

111TH CONGRESS  
1ST SESSION

# H. R. 557

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2009

Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. COHEN, Mr. PENCE, Mr. McCOTTER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. MANZULLO, Mr. ROYCE, Mr. BLUNT, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, Mr. SHUSTER, Mr. GARRETT of New Jersey, Mr. BUYER, Mr. WOLF, Mr. POE of Texas, Mr. BOOZMAN, Mr. MCCAUL, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mr. LAMBORN, Mrs. BACHMANN, Mr. GRAVES, Mr. MARIO DIAZ-BALART of Florida, Mr. MACK, and Mr. HALL of Texas) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “United Nations Transparency, Accountability, and Re-  
6 form Act of 2009”.

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

- Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.

#### TITLE I—FUNDING OF THE UNITED NATIONS

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

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

- Sec. 201. Findings.  
 Sec. 202. Definitions.  
 Sec. 203. Establishment and management of the Office of the United States Inspector General for contributions to the United Nations System.  
 Sec. 204. Transparency for United States contributions.  
 Sec. 205. Authorization of appropriations.

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

- Sec. 301. Annual publication.  
 Sec. 302. Annual financial disclosure.  
 Sec. 303. Policy with respect to expansion of the security council.  
 Sec. 304. Access to reports and audits.  
 Sec. 305. Waiver of immunity.  
 Sec. 306. Terrorism and the United Nations.  
 Sec. 307. Report on United Nations reform.  
 Sec. 308. Report on United Nations personnel.  
 Sec. 309. Withholding of United States contributions to UNRWA.  
 Sec. 310. United Nations treaty bodies.  
 Sec. 311. Equality at the United Nations.  
 Sec. 312. Anti-Semitism and the United Nations.  
 Sec. 313. Regional group inclusion of Israel.

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

- Sec. 401. Findings.  
 Sec. 402. Human Rights Council membership and funding.

#### TITLE V—INTERNATIONAL ATOMIC ENERGY AGENCY

- Sec. 501. International Atomic Energy Agency.  
 Sec. 502. Sense of Congress regarding the Nuclear Security Action Plan of the IAEA.

#### TITLE VI—PEACEKEEPING

- Sec. 601. Reform of United Nations peacekeeping operations.  
 Sec. 602. Policy relating to reform of United Nations peacekeeping operations.  
 Sec. 603. Certification.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

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

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

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

1           (8) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means—

4                   (A) the Committees on Foreign Affairs,  
5                   Appropriations, and Oversight and Government  
6                   Reform of the House; and

7                   (B) the Committees on Foreign Relations,  
8                   Appropriations, and Homeland Security and  
9                   Governmental Affairs of the Senate.

10           **TITLE I—FUNDING OF THE**  
11           **UNITED NATIONS**

12           **SEC. 101. FINDINGS.**

13           The Congress makes the following findings:

14                   (1) The United States pays billions of dollars  
15                   into the United Nations system every year (over  
16                   5,300,000,000 dollars in 2005, according to the  
17                   White House Office of Management and Budget),  
18                   significantly more than any other nation.

19                   (2) Under current rules and contribution levels,  
20                   it is possible to assemble the two-thirds majority  
21                   needed for important United Nations budget votes  
22                   with a group of countries that, taken together, pay  
23                   less than 1 percent of the total United Nations reg-  
24                   ular budget.

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

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

9           (5) Amidst the continuing financial, corruption,  
10          and sexual abuse scandals of the past several years,  
11          American public disapproval of United Nations has  
12          reached all-time highs. A 2008 Gallup poll revealed  
13          that 65 percent of Americans believe that the United  
14          Nations is doing a poor job, a negative assessment  
15          shared by a majority of respondents from both polit-  
16          ical parties. Research polling by another firm in late  
17          2006 found that 71 percent of Americans think that  
18          the United Nations is “no longer effective” and  
19          needs to be significantly reformed, while 75 percent  
20          think that the United Nations “needs to be held  
21          more accountable.”

22          (6) Significant improvements in United Nations  
23          transparency and accountability are necessary for  
24          improving public perceptions of and American sup-  
25          port for United Nations operations.

1           (7) Because of their need to justify future con-  
2 tributions from donors, voluntarily funded organiza-  
3 tions have more incentive to be responsive and effi-  
4 cient in their operations than organizations funded  
5 by compulsory contributions that are not tied to per-  
6 formance.

7           (8) Article XVII of the Charter of the United  
8 Nations, which states that “[t]he expenses of the  
9 Organization shall be borne by the Members as ap-  
10 portioned by the General Assembly,” leaves to the  
11 discretion of the General Assembly the basis of ap-  
12 portionment, which could be done on the basis of  
13 voluntary pledges by Member States.

14           (9) Unlike United States assessed contributions  
15 to the United Nations regular budget, which are  
16 statutorily capped at 22 percent of the total, there  
17 is no cap on voluntary contributions.

18           (10) The United States, which contributes gen-  
19 erously to international organizations whose activi-  
20 ties it recognizes as credible, worthwhile, and effi-  
21 cient, contributes more than 22 percent of the budg-  
22 et of certain voluntarily funded United Nations Spe-  
23 cialized Agencies.

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

3 (a) UNITED STATES POLICY.—

4 (1) It is the policy of the United States to seek  
5 to shift the funding mechanism for the regular budg-  
6 et of the United Nations from an assessed to a vol-  
7 untary basis.

