel, travel, and equipment.*

15 (2) *PROGRAM EVALUATION.—*

16 (A) *EXISTING AUTHORITY.—The Secretary*
17 *General and the Director General of each special-*
18 *ized agency have used their existing authorities*
19 *to require program managers within the United*
20 *Nations Secretariat and the Secretariats of the*
21 *specialized agencies to conduct evaluations in ac-*
22 *cordance with the standardized methodology re-*
23 *ferred to in subparagraph (B) of—*

24 (i) *United Nations programs approved*
25 *by the General Assembly; and*

1 (ii) programs of the specialized agen-
2 cies.

3 (B) DEVELOPMENT OF EVALUATION CRI-
4 TERIA.—

5 (i) UNITED NATIONS.—The Office of
6 Internal Oversight Services has developed a
7 standardized methodology for the evaluation
8 of United Nations programs approved by
9 the General Assembly, including specific
10 criteria for determining the continuing rel-
11 evance and effectiveness of the programs.

12 (ii) SPECIALIZED AGENCIES.—Pat-
13 terned on the work of the Office of Internal
14 Oversight Services of the United Nations,
15 each specialized agency has developed a
16 standardized methodology for the evaluation
17 of the programs of the agency, including
18 specific criteria for determining the con-
19 tinuing relevance and effectiveness of the
20 programs.

21 (C) REPORT.—The Secretary General is as-
22 sessing budget requests and, on the basis of eval-
23 uations conducted under subparagraph (B) for
24 the relevant preceding year, submits to the Gen-
25 eral Assembly a report containing the results of

1 *such evaluations, identifying programs that have*
2 *satisfied the criteria for continuing relevance*
3 *and effectiveness, and an identification of pro-*
4 *grams that have not satisfied such criteria and*
5 *should be terminated.*

6 (D) *SUNSET OF PROGRAMS.—Consistent*
7 *with the July 16, 1997, recommendations of the*
8 *Secretary General regarding a sunset policy and*
9 *results-based budgeting for United Nations pro-*
10 *grams, the United Nations and each specialized*
11 *agency has established and is implementing pro-*
12 *cedures to require all new programs approved by*
13 *the General Assembly to have a specific sunset*
14 *date.*

15 **SEC. 104. ACCOUNTABILITY.**

16 (a) *CERTIFICATION OF CREATION OF INDEPENDENT*
17 *OVERSIGHT BOARD.—In accordance with section 601, a*
18 *certification shall be required that certifies that the fol-*
19 *lowing reforms related to the establishment of an Inde-*
20 *pendent Oversight Board (IOB) have been adopted by the*
21 *United Nations:*

22 (1) *An IOB is established from existing United*
23 *Nations budgetary and personnel resources. Except as*
24 *provided in this subsection, the IOB shall be an inde-*
25 *pendent entity within the United Nations and shall*

1 *not be subject to budget authority or organizational*
2 *authority of any entity within the United Nations.*

3 *(2) The head of the IOB shall be a Director, who*
4 *shall be nominated by the Secretary General and who*
5 *shall be subject to Security Council approval by a*
6 *majority vote. The IOB shall also consist of four other*
7 *board members who shall be nominated by the Sec-*
8 *retary General and subject to Security Council ap-*
9 *proval by a majority vote. The IOB shall be respon-*
10 *sible to the Security Council and the Director and*
11 *board members shall each serve terms of six years, ex-*
12 *cept that the terms of the initial board shall be stag-*
13 *gered so that no more than two board members' terms*
14 *will expire in any one year. No board member may*
15 *serve more than two terms. An IOB board member*
16 *may be removed for cause by a majority vote of the*
17 *Security Council. The Director shall appoint a profes-*
18 *sional staff headed by a Chief of Staff and may em-*
19 *ploy contract staff as needed.*

20 *(3) The IOB shall receive operational and budg-*
21 *etary funding through appropriations by the General*
22 *Assembly from existing levels of United Nations budg-*
23 *etary and personnel resources, and shall not be de-*
24 *pendent upon any other entity, bureau, division, de-*

1 *partment, or specialized agency of the United Nations*
2 *for such funding.*

3 (4) *While the IOB shall have the authority to*
4 *evaluate all operations of the United Nations, the pri-*
5 *mary mission of the IOB is to oversee the Office of*
6 *Internal Oversight Services and the Board of Exter-*
7 *nal Auditors. The IOB may direct the Office of Inter-*
8 *nal Oversight Services or the Board of External Audi-*
9 *tors to initiate, abandon, or modify the scope of an*
10 *investigation. Every three months or more frequently*
11 *when appropriate, the IOB shall submit, as appro-*
12 *priate, to the Secretary General, the Security Council,*
13 *the General Assembly, or the Economic and Social*
14 *Council a report on its activities, relevant observa-*
15 *tions, and recommendations relating to its audit op-*
16 *erations, including information relating to the inven-*
17 *tory and status of investigations by the Office of In-*
18 *ternal Oversight Services.*

19 (5) *In extraordinary circumstances and with the*
20 *concurrence of the Secretary General or the Security*
21 *Council by majority vote, the IOB may augment the*
22 *Office of Internal Oversight Services with a special*
23 *investigator and staff consisting of individuals who*
24 *are not employees of the United Nations, to inves-*
25 *tigate matters involving senior officials of the United*

1 *Nations or of its specialized agencies when allegations*
2 *of serious misconduct have been made and such a spe-*
3 *cial investigation is necessary to maintain public*
4 *confidence in the integrity of the investigation. A spe-*
5 *cial investigator and staff shall comply with all*
6 *United Nations financial disclosure and conflict of*
7 *interest rules, including the filing of an individual*
8 *Annual Financial Disclosure Form in accordance*
9 *with subsection (c).*

10 *(6) The IOB shall recommend annual budgets for*
11 *the Office of Internal Oversight Services and the*
12 *Board of External Auditors.*

13 *(b) CERTIFICATION OF UNITED NATIONS REFORMS OF*
14 *THE OFFICE OF INTERNAL OVERSIGHT SERVICES.—In ac-*
15 *cordance with section 601, a certification shall be required*
16 *that certifies that the following reforms related to the Office*
17 *of Internal Oversight Services (OIOS) have been adopted*
18 *by the United Nations:*

19 *(1) The OIOS is designated as an independent*
20 *entity within the United Nations. The OIOS shall not*
21 *be subject to budget authority or organizational au-*
22 *thority of any entity within the United Nations ex-*
23 *cept as provided in this section.*

24 *(2) The regular assessed budget of the United Na-*
25 *tions shall fully fund the Internal Oversight Budget*

1 *from existing levels of United Nations budgetary and*
2 *personnel resources and shall not be dependent upon*
3 *any other entity, bureau, division, department, or*
4 *specialized agency of the United Nations for such*
5 *funding.*

6 *(3) All United Nations officials, including offi-*
7 *cial from any entity, bureau, division, department,*
8 *or specialized agency of the United Nations, may—*

9 *(A) make a recommendation to the OIOS to*
10 *initiate an investigation of any aspect of the*
11 *United Nations; or*

12 *(B) report to the OIOS information or alle-*
13 *gations of misconduct or inefficiencies within the*
14 *United Nations.*

15 *(4) The OIOS may, sua sponte, initiate and con-*
16 *duct an investigation or audit of any entity, bureau,*
17 *division, department, specialized agency, employee*
18 *(including the Secretary General) of the United Na-*
19 *tions, including any employee of the specialized agen-*
20 *cies of the United Nations, or contractor or consultant*
21 *for the United Nations or its specialized agencies.*

22 *(5) At least every three months and more fre-*
23 *quently when appropriate, the OIOS shall submit to*
24 *the IOB a report containing an inventory and status*
25 *of its investigations.*

1 (6) *The OIOS shall establish procedures for pro-*
2 *viding “whistle-blower” status and employment pro-*
3 *tections for all employees of the United Nations, in-*
4 *cluding employees of the specialized agencies of the*
5 *United Nations, who provide informational leads and*
6 *testimony related to allegations of wrongdoing. Such*
7 *procedures shall be adopted throughout the United*
8 *Nations. Such status and protection may not be con-*
9 *ferred on the Secretary General.*