8 (2) The President shall direct the United States  
9 Permanent Representative to the United Nations to  
10 use the voice, vote, and influence of the United  
11 States at the United Nations to shift the funding  
12 mechanism for the regular budget of the United Na-  
13 tions to a voluntary basis, and to make it a priority  
14 to build support for such a transformational change  
15 among Member States, particularly key United Na-  
16 tions donors.

17 (b) CERTIFICATION OF PREDOMINANTLY VOL-  
18 UNTARY UN REGULAR BUDGET FINDING.—A certifi-  
19 cation described in this section is a certification by the  
20 Secretary of State to the Appropriate Congressional Com-  
21 mittees that at least 80 percent of the total regular budget  
22 of the United Nations is apportioned on a voluntary basis.  
23 Each such certification shall be shall be effective for a pe-  
24 riod of no more than 1 year, and shall be promptly revoked  
25 by the Secretary, with notice to the Appropriate Congres-

1 sional Committees, if the underlying circumstances change  
2 so as not to warrant such certification.

3 (c) WITHHOLDING OF NONVOLUNTARY CONTRIBU-  
4 TIONS.—

5 (1) Beginning 2 years after the effective date of  
6 this act and notwithstanding any other provision of  
7 law, no funds may be obligated or expended for a  
8 United States assessed contribution to the regular  
9 budget of the United Nations in an amount greater  
10 than 50 percent of the United States share of as-  
11 sessed contributions for the regular budget of the  
12 United Nations unless there is in effect a certifi-  
13 cation by the Secretary, as described in subsection  
14 (b).

15 (2) For a period of 3 years after appropriation,  
16 funds appropriated for use as a United States con-  
17 tribution to the regular budget of the United Na-  
18 tions but withheld from obligation and expenditure  
19 pursuant to paragraph (1) may be obligated and ex-  
20 pended for that purpose upon the certification de-  
21 scribed in subsection (b). After 3 years, in the ab-  
22 sence of such certification, those funds shall revert  
23 to the United States Treasury.



1 **SEC. 103. BUDGET JUSTIFICATION FOR UNITED STATES**  
2 **CONTRIBUTIONS TO THE REGULAR BUDGET**  
3 **OF THE UNITED NATIONS.**

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

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

10 (1) contain information relating to the amounts  
11 requested in support of each of the various sections  
12 and titles of the regular budget of the United Na-  
13 tions; and

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

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

1 **TITLE II—TRANSPARENCY AND**  
2 **ACCOUNTABILITY FOR**  
3 **UNITED STATES CONTRIBU-**  
4 **TIONS TO THE UNITED NA-**  
5 **TIONS**

6 **SEC. 201. FINDINGS.**

7 The Congress makes the following findings:

8 (1) As underscored by continuing revelations of  
9 waste, fraud, and abuse, oversight and account-  
10 ability mechanisms within the United Nations sys-  
11 tem remain significantly deficient, despite decades of  
12 reform attempts, including those initiated by Secre-  
13 taries-General of the United Nations.

14 (2) Notwithstanding the personal intentions of  
15 any Secretary General of the United Nations to pro-  
16 mote institutional transparency and accountability  
17 within the United Nations System, the Secretary  
18 General lacks the power to impose far reaching man-  
19 agement reforms without the concurrence of the  
20 General Assembly.

21 (3) Groupings of Member States whose voting  
22 power in the General Assembly significantly out-  
23 paces their proportional contributions to the United  
24 Nations system have repeatedly and successfully de-  
25 feated, delayed, and diluted various reform proposals

1 that would have enabled more detailed oversight and  
2 scrutiny of United Nations system operations and  
3 expenditures.

4 (4) To an unacceptable degree, major donor  
5 states, including the United States, lack access to  
6 reasonably detailed, reliable information that would  
7 allow them to determine how their contributions  
8 have been spent by various United Nations system  
9 entities, further contributing to the lack of account-  
10 ability within the United Nations system.

11 **SEC. 202. DEFINITIONS.**

12 In this title:

13 (1) UNITED NATIONS ENTITY.—The term  
14 “United Nations Entity” means any United Nations  
15 agency, commission, conference, council, court, de-  
16 partment, forum, fund, institute, office, organiza-  
17 tion, partnership, program, subsidiary body, tri-  
18 bunal, trust, university or academic body, related or-  
19 ganization or subsidiary body, wherever located, that  
20 flies the United Nations flag or is authorized to use  
21 the United Nations logo, including but not limited to  
22 those United Nations affiliated agencies and bodies  
23 identified as recipients of United States contribu-  
24 tions under section 1225(b)(3)(E) of the John War-

1 ner National Defense Authorization Act for Fiscal  
2 Year 2007 (Public Law 109–364).

3 (2) UNITED NATIONS SYSTEM.—The term  
4 “United Nations System” means the aggregation of  
5 all United Nations Entities, as defined in paragraph  
6 (1).

7 (3) UNITED STATES CONTRIBUTION.—The term  
8 “United States Contribution” means an assessed or  
9 voluntary contribution, whether financial, in-kind, or  
10 otherwise, from the United States Federal Govern-  
11 ment to a United Nations Entity, including con-  
12 tributions passed through other entities for ultimate  
13 use by a United Nations Entity. United States Con-  
14 tributions include, but are not limited to, those con-  
15 tributions identified pursuant to section  
16 1225(b)(3)(E) of the John Warner National Defense  
17 Authorization Act for Fiscal Year 2007 (Public Law  
18 109–364).

19 (4) TRANSPARENCY CERTIFICATION.—The term  
20 “Transparency Certification” means an annual,  
21 written affirmation by the head or authorized des-  
22 ignee of a United Nations Entity that the Entity will  
23 cooperate with the Inspector General, including by  
24 providing the Inspector General, upon request, with

1 full access to Oversight Information as defined in  
2 this title.

3 (5) OVERSIGHT INFORMATION.—The term  
4 “Oversight Information” includes—

5 (A) internally and externally commissioned  
6 audits, program reviews, performance reports,  
7 and evaluations;

8 (B) financial statements, records, and bill-  
9 ing systems;

10 (C) program budgets and program budget  
11 implications, including revised estimates and re-  
12 ports produced by or provided to the Secretary  
13 General and the Secretary General’s agents on  
14 budget related matters;

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

17 (E) analyses and reports regarding the  
18 scale of assessments;

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

21 (G) documents or other records alleging or  
22 involving improper use of resources, mis-  
23 conduct, mismanagement, or other violations of  
24 rules and regulations applicable to the United  
25 Nations Entity; and

1 (H) other documentation relevant to the  
2 audit and investigative work of the United  
3 States Inspector General for Contributions to  
4 the United Nations System.

5 **SEC. 203. ESTABLISHMENT AND MANAGEMENT OF THE OF-**  
6 **FICE OF THE UNITED STATES INSPECTOR**  
7 **GENERAL FOR CONTRIBUTIONS TO THE**  
8 **UNITED NATIONS SYSTEM.**

9 (a) PURPOSE.—The purpose of this section is to  
10 make possible the independent and objective conduct of  
11 audits and investigations relating to United States Con-  
12 tributions to the United Nations System and the use of  
13 those contributions by United Nations Entities, in an ef-  
14 fort to eliminate and deter waste, fraud, and abuse in the  
15 use of those contributions, and thereby to contribute to  
16 the development of greater transparency, accountability,  
17 and internal controls throughout the United Nations Sys-  
18 tem.

19 (b) ESTABLISHMENT.—There is hereby established  
20 the Office of the United States Inspector General for Con-  
21 tributions to the United Nations System.

22 (c) INSPECTOR GENERAL.—

23 (1) APPOINTMENT.—The head of the Office of  
24 the United States Inspector General for Contribu-  
25 tions to the United Nations System is the Inspector

1 General for Contributions to the United Nations  
2 System, who shall be appointed by the President, by  
3 and with the advice and consent of the Senate, on  
4 the basis of integrity and demonstrated ability in ac-  
5 counting, auditing, financial analysis, law, manage-  
6 ment analysis, public administration, or investiga-  
7 tions.

8 (2) NOMINATION.—The nomination of an indi-  
9 vidual as Inspector General shall be made not later  
10 than 30 days after the enactment of this Act.

11 (3) REMOVAL.—The Inspector General may be  
12 removed from office by the President. The President  
13 shall communicate the reasons for any such removal  
14 to both Houses of Congress.

15 (4) COMPENSATION.—The annual rate of basic  
16 pay of the Inspector General shall be the annual rate  
17 of basic pay provided for positions at level IV of the  
18 Executive Schedule under section 5315 of title 5,  
19 United States Code.

20 (5) RELATIONSHIP TO BOARD.—

21 (A) Except as provided in subparagraph  
22 (B), the Inspector General shall report directly  
23 to and be under the general supervision of, the  
24 Board of Directors created in subsection (d).

1 (B) Neither the Board, any officer of the  
2 Board, nor any officer of a federal department  
3 or agency shall prevent or prohibit the Inspec-  
4 tor General from initiating, carrying out, or  
5 completing any audit or investigation.

6 (6) DUTIES.—

7 (A) It shall be the duty of the Inspector  
8 General to conduct, supervise, and coordinate  
9 audits and investigations of—

10 (i) the treatment, handling, expendi-  
11 ture, and use of United States Contribu-  
12 tions by and to United Nations Entities;  
13 and

14 (ii) the adequacy of accounting, over-  
15 sight, and internal control mechanisms at  
16 United Nations Entities that receive  
17 United States Contributions.

18 (B) The Inspector General shall establish,  
19 maintain, and oversee such systems, procedures,  
20 and controls as the Inspector General considers  
21 appropriate to discharge the duty under sub-  
22 paragraph (A).

23 (C) The Inspector General shall carry out  
24 the duties specified in subparagraphs (A) and



1 (B) in accordance with section 4(b)(1) of the  
2 Inspector General Act of 1978.

3 (D) The Inspector General shall collect  
4 and maintain current records regarding Trans-  
5 parency Certifications by all United Nations  
6 Entities that receive United States Contribu-  
7 tions.

8 (E) The Inspector General shall keep the  
9 Board of Directors and the Congress fully and  
10 promptly informed of how United Nations Enti-  
11 ties are spending United States Contributions  
12 by means of reports, testimony, and briefings.

13 (F) REFERRALS.—

14 (i) The Inspector General shall  
15 promptly report to the United States At-  
16 torney General when Inspector General has  
17 reasonable grounds to believe a United  
18 States Federal criminal law has been vio-  
19 lated by a United Nations Entity or one of  
20 its employees, contractors, or representa-  
21 tives.