10 (7) *The OIOS shall annually publish a public*
11 *report determining the proper number, distribution,*
12 *and expertise of auditors within the OIOS necessary*
13 *to carry out present and future duties of the OIOS,*
14 *including assessing the staffing requirements needed*
15 *to audit United Nations contracting activities*
16 *throughout the contract cycle from the bid process to*
17 *contract performance.*

18 (8) *Not later than six months after the date of*
19 *the enactment of this Act, the Director shall establish*
20 *a position of Associate Director of OIOS for Special-*
21 *ized Agencies and Funds and Programs who shall be*
22 *responsible for supervising the OIOS liaison or over-*
23 *sight duties for each of the specialized agencies and*
24 *funds and programs of the United Nations. With the*
25 *concurrence of the Director, the Associate Director of*

1 *OIOS for Specialized Agencies and Funds and Pro-*
2 *grams may, from existing levels of United Nations*
3 *budgetary and personnel resources, hire and appoint*
4 *necessary OIOS staff, including staff serving within*
5 *and located at specialized agencies and funds and*
6 *programs permanently or as needed to liaison with*
7 *existing audit functions within each specialized agen-*
8 *cy and fund and program.*

9 (9) *Not later than six months after the date of*
10 *the enactment of this Act, the Director shall establish*
11 *a position of Associate Director of OIOS for Peace-*
12 *keeping Operations, who shall be responsible for the*
13 *oversight and auditing of the field offices attached to*
14 *United Nations peacekeeping operations. The Asso-*
15 *ciate Director of OIOS for Peacekeeping Operations*
16 *shall receive informational leads and testimony from*
17 *any person regarding allegations of wrongdoing by*
18 *United Nations officials or peacekeeping troops or re-*
19 *garding inefficiencies associated with United Nations*
20 *peacekeeping operations. The Associate Director of*
21 *OIOS for Peacekeeping Operations shall be respon-*
22 *sible for initiating, conducting, and overseeing inves-*
23 *tigations within peacekeeping operations.*

24 (10) *Not later than six months after the date of*
25 *the enactment of this Act, the Director shall establish*

1 *a position of Associate Director of OIOS for Procure-*
2 *ment and Contract Integrity, who shall be responsible*
3 *for auditing and inspecting procurement and con-*
4 *tracting within the United Nations, including within the*
5 *specialized agencies. The Associate Director of OIOS*
6 *for Procurement and Contract Integrity shall receive*
7 *informational leads and testimony from any person*
8 *regarding allegations of wrongdoing by United Na-*
9 *tions officials or regarding inefficiencies associated*
10 *with United Nations procurement or contracting ac-*
11 *tivities. The Associate Director of OIOS for Procure-*
12 *ment and Contract Integrity shall be responsible for*
13 *initiating, conducting, and overseeing investigations*
14 *of procurement and contract activities. Not later than*
15 *12 months after the establishment of the position of*
16 *Associate Director of OIOS for Procurement and Con-*
17 *tract Integrity, the Director, with the assistance of the*
18 *Associate Director of OIOS for Procurement and Con-*
19 *tract Integrity, shall undertake a review of contract*
20 *procedures to ensure that practices and policies are in*
21 *place to ensure that—*

22 *(A) the United Nations has ceased issuing*
23 *single bid contracts except for such contracts*
24 *issued during an emergency situation that is jus-*

1 *tified by the Under Secretary General for Man-*
2 *agement;*

3 *(B) the United Nations has established effec-*
4 *tive controls to prevent conflicts of interest in the*
5 *award of contracts; and*

6 *(C) the United Nations has established effec-*
7 *tive procedures and policies to ensure effective*
8 *and comprehensive oversight and monitoring of*
9 *United Nations contract performance.*

10 *(c) CERTIFICATION OF ESTABLISHMENT OF UNITED*
11 *NATIONS OFFICE OF ETHICS.—In accordance with section*
12 *601, a certification shall be required that certifies that the*
13 *following reforms related to the establishment of a United*
14 *Nations Office of Ethics have been adopted by the United*
15 *Nations:*

16 *(1) A United Nations Office of Ethics (UNOE)*
17 *is established. The UNOE shall be an independent en-*
18 *tity within the United Nations and shall not be sub-*
19 *ject to budget authority or organizational authority of*
20 *any entity within the United Nations. The UNOE*
21 *shall be responsible for establishing, managing, and*
22 *enforcing a code of ethics for all employees of United*
23 *Nations and its specialized agencies. The UNOE shall*
24 *also be responsible for providing such employees with*
25 *annual training related to such code. The head of the*

1 *UNEO shall be a Director who shall be nominated by*
2 *the Secretary General and who shall be subject to Se-*
3 *curity Council approval by majority vote.*

4 *(2) The UNEO shall receive operational and*
5 *budgetary funding through appropriations by the*
6 *General Assembly from existing levels of United Na-*
7 *tions budgetary and personnel resources and shall not*
8 *be dependent upon any other entity, bureau, division,*
9 *department, or specialized agency of the United Na-*
10 *tions for such funding.*

11 *(3) The Director of the UNEO shall, not later*
12 *than six months after the date of its establishment,*
13 *publish a report containing proposals for imple-*
14 *menting a system for the filing and review of indi-*
15 *vidual Annual Financial Disclosure Forms by each*
16 *employee of the United Nations, including by each*
17 *employee of its specialized agencies, at the P-5 level*
18 *and above and by all contractors and consultants*
19 *compensated at any salary level. Such system shall be*
20 *in place and operational not later than six months*
21 *after the date of the publication of the report. Such*
22 *completed forms shall be made available to the Office*
23 *of Internal Oversight Services at the request of the Di-*
24 *rector of the Office of Internal Oversight Services.*
25 *Such system shall seek to identify and prevent con-*

1 *licts of interest by United Nations employees and*
2 *shall be comparable to the system used for such pur-*
3 *poses by the United States Government. Such report*
4 *shall also address broader reforms of the ethics pro-*
5 *gram for the United Nations, including—*

6 *(A) the effect of the establishment of ethics*
7 *officers throughout all organizations within the*
8 *United Nations;*

9 *(B) the effect of retention by the UNEO of*
10 *Annual Financial Disclosure Forms;*

11 *(C) proposals for making completed Annual*
12 *Financial Disclosure Forms available to the pub-*
13 *lic on request through their Member State's mis-*
14 *sion to the United Nations;*

15 *(D) proposals for annual disclosure to the*
16 *public of information related to the annual sala-*
17 *ries and payments, including pension payments*
18 *and buyouts, of employees of the United Nations,*
19 *including employees of its specialized agencies,*
20 *and of consultants;*

21 *(E) proposals for annual disclosure to the*
22 *public of information related to per diem rates*
23 *for all bureaus, divisions, departments, or spe-*
24 *cialized agencies within the United Nations;*

1 (F) proposals for disclosure upon request by
2 the Ambassador of a Member State of informa-
3 tion related to travel and per diem payments
4 made from United Nations funds to any person;
5 and

6 (G) proposals for annual disclosure to the
7 public of information related to travel and per
8 diem rates and payments made from United Na-
9 tions funds to any person.