22 (ii) The Inspector General shall  
23 promptly report, when appropriate, to the  
24 Secretary General or the head of the ap-  
25 propriate United Nations Entity cases

1           where the Inspector General reasonably be-  
2           lieves that mismanagement, misfeasance,  
3           or malfeasance is likely to have taken place  
4           within a United Nations Entity and dis-  
5           ciplinary proceedings are likely justified.

6           (7) PERSONNEL, FACILITIES, AND OTHER RE-  
7           SOURCES.—

8           (A) The Inspector General may select, ap-  
9           point, and employ such officers and employees  
10          as may be necessary for carrying out the duties  
11          of the Inspector General.

12          (B) The inspector general may obtain serv-  
13          ices as authorized by section 3109 of title 5,  
14          United States Code, at daily rates not to exceed  
15          the equivalent rate prescribed for grade GS-15  
16          of the General Schedule by section 5332 of such  
17          title.

18          (C) The Inspector General may lease, pur-  
19          chase, or otherwise acquire, improve, and use  
20          such real property wherever situated, as may be  
21          necessary for carrying out this section.

22          (D) To the extent and in such amounts as  
23          may be provided in advance by appropriations  
24          Acts, the Inspector General may enter into con-  
25          tracts and other arrangements for audits, stud-

1           ies, analyses, and other services with public  
2           agencies and with private persons, and make  
3           such payments as may be necessary to carry  
4           out the duties of the Inspector General.

5           (E) Upon request by the Inspector Gen-  
6           eral, the head of an agency may detail any em-  
7           ployee of such agency to the Office of the  
8           United States Inspector General for Contribu-  
9           tions to the United Nations System on a reim-  
10          bursable basis. Any employee so detailed re-  
11          mains, for the purpose of preserving such em-  
12          ployee's allowances, privileges, rights, seniority,  
13          and other benefits, an employee of the agency  
14          from which detailed.

15           (8) COOPERATION BY UNITED STATES GOVERN-  
16          MENT ENTITIES.—

17           (A) In carrying out the duties, responsibil-  
18           ities, and authorities of the Inspector General  
19           under this section, the Inspector General shall  
20           receive the cooperation of inspectors general of  
21           other Federal Government agencies.

22           (B) Upon request of the Inspector General  
23           for information or assistance from any depart-  
24           ment, agency, or other entity of the Federal  
25           Government, the head of such entity shall, inso-

1 far as is practicable and not in contravention of  
2 any existing law, furnish such information or  
3 assistance to the Inspector General, or an au-  
4 thorized designee.

5 (C) Whenever information or assistance re-  
6 quested by the Inspector General is, in the  
7 judgment of the Inspector General, unreason-  
8 ably refused or not provided, the Inspector Gen-  
9 eral shall report the circumstances to the Board  
10 of Directors and to the Appropriate Congres-  
11 sional Committees without delay.

12 (9) CONFIRMATION OF TRANSPARENCY BY  
13 UNITED NATIONS ENTITIES.—

14 (A) PROMPT NOTICE BY INSPECTOR GEN-  
15 ERAL.—Whenever information or assistance re-  
16 quested from a United Nations Entity by the  
17 Inspector General pursuant to a Transparency  
18 Certification is, in the opinion of the Inspector  
19 General, unreasonably refused or not provided  
20 in a timely manner, the Inspector General shall  
21 notify the Board of Directors, the head of that  
22 particular United Nations Entity, and the Sec-  
23 retary General of the circumstances in writing,  
24 without delay.

1           (B) NOTICE OF COMPLIANCE.—If and  
2 when the information or assistance being  
3 sought by the Inspector General in connection  
4 with a notification pursuant to subparagraph  
5 (A) is provided to the satisfaction of the Inspec-  
6 tor General, the Inspector General shall so no-  
7 tify in writing the United Nations Entity, the  
8 Board of Directors, and the Appropriate Con-  
9 gressional Committees.

10           (C) NONCOMPLIANCE.—If the information  
11 or assistance being sought by the Inspector  
12 General in connection with a notification pursu-  
13 ant to subparagraph (A) is not provided to the  
14 satisfaction of the Inspector General within 90  
15 days of that notification, then the United Na-  
16 tions Entity that is the subject of the notifica-  
17 tion is deemed to be noncompliant with its  
18 Transparency Certification, and the Inspector  
19 General shall provide prompt, written notifica-  
20 tion of that fact to the Board of Directors, Ap-  
21 propriate Congressional Committees, the head  
22 of that United Nations Entity, the Secretary  
23 General, and any office or agency of the Fed-  
24 eral Government that has provided that United

1 Nations Entity with any United States Con-  
2 tribution during the prior 2 years.

3 (D) RESTORATION OF COMPLIANCE.—

4 After the situation has been resolved to the sat-  
5 isfaction of the Board of Directors, a finding of  
6 Transparency Certification noncompliance pur-  
7 suant to subparagraph (B) may be reversed by  
8 an affirmative vote of at least 5 of the 7 mem-  
9 bers of the Board of Directors. The Board shall  
10 promptly provide notification of such restora-  
11 tion, along with a description of the basis for  
12 the Board's decision, to the Inspector General,  
13 Appropriate Congressional Committees, the  
14 head of the affected United Nations Entity, the  
15 Secretary General, and the head of any office or  
16 agency of the Federal Government that has  
17 provided that United Nations Entity with any  
18 United States Contribution during the prior 2  
19 years.