10 (d) *CERTIFICATION OF UNITED NATIONS ESTABLISH-*
11 *MENT OF POSITION OF CHIEF OPERATING OFFICER.—In*
12 *accordance with section 601, a certification shall be re-*
13 *quired that certifies that the following reforms related to*
14 *the establishment of the position of a Chief Operating Offi-*
15 *cer have been adopted by the United Nations:*

16 (1) *There is established the position of Chief Op-*
17 *erating Officer (COO). The COO shall report to the*
18 *Secretary General.*

19 (2) *The COO shall be responsible for formulating*
20 *general policies and programs for the United Nations*
21 *in coordination with the Secretary General and in*
22 *consultation with the Security Council and the Gen-*
23 *eral Assembly. The COO shall be responsible for the*
24 *daily administration, operation and supervision, and*
25 *the direction and control of the business of the United*

1 *Nations. The Chief Operating Officer shall also per-*
2 *form such other duties and may exercise such other*
3 *powers as from time to time may be assigned to the*
4 *COO by the Secretary General.*

5 *(e) CERTIFICATION OF ACCESS BY MEMBER STATES*
6 *TO REPORTS AND AUDITS BY BOARD OF EXTERNAL AUDI-*
7 *TORS.—In accordance with section 601, a certification shall*
8 *be required that certifies that Member States may, upon*
9 *request, have access to all reports and audits completed by*
10 *the Board of External Auditors.*

11 **SEC. 105. TERRORISM AND THE UNITED NATIONS.**

12 *The President shall direct the United States Perma-*
13 *nent Representative to the United Nations to use the voice,*
14 *vote, and influence of the United States at the United Na-*
15 *tions to work toward adoption by the General Assembly*
16 *of—*

17 *(1) a definition of terrorism that builds upon the*
18 *recommendations of the Secretary General’s High-*
19 *Level Panel on Threats, Challenges, and Change, and*
20 *includes as an essential component of such definition*
21 *any action that is intended to cause death or serious*
22 *bodily harm to civilians with the purpose of intimi-*
23 *dating a population or compelling a government or*
24 *an international organization to do, or abstain from*
25 *doing, any act; and*

1 (2) *a comprehensive convention on terrorism that*
2 *includes the definition described in paragraph (1).*

3 **SEC. 106. 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 moni-*
9 *toring 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. 107. EQUALITY AT THE UNITED NATIONS.**

16 (a) *INCLUSION OF ISRAEL IN WEOG.—*

17 (1) *IN GENERAL.—The President shall direct the*
18 *United States Permanent Representative to the*
19 *United Nations to use the voice, vote, and influence*
20 *of the United States to expand the Western European*
21 *and Others Group (WEOG) in the United Nations to*
22 *include Israel as a permanent member with full*
23 *rights and privileges.*

24 (2) *NOTIFICATION TO CONGRESS.—Not later*
25 *than six months after the date of the enactment of this*

1 *Act and every six months thereafter for the next two*
2 *years, the Secretary of State shall notify the appro-*
3 *prate congressional committees concerning the treat-*
4 *ment of Israel in the United Nations and the expan-*
5 *sion of WEOG to include Israel as a permanent mem-*
6 *ber.*

7 **(b) DEPARTMENT OF STATE REVIEW AND REPORT.—**

8 **(1) IN GENERAL.—***To avoid duplicative efforts*
9 *and funding with respect to Palestinian interests and*
10 *to ensure balance in the approach to Israeli–Pales-*
11 *tinian issues, the Secretary shall, not later than 60*
12 *days after the date of the enactment of this Act—*

13 **(A)** *conduct an audit of the functions of the*
14 *entities listed in paragraph (2); and*

15 **(B)** *submit to the appropriate congressional*
16 *committees a report containing recommendations*
17 *for the elimination of such duplicative entities*
18 *and efforts.*

19 **(2) ENTITIES.—***The entities referred to in para-*
20 *graph (1) are the following:*

21 **(A)** *The United Nations Division for Pales-*
22 *tinian Rights.*

23 **(B)** *The Committee on the Exercise of the*
24 *Inalienable Rights of the Palestinian People.*

1 (C) *The United Nations Special Coordi-*
2 *nator for the Middle East Peace Process and*
3 *Personal Representative to the Palestine Libera-*
4 *tion Organization and the Palestinian Author-*
5 *ity.*

6 (D) *The NGO Network on the Question of*
7 *Palestine.*

8 (c) *IMPLEMENTATION BY PERMANENT REPRESENTA-*
9 *TIVE.—*

10 (1) *IN GENERAL.—The President shall direct the*
11 *United States Permanent Representative to the*
12 *United Nations to use the voice, vote, and influence*
13 *of the United States at the United Nations to seek the*
14 *implementation of the recommendations contained in*
15 *the report required under subsection (b)(1).*

16 (2) *WITHHOLDING OF FUNDS.—Until such rec-*
17 *ommendations have been implemented, the United*
18 *States shall withhold from United States contribu-*
19 *tions to the regular assessed budget of the United Na-*
20 *tions for a biennial period amounts that are propor-*
21 *tional to the percentage of such budget that are ex-*
22 *pende d for such entities.*

23 (d) *GAO AUDIT.—The Comptroller General of the*
24 *United States of the Government Accountability Office shall*
25 *conduct an audit of—*

1 (1) *the status of the implementation of the rec-*
2 *ommendations contained in the report required under*
3 *subsection (b)(1); and*

4 (2) *United States actions and achievements*
5 *under subsection (c).*

6 **SEC. 108. REPORT ON UNITED NATIONS REFORM.**

7 (a) *IN GENERAL.*—*Not later than 180 days after the*
8 *date of the enactment of this Act, and one year thereafter,*
9 *the Secretary shall submit to the appropriate congressional*
10 *committees a report on United Nations reform since 1990.*

11 (b) *CONTENTS.*—*The report required under paragraph*
12 (1) *shall describe—*

13 (1) *the status of the implementation of manage-*
14 *ment reforms within the United Nations and its spe-*
15 *cialized agencies;*

16 (2) *the number of outputs, reports, or other items*
17 *generated by General Assembly resolutions that have*
18 *been eliminated;*

19 (3) *the progress of the General Assembly to mod-*
20 *ernize and streamline the committee structure and its*
21 *specific recommendations on oversight and committee*
22 *outputs, consistent with the March 2005 report of the*
23 *Secretary General entitled “In larger freedom: to-*
24 *wards development, security and human rights for*
25 *all”;*

1 (4) *the status of the review by the General As-*
2 *sembly of all mandates older than five years and how*
3 *resources have been redirected to new challenges, con-*
4 *sistent with such March 2005 report of the Secretary*
5 *General; and*

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

11 **SEC. 109. REPORT ON UNITED NATIONS PERSONNEL.**

12 (a) *IN GENERAL.*—*Not later than one year after the*
13 *date of the enactment of this Act, the Secretary of State*
14 *shall submit to the appropriate congressional committees a*
15 *report—*

16 (1) *concerning the progress of the General Assem-*
17 *bly to modernize human resource practices, consistent*
18 *with the March 2005 report of the Secretary General*
19 *entitled “In larger freedom: towards development, se-*
20 *curity and human rights for all”; and*

21 (2) *containing the information described in sub-*
22 *section (b).*

23 (b) *CONTENTS.*—*The report shall include—*

1 (1) *a comprehensive evaluation of human re-*
2 *sources reforms at the United Nations, including an*
3 *evaluation of—*

4 (A) *tenure;*

5 (B) *performance reviews;*

6 (C) *the promotion system;*

7 (D) *a merit-based hiring system and en-*
8 *hanced regulations concerning termination of*
9 *employment of employees; and*

10 (E) *the implementation of a code of conduct*
11 *and ethics training;*

12 (2) *the implementation of a system of procedures*
13 *for filing complaints and protective measures for*
14 *work-place harassment, including sexual harassment;*

15 (3) *policy recommendations relating to the estab-*
16 *lishment of a rotation requirement for nonadminis-*
17 *trative positions;*

18 (4) *policy recommendations relating to the estab-*
19 *lishment of a prohibition preventing personnel and*
20 *officials assigned to the mission of a Member State to*
21 *the United Nations from transferring to a position*
22 *within the United Nations Secretariat that is com-*
23 *pensated at the P–5 level and above;*

24 (5) *policy recommendations relating to a reduc-*
25 *tion in travel allowances and attendant oversight*

1 *with respect to accommodations and airline flights;*
2 *and*

3 *(6) an evaluation of the recommendations of the*
4 *Secretary General relating to greater flexibility for*
5 *the Secretary General in staffing decisions to accom-*
6 *modate changing priorities.*

7 **TITLE II—HUMAN RIGHTS AND**
8 **THE ECONOMIC AND SOCIAL**
9 **COUNCIL (ECOSOC)**

10 **SEC. 201. HUMAN RIGHTS.**

11 *(a) STATEMENT OF POLICY.—It shall be the policy of*
12 *the United States to use its voice, vote, and influence at*
13 *the United Nations to ensure that a credible and respectable*
14 *Human Rights Council or other human rights body is estab-*
15 *lished within the United Nations whose participating Mem-*
16 *ber States uphold the values embodied in the Universal Dec-*
17 *laration of Human Rights.*

18 *(b) HUMAN RIGHTS REFORMS AT THE UNITED NA-*
19 *TIONS.—The President shall direct the United States Per-*
20 *manent Representative to the United Nations to ensure that*
21 *the following human rights reforms have been adopted by*
22 *the United Nations:*

23 *(1) A Member State that fails to uphold the val-*
24 *ues embodied in the Universal Declaration of Human*

1 *Rights shall be ineligible for membership on any*
2 *United Nations human rights body.*

3 *(2) A Member State shall be ineligible for mem-*
4 *bership on any United Nations human rights body if*
5 *such Member State is—*

6 *(A) subject to sanctions by the Security*
7 *Council; or*

8 *(B) under a Security Council-mandated in-*
9 *vestigation for human rights abuses.*

10 *(3) A Member State that is currently subject to*
11 *an adopted country specific resolution, in the prin-*
12 *cipal body in the United Nations for the promotion*
13 *and protection of human rights, relating to human*
14 *rights abuses perpetrated by the government of such*
15 *country in such country, or has been the subject of*
16 *such an adopted country specific resolution in such*
17 *principal body within the previous three years, shall*
18 *be ineligible for membership on any United Nations*
19 *human rights body. For purposes of this subsection,*
20 *an adopted country specific resolution shall not in-*
21 *clude consensus resolutions on advisory services.*

22 *(4) A Member State that violates the principles*
23 *of a United Nations human rights body to which it*
24 *aspires to join shall be ineligible for membership on*
25 *such body.*

1 (5) *No human rights body has a standing agenda item that relates only to one country or region.*

2
3 (c) *CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the*
4 *human rights reforms described under subsection (b) have*
5 *been adopted by the United Nations.*

6
7 (d) *PREVENTION OF ABUSE OF “NO ACTION” MOTIONS.—The United States Permanent Representative shall*
8 *work to prevent abuse of “no action” motions, particularly*
9 *as such motions relate to country specific resolutions.*

10
11 (e) *OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS.—*

12
13 (1) *STATEMENT OF POLICY.—It shall be the policy of the United States to continue to strongly support the Office of the United Nations High Commissioner for Human Rights.*

14
15
16
17 (2) *CERTIFICATION.—In accordance with section*
18 *601, a certification shall be required that certifies*
19 *that the Office of the United Nations High Commissioner for Human Rights has been given greater authority in field operation activities, such as in the*
20 *Darfur region of Sudan and in the Democratic Republic of the Congo, in furtherance of the purpose and*
21 *mission of the United Nations.*
22
23
24

1 **SEC. 202. ECONOMIC AND SOCIAL COUNCIL (ECOSOC).**

2 (a) *STATEMENT OF POLICY.*—*It shall be the policy of*
3 *the United States to use its voice, vote, and influence at*
4 *the United Nations to—*

5 (1) *abolish secret voting in the Economic and*
6 *Social Council (ECOSOC);*

7 (2) *ensure that, until such time as the Commis-*
8 *sion on Human Rights of the United Nations is abol-*
9 *ished, only countries that are not ineligible for mem-*
10 *bership on a human rights body in accordance with*
11 *paragraph (1) through (4) of section 201(b) shall be*
12 *considered for membership on the Commission on*
13 *Human Rights; and*

14 (3) *ensure that after candidate countries are*
15 *nominated for membership on the Commission on*
16 *Human Rights, the Economic and Social Council*
17 *conducts a recorded vote to determine such member-*
18 *ship.*

19 (b) *CERTIFICATION.*—*In accordance with section 601,*
20 *a certification shall be required that certifies that the poli-*
21 *cies described in subsection (a) have been implemented by*
22 *the Economic and Social Council.*

23 **TITLE III—INTERNATIONAL**
24 **ATOMIC ENERGY AGENCY**

25 **SEC. 301. INTERNATIONAL ATOMIC ENERGY AGENCY.**

26 (a) *ENFORCEMENT AND COMPLIANCE.*—

1 (1) *OFFICE OF COMPLIANCE.*—

2 (A) *ESTABLISHMENT.*—*The President shall*
3 *direct the United States Permanent Representa-*
4 *tive to International Atomic Energy Agency*
5 *(IAEA) to use the voice, vote, and influence of*
6 *the United States at the IAEA to establish an*
7 *Office of Compliance in the Secretariat of the*
8 *IAEA.*

9 (B) *OPERATION.*—*The Office of Compliance*
10 *shall—*

11 (i) *function as an independent body*
12 *composed of technical experts who shall*
13 *work in consultation with IAEA inspectors*
14 *to assess compliance by IAEA Member*
15 *States and provide recommendations to the*
16 *IAEA Board of Governors concerning pen-*
17 *alties to be imposed on IAEA Member*
18 *States that fail to fulfill their obligations*
19 *under IAEA Board resolutions;*

20 (ii) *base its assessments and rec-*
21 *ommendations on IAEA inspection reports;*
22 *and*

23 (iii) *shall take into consideration in-*
24 *formation provided by IAEA Board Mem-*
25 *bers that are one of the five nuclear weap-*

1 *ons states as recognized by the Treaty on*
2 *the Non-Proliferation of Nuclear Weapons*
3 *(21 UST 483) (commonly referred to as the*
4 *“Nuclear Nonproliferation Treaty” or the*
5 *“NPT”).*

6 (C) *STAFFING.—The Office of Compliance*
7 *shall be staffed from existing personnel in the*
8 *Department of Safeguards of the IAEA or the*
9 *Department of Nuclear Safety and Security of*
10 *the IAEA.*

11 (2) *SPECIAL COMMITTEE ON SAFEGUARDS AND*
12 *VERIFICATION.—*

13 (A) *ESTABLISHMENT.—The President shall*
14 *direct the United States Permanent Representa-*
15 *tive to the IAEA to use the voice, vote, and influ-*
16 *ence of the United States at the IAEA to estab-*
17 *lish a Special Committee on Safeguards and*
18 *Verification.*

19 (B) *RESPONSIBILITIES.—The Special Com-*
20 *mittee shall—*

21 (i) *improve the ability of the IAEA to*
22 *monitor and enforce compliance by Member*
23 *States of the IAEA with the Nuclear Non-*
24 *proliferation Treaty and the Statute of the*
25 *International Atomic Energy Agency; and*

1 (ii) consider which additional meas-
2 ures are necessary to enhance the ability of
3 the IAEA, beyond the verification mecha-
4 nisms and authorities contained in the Ad-
5 ditional Protocol to the Safeguards Agree-
6 ments between the IAEA and Member States
7 of the IAEA, to detect with a high degree of
8 confidence undeclared nuclear activities by
9 a Member State.

10 (3) *PENALTIES.*—

11 (A) *IN GENERAL.*—The President shall di-
12 rect the United States Permanent Representative
13 to the IAEA to use the voice, vote, and influence
14 of the United States at the IAEA to ensure that
15 a Member State of the IAEA that is under inves-
16 tigation for a breach of or noncompliance with
17 its IAEA obligations or the purposes and prin-
18 ciples of the Charter of the United Nations has
19 its privileges suspended, including—

20 (i) limiting its ability to vote on its
21 case;

22 (ii) being prevented from receiving any
23 technical assistance; and

24 (iii) being prevented from hosting
25 meetings.