20 (E) COST REIMBURSEMENT.—The Inspec-  
21 tor General may reimburse United Nations En-  
22 tities for the reasonable cost of providing to the  
23 Inspector General information or assistance  
24 sought pursuant to a Transparency Certifi-

1 cation for the purpose of performing the duties  
2 described in paragraph (6).

3 (10) REPORTS.—

4 (A) AUDIT AND INVESTIGATION RE-  
5 PORTS.—Promptly upon completion, the Inspec-  
6 tor General shall provide copies of each audit  
7 and investigation report completed pursuant to  
8 paragraph (6) to the Board of Directors, the  
9 Appropriate Congressional Committees, and, to  
10 the extent permissible under United States law,  
11 the head of each United Nations Entity that is  
12 the subject of that particular report.

13 (B) SEMIANNUAL REPORTS.—Not later  
14 than May 30, 2010, and semiannually there-  
15 after, the Inspector General shall submit to the  
16 Appropriate Congressional Committees a report  
17 that, among other things—

18 (i) meets the requirements of section  
19 5 of the Inspector General Act of 1978;  
20 and

21 (ii) includes a list of and detailed de-  
22 scription of the circumstances surrounding  
23 any notification of noncompliance issued  
24 pursuant to paragraph (9)(C) during the  
25 covered timeframe, and whether and when

1 Board of Directors has reversed such find-  
2 ing of noncompliance.

3 (C) PROHIBITED DISCLOSURES.—Nothing  
4 in this subsection shall be construed to author-  
5 ize the public disclosure of information that  
6 is—

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

9 (ii) specifically required by Executive  
10 order to be protected from disclosure in  
11 the interest of national defense or national  
12 security or in the conduct of foreign af-  
13 fairs; or

14 (iii) a part of an ongoing criminal in-  
15 vestigation.

16 (D) PRIVACY PROTECTIONS.—The Inspec-  
17 tor General shall exempt from public disclosure  
18 information received from a United Nations  
19 Entity or developed during an audit or inves-  
20 tigation that the Inspector General believes—

21 (i) constitutes a trade secret or privi-  
22 leged and confidential personal financial  
23 information;

24 (ii) accuses a particular person of a  
25 crime;



1 (iii) would, if publicly disclosed, con-  
2 stitute a clearly unwarranted invasion of  
3 personal privacy; and

4 (iv) would compromise an ongoing law  
5 enforcement investigation or judicial trial  
6 in the United States.

7 (E) PUBLICATION.—Subject only to the  
8 exceptions detailed in subparagraphs (C) and  
9 (D), the Inspector General shall promptly pub-  
10 lish each report under this subsection on a pub-  
11 licly available and searchable Internet website.

12 (d) BOARD OF DIRECTORS.—

13 (1) ESTABLISHMENT.—The Office of the  
14 United States Inspector General for Contributions to  
15 the United Nations System shall have a Board of  
16 Directors.

17 (2) DUTIES.—The Board shall receive informa-  
18 tion and reports of audits and investigations from  
19 the Office and the Inspector General, provide gen-  
20 eral direction and supervision to the Office and the  
21 Inspector General, and determine the restoration of  
22 compliance by any United Nations Entity with its  
23 Transparency Certification pursuant to subsection  
24 (c)(9)(D).

1           (3) MEMBERSHIP.—The Board shall consist of  
2           the Secretary of State (or the Secretary’s designee),  
3           the Secretary of Labor (or the Secretary’s designee),  
4           the Secretary of Agriculture (or the Secretary’s des-  
5           ignee), the Secretary of Defense (or the Secretary’s  
6           designee), the Administrator of the Environmental  
7           Protection Agency (or the Administrator’s designee),  
8           the Secretary of the Treasury (or the Secretary’s  
9           designee), and the Director of the Office of Manage-  
10          ment and Budget (or the Director’s designee).

11          (4) CHAIRMANSHIP.—The Board shall be  
12          chaired by a board member, and the chairmanship  
13          shall rotate among the member departments and  
14          agencies on an annual basis. The first chair shall be  
15          the Director or designee from the Office of Manage-  
16          ment and Budget.

17 **SEC. 204. TRANSPARENCY FOR UNITED STATES CONTRIBU-**  
18 **TIONS.**

19          (a) FUNDING PREREQUISITES.—Notwithstanding  
20 any other provision of law, no funds made available for  
21 use as a United States Contribution to any United Na-  
22 tions Entity may be obligated or expended if—

23               (1) the intended United Nations Entity recipi-  
24               ent has not provided to the Inspector General within

1 the preceding year a Transparency Certification as  
2 defined in section 202(4); or

3 (2) the intended United Nations Entity recipi-  
4 ent is noncompliant with its Transparency Certifi-  
5 cation as described in section 203(c)(9)(C).

6 (b) TREATMENT OF FUNDS WITHHELD FOR NON-  
7 COMPLIANCE.—At the conclusion of each fiscal year, any  
8 funds that had been appropriated for use as a United  
9 States Contribution to a United Nations Entity during  
10 that fiscal year, but could not be obligated or expended  
11 because of the restrictions of paragraph (1), shall be re-  
12 turned to the United States Treasury, and are not subject  
13 to reprogramming for any other use. Any such funds re-  
14 turned to the Treasury shall not be considered arrears to  
15 be repaid to any United Nations Entity.