1 (B) *TERMINATION OF PENALTIES.*—*The*
2 *penalties specified under subparagraph (A) shall*
3 *be terminated when such investigation is con-*
4 *cluded and such Member State is no longer in*
5 *such breach or noncompliance.*

6 (b) *UNITED STATES CONTRIBUTIONS.*—

7 (1) *VOLUNTARY CONTRIBUTIONS.*—*Voluntary*
8 *contributions of the United States to the IAEA should*
9 *primarily be used to fund activities relating to Nu-*
10 *clear Safety and Security or activities relating to Nu-*
11 *clear Verification.*

12 (2) *LIMITATION ON USE OF FUNDS.*—*The Presi-*
13 *dent shall direct the United States Permanent Rep-*
14 *resentative to the IAEA to use the voice, vote, and in-*
15 *fluence of the United States at the IAEA to—*

16 (A) *ensure that funds for safeguards inspec-*
17 *tions are prioritized for countries that have*
18 *newly established nuclear programs or are initi-*
19 *ating nuclear programs; and*

20 (B) *block the allocation of funds for any*
21 *other IAEA development, environmental, or nu-*
22 *clear science assistance or activity to a coun-*
23 *try—*

24 (i) *the government of which the Sec-*
25 *retary of State has determined, for purposes*

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

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

16 (iii) *that is in violation of its IAEA*
17 *obligations or the purposes and principles*
18 *of the Charter of the United Nations.*

19 (3) *DETAIL OF EXPENDITURES.—The President*
20 *shall direct the United States Permanent Representa-*
21 *tive to the IAEA to use the voice, vote, and influence*
22 *of the United States at the IAEA to secure, as part*
23 *of the regular budget presentation of the IAEA to*
24 *Member States of the IAEA, a detailed breakdown by*

1 *country of expenditures of the IAEA for safeguards*
2 *inspections and nuclear security activities.*

3 *(c) MEMBERSHIP.—*

4 *(1) IN GENERAL.—The President shall direct the*
5 *United States Permanent Representative to the IAEA*
6 *to use the voice, vote, and influence of the United*
7 *States at the IAEA to block the membership on the*
8 *Board of Governors of the IAEA for a Member State*
9 *of the IAEA that has not signed and ratified the Ad-*
10 *ditional Protocol and—*

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

15 *(B) that is in violation of its IAEA obliga-*
16 *tions or the purposes and principles of the Char-*
17 *ter of the United Nations.*

18 *(2) CRITERIA.—The United States Permanent*
19 *Representative to the IAEA shall make every effort to*
20 *modify the criteria for Board membership to reflect*
21 *the principles described in paragraph (1).*

22 *(d) REPORT.—Not later than six months after the date*
23 *of the enactment of this Act and annually for two years*
24 *thereafter, the President shall submit to the appropriate*

1 congressional committees a report on the implementation
2 of this section.

3 **SEC. 302. SENSE OF CONGRESS REGARDING THE NUCLEAR**
4 **SECURITY ACTION PLAN OF THE IAEA.**

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

11 **TITLE IV—PEACEKEEPING**

12 **SEC. 401. SENSE OF CONGRESS REGARDING REFORM OF**
13 **UNITED NATIONS PEACEKEEPING OPER-**
14 **ATIONS.**

15 *It is the sense of Congress that—*

16 *(1) although United Nations peacekeeping oper-*
17 *ations have contributed greatly toward the promotion*
18 *of peace and stability for the past 57 years and the*
19 *majority of peacekeeping personnel who have served*
20 *under the United Nations flag have done so with*
21 *honor and courage, the record of United Nations*
22 *peacekeeping has been severely tarnished by oper-*
23 *ational failures and unconscionable acts of mis-*
24 *conduct; and*

1 (2) *if the reputation of and confidence in United*
2 *Nations peacekeeping operations is to be restored, fun-*
3 *damental and far-reaching reforms, particularly in*
4 *the areas of planning, management, training, con-*
5 *duct, and discipline, must be implemented without*
6 *delay.*

7 **SEC. 402. STATEMENT OF POLICY RELATING TO REFORM OF**
8 **UNITED NATIONS PEACEKEEPING OPER-**
9 **ATIONS.**

10 *It shall be the policy of the United States to pursue*
11 *reform of United Nations peacekeeping operations in the*
12 *following areas:*

13 (1) *PLANNING AND MANAGEMENT.—*

14 (A) *GLOBAL AUDIT.—As the size, cost, and*
15 *number of United Nations peacekeeping oper-*
16 *ations have increased substantially over the past*
17 *decade, an independent audit of each such oper-*
18 *ation, with a view toward “right-sizing” oper-*
19 *ations and ensuring that such operations are*
20 *cost effective, should be conducted and its find-*
21 *ings reported to the Security Council.*

22 (B) *REVIEW OF MANDATES AND CLOSING*
23 *OPERATIONS.—In conjunction with the audit de-*
24 *scribed in subparagraph (A), the United Nations*
25 *Department of Peacekeeping Operations should*

1 *conduct a comprehensive review of all United*
2 *Nations peacekeeping operation mandates, with*
3 *a view toward identifying objectives that are*
4 *practical and achievable, and report its findings*
5 *to the Security Council. In particular, the review*
6 *should consider the following:*

7 *(i) Activities that fall beyond the scope*
8 *of traditional peacekeeping activities should*
9 *be delegated to a new Peacebuilding Com-*
10 *mission, described in paragraph (3).*

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

14 *(iii) Where there is legitimate concern*
15 *that the withdrawal from a country of an*
16 *otherwise static United Nations peace-*
17 *keeping operation would result in the re-*
18 *sumption of major conflict, a burden-shar-*
19 *ing arrangement that reduces the level of as-*
20 *essed contributions, similar to that cur-*
21 *rently supporting the United Nations*
22 *Peacekeeping Force in Cyprus, should be ex-*
23 *plored and instituted.*

24 *(C) LEADERSHIP.—As peacekeeping oper-*
25 *ations become larger and increasingly complex,*

1 *the Secretariat should adopt a minimum stand-*
2 *ard of qualifications for senior leaders and man-*
3 *agers, with particular emphasis on specific skills*
4 *and experience, and current senior leaders and*
5 *managers who do not meet those standards*
6 *should be removed or reassigned.*

7 (D) *PRE-DEPLOYMENT TRAINING.*—*Pre-de-*
8 *ployment training on interpretation of the man-*
9 *date of the operation, specifically in the areas of*
10 *use of force, civilian protection and field condi-*
11 *tions, the Code of Conduct, HIV/AIDS, and*
12 *human rights should be mandatory, and all per-*
13 *sonnel, regardless of category or rank, should be*
14 *required to sign an oath that each has received*
15 *and understands such training as a condition of*
16 *participation in the operation.*

17 (2) *CONDUCT AND DISCIPLINE.*—

18 (A) *ADOPTION OF A UNIFORM CODE OF CON-*
19 *DUCT.*—*A single, uniform Code of Conduct that*
20 *has the status of a binding rule and applies*
21 *equally to all personnel serving in United Na-*
22 *tions peacekeeping operations, regardless of cat-*
23 *egory or rank, should be promulgated, adopted,*
24 *and enforced.*

1 (B) *UNDERSTANDING THE CODE OF CON-*
2 *DUCT.—All personnel, regardless of category or*
3 *rank, should receive training on the Code of Con-*
4 *duct prior to deployment with a peacekeeping*
5 *operation, in addition to periodic follow-on*
6 *training. In particular—*

7 (i) *all personnel, regardless of category*
8 *or rank, should be provided with a personal*
9 *copy of the Code of Conduct that has been*
10 *translated into the national language of*
11 *such personnel, regardless of whether such*
12 *language is an official language of the*
13 *United Nations;*

14 (ii) *all personnel, regardless of category*
15 *or rank, should sign an oath that each has*
16 *received a copy of the Code of Conduct, that*
17 *each pledges to abide by the Code of Con-*
18 *duct, and that each understands the con-*
19 *sequences of violating the Code of Conduct,*
20 *including immediate termination of the*
21 *participation of such personnel in the*
22 *peacekeeping operation to which such per-*
23 *sonnel is assigned as a condition of ap-*
24 *pointment to such operation; and*

1 (iii) *peacekeeping operations should*
2 *conduct educational outreach programs to*
3 *reach local communities where peacekeeping*
4 *personnel of such operations are based, in-*
5 *cluding explaining prohibited acts on the*
6 *part of United Nations peacekeeping per-*
7 *sonnel and identifying the individual to*
8 *whom the local population may direct com-*
9 *plaints or file allegations of exploitation,*
10 *abuse, or other acts of misconduct.*

11 (C) *MONITORING MECHANISMS.—Dedicated*
12 *monitoring mechanisms, such as the Personnel*
13 *Conduct Units already deployed to support*
14 *United Nations peacekeeping operations in*
15 *Haiti, Liberia, Burundi, and the Democratic*
16 *Republic of Congo, should be present in each op-*
17 *eration to monitor compliance with the Code of*
18 *Conduct, and—*

19 (i) *should report simultaneously to the*
20 *Head of Mission, the United Nations De-*
21 *partment of Peacekeeping Operations, and*
22 *the Associate Director of OIOS for Peace-*
23 *keeping Operations (established under sec-*
24 *tion 104(b)(10)); and*

1 (ii) should be tasked with designing
2 and implementing mission-specific meas-
3 ures to prevent misconduct, conduct follow-
4 on training for personnel, coordinate com-
5 munity outreach programs, and assist in
6 investigations, as OIOS determines nec-
7 essary and appropriate.

8 (D) INVESTIGATIONS.—A permanent, pro-
9 fessional, and independent investigative body
10 should be established and introduced into United
11 Nations peacekeeping operations. In par-
12 ticular—

13 (i) the investigative body should in-
14 clude professionals with experience in inves-
15 tigating sex crimes, as well as experts who
16 can provide guidance on standards of proof
17 and evidentiary requirements necessary for
18 any subsequent legal action;

19 (ii) provisions should be included in a
20 Model Memorandum of Understanding that
21 obligate Member States that contribute
22 troops to a peacekeeping operation to des-
23 ignate a military prosecutor who will par-
24 ticipate in any investigation into an allega-
25 tion of misconduct brought against an indi-

1 *vidual of such Member State, so that evi-*
2 *dence is collected and preserved in a man-*
3 *ner consistent with the military law of such*
4 *Member State;*

5 *(iii) the investigative body should be*
6 *regionally based to ensure rapid deployment*
7 *and should be equipped with modern*
8 *forensics equipment for the purpose of posi-*
9 *tively identifying perpetrators and, where*
10 *necessary, for determining paternity; and*

11 *(iv) the investigative body should re-*
12 *port directly to the Associate Director of*
13 *OIOS for Peacekeeping Operations, while*
14 *providing copies of any reports to the De-*
15 *partment of Peacekeeping Operations, the*
16 *Head of Mission, and the Member State*
17 *concerned.*

18 *(E) FOLLOW-UP.—A dedicated unit, similar*
19 *to the Personnel Conduct Units, staffed and*
20 *funded through existing resources, should be es-*
21 *tablished within the headquarters of the United*
22 *Nations Department of Peacekeeping Operations*
23 *and tasked with—*

24 *(i) promulgating measures to prevent*
25 *misconduct;*

1 (ii) coordinating allegations of mis-
2 conduct, and reports received by field per-
3 sonnel; and

4 (iii) gathering follow-up information
5 on completed investigations, particularly by
6 focusing on disciplinary actions against the
7 individual concerned taken by the United
8 Nations or by the Member State that is con-
9 tributing troops to which such individual
10 belongs, and sharing such information with
11 the Security Council, the Head of Mission,
12 and the community hosting the peace-
13 keeping operation.

14 (F) *FINANCIAL LIABILITY AND VICTIMS AS-*
15 *SISTANCE.*—Although peacekeeping operations
16 should provide immediate medical assistance to
17 victims of sexual abuse or exploitation, the re-
18 sponsibility for providing longer-term treatment,
19 care, or restitution lies solely with the individual
20 found guilty of the misconduct. In particular,
21 the following reforms should be implemented:

22 (i) The United Nations should not as-
23 sume responsibility for providing long-term
24 treatment or compensation by creating a
25 “Victims Trust Fund”, or any other such

1 *similar fund, financed through assessed con-*
2 *tributions to United Nations peacekeeping*
3 *operations, thereby shielding individuals*
4 *from personal liability and reinforcing an*
5 *atmosphere of impunity.*

6 *(ii) If an individual responsible for*
7 *misconduct has been repatriated, reassigned,*
8 *redeployed, or is otherwise unable to provide*
9 *assistance, responsibility for providing as-*
10 *stance to a victim should be assigned to*
11 *the Member State that contributed the*
12 *troops to which such individual belonged or*
13 *to the manager concerned.*

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

18 *(iv) In the case of misconduct by a ci-*
19 *vilian employee or contractor of the United*
20 *Nations, appropriate wages shall be gar-*
21 *nished from such individual or fines shall*
22 *be imposed against such individual, con-*
23 *sistent with existing United Nations Staff*
24 *Rules.*

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 environment*
9 *or impede investigations are penalized or re-*
10 *lieved of duty, as appropriate.*

11 (H) *DATA BASE.*—*A centralized data base*
12 *should be created and maintained within the*
13 *United Nations Department of Peacekeeping Op-*
14 *erations to track cases of misconduct, including*
15 *the outcome of investigations and subsequent*
16 *prosecutions, to ensure that personnel who have*
17 *engaged in misconduct or other criminal activi-*
18 *ties, regardless of category or rank, are perma-*
19 *nently barred from participation in future*
20 *peacekeeping operations.*

21 (I) *WELFARE.*—*Peacekeeping operations*
22 *should assume responsibility for maintaining a*
23 *minimum standard of welfare for mission per-*
24 *sonnel to ameliorate conditions of service, while*
25 *adjustments are made to the discretionary wel-*

1 *fare payments currently provided to Member*
2 *States that contribute troops to offset the cost of*
3 *operation-provided recreational facilities.*

4 (3) *PEACEBUILDING COMMISSION.—*

5 (A) *ESTABLISHMENT.—Consistent with the*
6 *recommendations of the High Level Panel Re-*
7 *port, the United Nations should establish a*
8 *Peacebuilding Commission, supported by a*
9 *Peacebuilding Support Office, to marshal the ef-*
10 *forts of the United Nations, international finan-*
11 *cial institutions, donors, and non-governmental*
12 *organizations to assist countries in transition*
13 *from war to peace.*

14 (B) *STRUCTURE AND MEMBERSHIP.—The*
15 *Commission should—*

16 (i) *be a subsidiary body of the United*
17 *Nations Security Council, limited in size to*
18 *ensure efficiency;*

19 (ii) *include members of the United Na-*
20 *tions Security Council, major donors, major*
21 *troop contributing countries, appropriate*
22 *United Nations organizations, the World*
23 *Bank, and the International Monetary*
24 *Fund; and*

1 (iii) invite the President of ECOSOC,
2 regional actors, Member States that con-
3 tribute troops, regional development banks,
4 and other concerned parties that are not al-
5 ready members, as determined appropriate,
6 to consult or participate in meetings as ob-
7 servers.

8 (C) RESPONSIBILITIES.—The Commission
9 should seek to ease the demands currently placed
10 upon the Department of Peacekeeping Operations
11 to undertake tasks that fall beyond the scope of
12 traditional peacekeeping, by—

13 (i) developing and integrating country-
14 specific and system-wide conflict prevention,
15 post-conflict reconstruction, and long-term
16 development policies and strategies; and

17 (ii) serving as the key coordinating
18 body for the design and implementation of
19 military, humanitarian, and civil adminis-
20 tration aspects of complex missions.

21 (D) RESOURCES.—The establishment of the
22 Peacebuilding Commission and the related
23 Peacebuilding Support Office, should be staffed
24 within existing resources.