16 (c) PRESIDENTIAL WAIVER.—The President may  
17 waive the limitations of this subsection with respect to a  
18 particular United States Contribution to a particular  
19 United Nations Entity within a single fiscal year if the  
20 President determines that it is required by the national  
21 security interests of the United States and provides notifi-  
22 cation and explanation of that determination to the Appro-  
23 priate Congressional Committees.

1 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums  
3 as are necessary to carry out the activities of this title,  
4 provided that such sums be not less than one half of 1  
5 percent of the total amount of all assessed and voluntary  
6 contributions of the United States Government to the  
7 United Nations and United Nations affiliated agencies  
8 and related bodies during the prior fiscal year, as identi-  
9 fied pursuant to section 1225(b)(3)(E) of the John War-  
10 ner National Defense Authorization Act for Fiscal Year  
11 2007 (Public Law 109–364).

12 **TITLE III—UNITED STATES POL-**  
13 **ICY AT THE UNITED NATIONS**

14 **SEC. 301. ANNUAL PUBLICATION.**

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

23 **SEC. 302. ANNUAL FINANCIAL DISCLOSURE.**

24       The President shall direct the United States Perma-  
25 nent Representative to the United Nations to use the  
26 voice, vote, and influence of the United States at the

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

8 **SEC. 303. POLICY WITH RESPECT TO EXPANSION OF THE**  
9 **SECURITY COUNCIL.**

10 It shall be the policy of the United States to use the  
11 voice, vote, and influence of the United States at the  
12 United Nations to oppose any proposals on expansion of  
13 the Security Council if such expansion would—

14 (1) diminish the influence of the United States  
15 on the Security Council;

16 (2) include veto rights for any new members of  
17 the Security Council; or

18 (3) undermine the effectiveness of the Security  
19 Council.

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

21 The President shall direct the United States Perma-  
22 nent Representative to the United Nations to use the  
23 voice, vote, and influence of the United States at the  
24 United Nations to ensure that Member States may, upon

1 request, have access to all reports and audits completed  
2 by the Board of External Auditors.

3 **SEC. 305. WAIVER OF IMMUNITY.**

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

19 **SEC. 306. TERRORISM AND THE UNITED NATIONS.**

20       The President shall direct the United States Perma-  
21 nent Representative to the United Nations to use the  
22 voice, vote, and influence of the United States at the  
23 United Nations to work toward adoption by the general  
24 assembly of—

25               (1) a definition of terrorism that—

1 (A) builds upon the recommendations of  
2 the December 2004 report of the High-Level  
3 Panel on Threats, Challenges, and Change;

4 (B) includes as an essential component of  
5 such definition any action that is intended to  
6 cause death or serious bodily harm to civilians  
7 with the purpose of intimidating a population  
8 or compelling a government or an international  
9 organization to do, or abstain from doing, any  
10 act; and

11 (C) does not propose a legal or moral  
12 equivalence between an action described in  
13 paragraph (1)(B) and measures taken by a gov-  
14 ernment or international organization in self-de-  
15 fense against an action described in paragraph  
16 (1)(B); and

17 (2) a comprehensive convention on terrorism  
18 that includes the definition described in paragraph  
19 (1).

20 **SEC. 307. REPORT ON UNITED NATIONS REFORM.**

21 (a) IN GENERAL.—Not later than 180 days after the  
22 date of the enactment of this Act, and annually for each  
23 of the next 3 years, the Secretary shall submit to the ap-  
24 propriate congressional committees a report on United  
25 Nations reform.

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

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

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

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

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

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



1 freedom: towards development, security and human  
2 rights for all”;

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

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

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

17 **SEC. 308. REPORT ON UNITED NATIONS PERSONNEL.**

18 (a) IN GENERAL.—Not later than 1 year after the  
19 date of the enactment of this Act, the Secretary of State  
20 shall submit to the appropriate congressional committees  
21 a report—

22 (1) concerning the progress of the General As-  
23 sembly to modernize human resource practices, con-  
24 sistent with the March 2005 report of the Secretary

1 General entitled “In larger freedom: towards devel-  
2 opment, security and human rights for all”; and

3 (2) containing the information described in sub-  
4 section (b).

5 (b) CONTENTS.—The report shall include—

6 (1) a comprehensive evaluation of human re-  
7 sources reforms at the United Nations, including an  
8 evaluation of—

9 (A) tenure;

10 (B) performance reviews;

11 (C) the promotion system;

12 (D) a merit-based hiring system and en-  
13 hanced regulations concerning termination of  
14 employment of employees; and

15 (E) the implementation of a code of con-  
16 duct and ethics training;

17 (2) the implementation of a system of proce-  
18 dures for filing complaints and protective measures  
19 for work-place harassment, including sexual harass-  
20 ment;

21 (3) policy recommendations relating to the es-  
22 tablishment of a rotation requirement for non-  
23 administrative positions;

24 (4) policy recommendations relating to the es-  
25 tablishment of a prohibition preventing personnel

1 and officials assigned to the mission of a member  
2 state to the united nations from transferring to a  
3 position within the United Nations Secretariat that  
4 is compensated at the P-5 level and above;

5 (5) policy recommendations relating to a reduc-  
6 tion in travel allowances and attendant oversight  
7 with respect to accommodations and airline flights;  
8 and

9 (6) an evaluation of the recommendations of the  
10 Secretary General relating to greater flexibility for  
11 the Secretary General in staffing decisions to accom-  
12 modate changing priorities.

13 **SEC. 309. WITHHOLDING OF UNITED STATES CONTRIBU-**  
14 **TIONS TO UNRWA.**

15 (a) WITHHOLDING.—Contributions by the United  
16 States to the regular budget of the United Nations Relief  
17 and Works Agency for Palestine Refugees in the Near  
18 East (UNRWA), to any successor or related entity, or to  
19 the regular budget of the United Nations for the support  
20 of UNRWA or a successor entity (through staff positions  
21 provided by the United Nations Secretariat, or otherwise),  
22 may be provided only during a period for which a certifi-  
23 cation described in subsection (b) is in effect.

24 (b) CERTIFICATION.—A certification described in this  
25 paragraph is a written determination by the Secretary,

1 based on all information available after diligent inquiry,  
2 and transmitted to the Appropriate Congressional Com-  
3 mittees along with a detailed description of the factual  
4 basis therefor, that—

5           (1) no official, employee, consultant, contractor,  
6           subcontractor, representative, or affiliate of  
7           UNRWA—

8                   (A) is a member of a foreign terrorist or-  
9                   ganization;

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

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

18           (2) no UNRWA school, hospital, clinic, other  
19           facility, or other infrastructure or resource is being  
20           used by a foreign terrorist organization for oper-  
21           ations, planning, training, recruitment, fundraising,  
22           indoctrination, communications, sanctuary, storage  
23           of weapons or other materials, or any other pur-  
24           poses;

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

8           (4) no UNRWA-funded school or educational  
9           institution uses textbooks or other educational mate-  
10          rials that propagate or disseminate anti-American,  
11          anti-Israel, or anti-Semitic rhetoric, propaganda or  
12          incitement; and

13          (5) no recipient of UNRWA funds or loans is  
14          a member of a foreign terrorist organization.

15          (c) DEFINITION.—In this section, the term “foreign  
16          terrorist organization” means an organization designated  
17          as a foreign terrorist organization by the Secretary of  
18          State in accordance with section 219(a) of the Immigra-  
19          tion and Nationality Act (8 U.S.C. 1189(a)).

20          (d) EFFECTIVE DURATION OF CERTIFICATION.—The  
21          certification described in subsection (b) shall be effective  
22          for a period of 180 days from the date of transmission  
23          to the Appropriate Congressional Committees, or until the  
24          Secretary receives information rendering that certification  
25          factually inaccurate, whichever is earliest. In the event

1 that a certification becomes ineffective, the Secretary shall  
2 promptly transmit to the Appropriate Congressional Com-  
3 mittees a description of any information that precludes the  
4 renewal or continuation of the certification.

5 (e) LIMITATION.—During a period for which a certifi-  
6 cation described in subsection (b) is in effect, the United  
7 States may not contribute to the United Nations Relief  
8 and Works Agency for Palestine Refugees in the Near  
9 East (UNRWA) or a successor entity an annual amount—

10 (1) greater than the highest annual contribu-  
11 tion to UNRWA made by a member country of the  
12 League of Arab States;

13 (2) that, as a proportion of the total UNRWA  
14 budget, exceeds the proportion of the total budget  
15 for the United Nations High Commissioner for Ref-  
16 ugees (UNHCR) paid by the United States; or

17 (3) that exceeds 22 percent of the total budget  
18 of UNRWA.

19 (f) SENSE OF CONGRESS.—It is the sense of Con-  
20 gress that, in order to alleviate the suffering of Palestinian  
21 refugees, responsibility for those refugees should be fully  
22 transferred to the Office of the United Nations High Com-  
23 missioner for Refugees.

1 **SEC. 310. UNITED NATIONS TREATY BODIES.**

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

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

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

13 **SEC. 311. EQUALITY AT THE UNITED NATIONS.**

14 (a) DEPARTMENT OF STATE REVIEW AND RE-  
15 PORT.—

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

22 (A) complete an audit of the functions of  
23 the entities listed in paragraph (2); and

24 (B) submit to the appropriate congress-  
25 sional committees a report containing audit  
26 findings and conclusions, and recommendations

1 for the elimination of such duplicative entities  
2 and efforts.

3 (2) ENTITIES.—The entities referred to in  
4 paragraph (1) are the following:

5 (A) The United Nations Division for Pales-  
6 tinian Rights.

7 (B) The Committee on the Exercise of the  
8 Inalienable Rights of the Palestinian People.

9 (C) The United Nations Special Coordi-  
10 nator for the Middle East Peace Process and  
11 Personal Representative to the Palestine Lib-  
12 eration Organization and the Palestinian Au-  
13 thority.

14 (D) The NGO Network on the Question of  
15 Palestine.

16 (E) The Special Committee to Investigate  
17 Israeli Practices Affecting the Human Rights of  
18 the Palestinian People and Other Arabs of the  
19 Occupied Territories.

20 (F) Any other entity the Secretary deter-  
21 mines results in duplicative efforts or funding  
22 or fails to ensure balance in the approach to  
23 Israeli-Palestinian issues.

24 (b) IMPLEMENTATION BY PERMANENT REPRESENTA-  
25 TIVE.—



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

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

15          (c) GAO AUDIT.—The Comptroller General of the  
16          United States of the Government Accountability Office  
17          shall conduct an audit of—

18                (1) the status of the implementation of the rec-  
19                ommendations contained in the report required  
20                under subsection (a)(1)(B); and

21                (2) United States actions and achievements  
22                under subsection (b).

23 **SEC. 312. ANTI-SEMITISM AND THE UNITED NATIONS.**

24          The President shall direct the United States perma-  
25          nent representative to the United Nations to use the voice,

1 vote, and influence of the United States at the United Na-  
2 tions to make every effort to—

3 (1) ensure the issuance and implementation of  
4 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 implements  
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) secure the adoption of a resolution by the  
11 General Assembly that establishes the mechanisms  
12 described in paragraph (1)(C); and

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

17 **SEC. 313. REGIONAL GROUP INCLUSION OF ISRAEL.**

18 The President shall direct the United States Perma-  
19 nent Representative to the United Nations to use the  
20 voice, vote, and influence of the United States at the  
21 United Nations to expand the Western European and Oth-  
22 ers Group (WEOG) in the United Nations to include  
23 Israel as a permanent member with full rights and privi-  
24 leges.

1       **TITLE IV—UNITED NATIONS**  
2       **HUMAN RIGHTS COUNCIL**

3   **SEC. 401. FINDINGS.**

4       The Congress makes the following findings:

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

11          (2) The United Nations Human Rights Council  
12      suffers from significant structural flaws, such as the  
13      fact that it draws its members from the General As-  
14      sembly without any substantive membership criteria,  
15      with the perverse result that a number of the world's  
16      worst human rights abusers are members of the  
17      council.

18          (3) The structure and composition of the  
19      United Nations Human Rights Council have made it  
20      subject to gross political manipulation, with the re-  
21      sult that, during its two and one-half years of oper-  
22      ation, the Council has passed 20 resolutions cen-  
23      suring the democratic state of Israel, as compared to  
24      only 4 censuring the dictatorship in Burma, just one  
25      censuring the North Korean regime, and none con-

1 demning the severe, ongoing human rights abuses in  
2 Sudan, China, Cuba, Zimbabwe, Belarus, and else-  
3 where.

4 **SEC. 402. HUMAN RIGHTS COUNCIL MEMBERSHIP AND**  
5 **FUNDING.**

6 (a) IN GENERAL.—For each and every fiscal year  
7 subsequent to the effective date of this Act, until the Sec-  
8 retary of State submits to Congress a certification that  
9 the requirements described in subsection (b) have been  
10 satisfied—

11 (1) the Secretary of State shall withhold from  
12 a United States contribution each fiscal year to a  
13 regularly assessed biennial budget of the United Na-  
14 tions an amount that is equal to the percentage of  
15 such contribution that the Secretary determines  
16 would be allocated by the United Nations to support  
17 the United Nations Human Rights Council;

18 (2) the Secretary of State shall not make a vol-  
19 untary contribution to the United Nations Human  
20 Rights Council; and

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

23 (b) CERTIFICATION.—The annual certification re-  
24 ferred to in subsection (a) is a certification made by the

1 Secretary to Congress that the United Nations Human  
2 Rights Council does not include a Member State—

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

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

6 (3) subject, within the prior 5 years, to a coun-  
7 try-specific resolution passed under Agenda Item 9  
8 by the former United Nations Human Rights Com-  
9 mission;

10 (4) which the Secretary of State has deter-  
11 mined, for purposes of section 6(j) of the Export Ad-  
12 ministration Act of 1979 (as continued in effect pur-  
13 suant to the International Emergency Economic  
14 Powers Act), section 40 of the Arms Export Control  
15 Act, section 620A of the Foreign Assistance Act of  
16 1961, or other provision of law, is a government that  
17 has repeatedly provided support for acts of inter-  
18 national terrorism; or

19 (5) which the President has designated as a  
20 country of particular concern for religious freedom  
21 under section 402(b) of the International Religious  
22 Freedom Act of 1998.

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

3   **SEC. 501. INTERNATIONAL ATOMIC ENERGY AGENCY.**

4           (a) ENFORCEMENT AND COMPLIANCE.—

5                 (1) OFFICE OF COMPLIANCE.—

6                     (A) ESTABLISHMENT.—The President  
7                     shall direct the United States Permanent Rep-  
8                     resentative to International Atomic Energy  
9                     Agency (IAEA) to use the voice, vote, and influ-  
10                    ence of the United States at the IAEA to estab-  
11                    lish an Office of Compliance in the Secretariat  
12                    of the IAEA.

13                    (B) OPERATION.—The Office of Compli-  
14                    ance shall—

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

1                   (ii) base its assessments and rec-  
2                   ommendations on IAEA inspection reports;  
3                   and

4                   (iii) take into consideration informa-  
5                   tion provided by IAEA Board Members  
6                   that are 1 of the 5 nuclear weapons states  
7                   as recognized by the Treaty on the Non-  
8                   Proliferation of Nuclear Weapons (21 UST  
9                   483) (commonly referred to as the “Nu-  
10                  clear Nonproliferation Treaty” or the  
11                  “NPT”).

12                  (C) STAFFING.—The Office of Compliance  
13                  shall be staffed from existing personnel in the  
14                  Department of Safeguards of the IAEA or the  
15                  Department of Nuclear Safety and Security of  
16                  the IAEA.

17                  (2) COMMITTEE ON SAFEGUARDS AND  
18                  VERIFICATION.—The President shall direct the  
19                  United States Permanent Representative to the  
20                  IAEA to use the voice, vote, and influence of the  
21                  United States at the IAEA to ensure that the Com-  
22                  mittee on Safeguards and Verification established in  
23                  2005 shall develop and seek to put into force a  
24                  workplan