1 **SEC. 403. CERTIFICATION.**

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

5 (1) *NO NEW OR EXPANDED PEACEKEEPING OP-*
6 *ERATIONS.*—

7 (A) *CERTIFICATION.*—*Except as provided in*
8 *subparagraph (B), until the Secretary of State*
9 *certifies that the requirements described in para-*
10 *graph (2) have been satisfied, the President shall*
11 *direct the United States Permanent Representa-*
12 *tive to the United Nations to use the voice, vote,*
13 *and influence of the United States at the United*
14 *Nations to oppose the creation of new, or expan-*
15 *sion of existing, United Nations peacekeeping op-*
16 *erations.*

17 (B) *EXCEPTION AND NOTIFICATION.*—*The*
18 *requirements described under subparagraphs (F)*
19 *and (G) of paragraph (2) may be waived until*
20 *January 1, 2007, if the President determines*
21 *that such is in the national interest of the*
22 *United States. If the President makes such a de-*
23 *termination, the President shall, not later than*
24 *15 days before the exercise of such waiver, notify*
25 *the appropriate congressional committees of such*
26 *determination and resulting waiver.*

1 (2) *CERTIFICATION OF PEACEKEEPING OPER-*
2 *ATIONS REFORMS.*—*The certification referred to in*
3 *paragraph (1) is a certification made by the Sec-*
4 *retary to the appropriate congressional committees*
5 *that the following reforms, or an equivalent set of re-*
6 *forms, related to peacekeeping operations have been*
7 *adopted by the United Nations Department of Peace-*
8 *keeping Operations or the General Assembly, as ap-*
9 *propriate:*

10 (A) *A single, uniform Code of Conduct that*
11 *has the status of a binding rule and applies*
12 *equally to all personnel serving in United Na-*
13 *tions peacekeeping operations, regardless of cat-*
14 *egory or rank, has been adopted by the General*
15 *Assembly and mechanisms have been established*
16 *for training such personnel concerning the re-*
17 *quirements of the Code and enforcement of the*
18 *Code.*

19 (B) *All personnel, regardless of category or*
20 *rank, serving in a peacekeeping operation have*
21 *been trained concerning the requirements of the*
22 *Code of Conduct and each has been given a per-*
23 *sonal copy of the Code, translated into the na-*
24 *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 each
4 pledges to abide by the Code, and that each un-
5 derstands the consequences of violating the Code,
6 including the immediate termination of the par-
7 ticipation of such personnel in the peacekeeping
8 operation to which such personnel is assigned as
9 a condition of the appointment to such oper-
10 ation.

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

21 (E) A centralized data base has been created
22 and is being maintained in the United Nations
23 Department of Peacekeeping Operations that
24 tracks cases of misconduct, including the out-
25 comes of investigations and subsequent prosecu-

1 *tions, to ensure that personnel, regardless of cat-*
2 *egory or rank, who have engaged in misconduct*
3 *or other criminal activities are permanently*
4 *barred from participation in future peacekeeping*
5 *operations.*

6 *(F) A Model Memorandum of Under-*
7 *standing between the United Nations and each*
8 *Member State that contributes troops to a peace-*
9 *keeping operation has been adopted by the*
10 *United Nations Department of Peacekeeping Op-*
11 *erations that specifically obligates each such*
12 *Member State to—*

13 *(i) designate a competent legal author-*
14 *ity, preferably a prosecutor with expertise*
15 *in the area of sexual exploitation and abuse,*
16 *to participate in any investigation into an*
17 *allegation of misconduct brought against an*
18 *individual of such Member State;*

19 *(ii) refer to its competent national or*
20 *military authority for possible prosecution,*
21 *if warranted, any investigation of a viola-*
22 *tion of the Code of Conduct or other crimi-*
23 *nal activity by an individual of such Mem-*
24 *ber State;*

1 (iii) report to the Department of
2 Peacekeeping Operations on the outcome of
3 any such investigation;

4 (iv) undertake to conduct on-site court
5 martial proceedings relating to allegations
6 of misconduct alleged against an individual
7 of such Member State; and

8 (v) assume responsibility for the provi-
9 sion of appropriate assistance to a victim of
10 misconduct committed by an individual of
11 such Member State.

12 (G) A professional and independent inves-
13 tigative and audit function has been established
14 within the United Nations Department of Peace-
15 keeping Operations and the OIOS to monitor
16 United Nations peacekeeping operations.

17 **TITLE V—DEPARTMENT OF**
18 **STATE AND GOVERNMENT AC-**
19 **COUNTABILITY OFFICE**

20 **SEC. 501. POSITIONS FOR UNITED STATES CITIZENS AT**
21 **INTERNATIONAL ORGANIZATIONS.**

22 The Secretary of State shall make every effort to re-
23 cruit United States citizens for positions within inter-
24 national organizations.

1 **SEC. 502. BUDGET JUSTIFICATION FOR REGULAR ASSESSED**
2 **BUDGET OF THE UNITED NATIONS.**

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

7 (b) *CONTENTS OF DETAILED ITEMIZATION.*—*The de-*
8 *tailed itemization required under subsection (a) shall—*

9 (1) *contain information relating to the amounts*
10 *requested in support of each of the various sections*
11 *and titles of the regular assessed budget of the United*
12 *Nations; and*

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

17 (c) *ADJUSTMENTS AND NOTIFICATION.*—*If the United*
18 *Nations proposes an adjustment to its regular assessed*
19 *budget, the Secretary of State shall, at the time such adjust-*
20 *ment is presented to the Advisory Committee on Adminis-*
21 *trative and Budgetary Questions (ACABQ), notify and con-*
22 *sult with the appropriate congressional committees.*

23 **SEC. 503. REVIEW AND REPORT.**

24 *Not later than six months after the date of the enact-*
25 *ment of this Act, the Secretary of State shall conduct a re-*
26 *view of programs of the United Nations that are funded*

1 *through assessed contributions and submit to the appro-*
2 *priate congressional committees a report containing—*

3 *(1) the findings of such review; and*

4 *(2) recommendations relating to—*

5 *(A) the continuation of such programs; and*

6 *(B) which of such programs should be vol-*
7 *untarily funded, other than those specified in*
8 *subparagraphs (A) through (R) of subsection*
9 *(c)(2) of section 11 of the United Nations Par-*
10 *ticipation Act of 1945, as amended by section*
11 *101(c) of this Act.*

12 **SEC. 504. GOVERNMENT ACCOUNTABILITY OFFICE.**

13 *(a) REPORT ON UNITED NATIONS REFORMS.—Not*
14 *later than 12 months after the date of the enactment of this*
15 *Act and again 12 months thereafter, the Comptroller Gen-*
16 *eral of the United States of the Government Accountability*
17 *Office shall submit to the appropriate congressional com-*
18 *mittees a report on the status of the 1997, 2002, and 2005*
19 *management reforms initiated by the Secretary General*
20 *and on the reforms mandated by this Act.*

21 *(b) REPORT ON DEPARTMENT OF STATE CERTIFI-*
22 *CATIONS.—Not later than six months after each certifi-*
23 *cation submitted by the Secretary of State to the appro-*
24 *priate congressional committees under this Act and sub-*
25 *section (d)(3) of section 11 of the United Nations Participa-*

1 *tion Act of 1945 (as amended by section 101(c) of this Act),*
2 *the Comptroller General shall submit to the appropriate*
3 *congressional committees a report on each such certifi-*
4 *cation. The Secretary shall provide the Comptroller General*
5 *with any information required by the Comptroller General*
6 *to submit any such report.*

7 **TITLE VI—CERTIFICATIONS AND**
8 **WITHHOLDING OF CONTRIBU-**
9 **TIONS**

10 **SEC. 601. CERTIFICATIONS AND WITHHOLDING OF CON-**
11 **TRIBUTIONS.**

12 *(a) CERTIFICATIONS.—*

13 *(1) IN GENERAL.—Except as provided in para-*
14 *graph (3), the certifications required under subsection*
15 *(d)(3) of section 11 of the United Nations Participa-*
16 *tion Act of 1945 (as amended by section 101(c) of this*
17 *Act) and section 103, sections 104(a) through 104(e),*
18 *sections 201(c) and 201(e), and section 202 of this Act*
19 *are certifications submitted to the appropriate con-*
20 *gressional committees by the Secretary of State that*
21 *the requirements of each such section have been satis-*
22 *fied with respect to reform of the United Nations.*

23 *(2) ALTERNATE CERTIFICATION MECHANISM.—*

24 *(A) IN GENERAL.—Except as provided in*
25 *paragraph (3), in the event that the Secretary is*

1 *unable to submit a certification in accordance*
2 *with paragraph (1), the Secretary may submit to*
3 *the appropriate congressional committees, in ac-*
4 *cordance with subparagraph (B), an alternate*
5 *certification that certifies that the requirements*
6 *of the section to which the original certification*
7 *applies have been implemented through reforms*
8 *that are substantially similar to the require-*
9 *ments of such section or accomplish the same*
10 *purposes as the requirements of such section.*

11 *(B) EQUIVALENCY.—Reforms are substan-*
12 *tially similar or accomplish the same purposes*
13 *if—*

14 *(i) such reforms are formally adopted*
15 *in written form by the entity or committee*
16 *of the United Nations or of its specialized*
17 *agency that has authority to enact or imple-*
18 *ment such reforms or are issued by the Sec-*
19 *retariat or the appropriate entity or com-*
20 *mittee in written form; and*

21 *(ii) such reforms are not identical to*
22 *the reforms required by a particular certifi-*
23 *cation but in the determination of the Sec-*
24 *retary will have the same, or nearly the*
25 *same effect, as such reforms.*

1 (C) *WRITTEN JUSTIFICATION AND CON-*
2 *SULTATION.*—

3 (i) *WRITTEN JUSTIFICATION.*—*Not*
4 *later than 30 days before submitting an al-*
5 *ternate certification in accordance with sub-*
6 *paragraph (A), the Secretary shall submit*
7 *to the appropriate congressional committees*
8 *a written justification explaining in detail*
9 *the basis for such alternate certification.*

10 (ii) *CONSULTATION.*—*After the Sec-*
11 *retary has submitted the written justifica-*
12 *tion under clause (i), but no later than 15*
13 *days before the Secretary exercises the alter-*
14 *nate certification mechanism described*
15 *under subparagraph (A), the Secretary shall*
16 *consult with the appropriate congressional*
17 *committees regarding such exercise.*

18 (3) *LIMITED EXCEPTION FOR SUBSTANTIAL COM-*
19 *PLIANCE.*—

20 (A) *SUBSTANTIAL COMPLIANCE.*—*Subject to*
21 *subparagraph (B), if at least 32 of the 39 re-*
22 *forms represented by the ten certifications speci-*
23 *fied under paragraph (1) have been imple-*
24 *mented, all such reforms (including the*
25 *unimplemented reforms) so represented shall be*

1 *deemed to have been implemented for the year in*
2 *which the Secretary submits such certifications.*

3 *(B) MANDATORY IMPLEMENTATION OF CER-*
4 *TAIN REFORMS.—*

5 *(i) IN GENERAL.—The provisions of*
6 *subparagraph (A) shall not apply unless the*
7 *reforms under the following sections have*
8 *been implemented for the year to which sub-*
9 *paragraph (A) applies:*

10 *(I) Subsection (d)(3) of section 11*
11 *of the United Nations Participation*
12 *Act of 1945 (as amended by section*
13 *101(c) of this Act).*

14 *(II) Section 103(b)(1)(A).*

15 *(III) Section 103(b)(2)(D).*

16 *(IV) Section 104(a)(1).*

17 *(V) Section 104(a)(6).*

18 *(VI) Section 104(b)(1).*

19 *(VII) Section 104(b)(2).*

20 *(VIII) Section 104(c)(1).*

21 *(IX) Section 201(b)(1).*

22 *(X) Section 201(b)(2).*

23 *(XI) Section 201(b)(3).*

24 *(XII) Section 201(b)(5).*

25 *(XIII) Section 202(a)(1).*

1 (XIV) Section 202(a)(2).

2 (ii) *FULL COMPLIANCE IN SUCCEEDING*
3 *YEAR.*—*If the unimplemented reforms under*
4 *subparagraph (A) are not implemented in*
5 *the year succeeding the year to which sub-*
6 *paragraph (A) applies, the provisions of*
7 *subsection (b) shall apply for such suc-*
8 *ceeding year.*

9 (b) *WITHHOLDING OF UNITED STATES CONTRIBU-*
10 *TIONS TO REGULAR ASSESSED BUDGET OF THE UNITED*
11 *NATIONS.*—

12 (1) *IN GENERAL.*—*Except as provided in para-*
13 *graph (4) and in accordance with paragraph (2),*
14 *until such time as all certifications (or alternate cer-*
15 *tifications) are submitted in accordance with sub-*
16 *section (a), the United States shall appropriate, but*
17 *withhold from expenditure, 50 percent of the contribu-*
18 *tions of the United States to the regular assessed*
19 *budget of the United Nations for a biennial period.*

20 (2) *AVAILABLE UNTIL EXPENDED.*—*The con-*
21 *tributions appropriated but withheld from expendi-*
22 *ture under paragraph (1) are authorized to remain*
23 *available until expended.*

24 (3) *APPLICATION WITH RESPECT TO SECTION*
25 *11(B) OF THE UNITED NATION PARTICIPATION ACT OF*

1 1945.—Until such time as all certifications (or alter-
2 nate certifications) are submitted in accordance with
3 subsection (a), subsection (b) of section 11 of the
4 United Nations Participation Act of 1945 (as amend-
5 ed by section 101(c) of this Act) shall be administered
6 as though such section reads as follows: “The Sec-
7 retary may not make a contribution to a regularly
8 assessed biennial budget of the United Nations in an
9 amount greater than 11 percent of the amount cal-
10 culable under subsection (c).”

11 (4) SECTION 11(D)(3) OF UNITED NATIONS PAR-
12 TICIPATION ACT OF 1945.—

13 (A) SPECIAL RULE.—A certification under
14 subsection (d)(3) of section 11 of the United Na-
15 tions Participation Act of 1945 (as amended by
16 section 101(c) of this Act) (relating to the 2008–
17 2009 biennial period and subsequent biennial pe-
18 riods) shall not be required until such time as
19 the United Nations makes its formal budget pres-
20 entation for the 2008–2009 biennial period.

21 (B) APPLICATION.—If the Secretary does
22 not submit a certification under such section, the
23 50 percent withholding described under para-
24 graph (1) shall apply.

1 (c) *RELEASE OF FUNDS.*—*At such time as all certifi-*
2 *cations (or alternate certifications) are submitted in accord-*
3 *ance with subsection (a), the United States shall transfer*
4 *to the United Nations amounts appropriated but withheld*
5 *from expenditure under subsection (b).*

6 (d) *ANNUAL REVIEWS.*—

7 (1) *IN GENERAL.*—*The Secretary shall conduct*
8 *annual reviews, beginning one year after the date on*
9 *which the Secretary submits the final certification (or*
10 *alternate certification) in accordance with subsection*
11 *(a), to determine if the United Nations continues to*
12 *remain in compliance with all such certifications (or*
13 *alternate certifications). Not later than 30 days after*
14 *the completion of each such review, the Secretary shall*
15 *submit to the appropriate congressional committees a*
16 *report containing the findings of each such review.*

17 (2) *ACTION.*—*If during the course of any such*
18 *review the Secretary determines that the United Na-*
19 *tions has failed to remain in compliance with a cer-*
20 *tification (or an alternate certification) that was sub-*
21 *mitted in accordance with subsection (a), the 50 per-*
22 *cent withholding described under subsection (b) shall*
23 *re-apply with respect to United States contributions*
24 *each fiscal year to the regular assessed budget of the*
25 *United Nations beginning with the fiscal year imme-*

1 *diately following such review and subsequent fiscal*
2 *years until such time as all certifications (or alter-*
3 *nate certifications) under subsection (a) have been*
4 *submitted.*

5 *(e) EFFECTIVE DATE.—The certifications (or alternate*
6 *certifications) specified under subsection (a) shall be re-*
7 *quired with respect to United States contributions towards*
8 *payment of regular assessed dues of the United Nations for*
9 *2007 and subsequent years.*

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109TH CONGRESS
1ST Session

H. R. 2745

[Report No. 109-120]

A BILL

To reform the United Nations, and for other purposes.

JUNE 10, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed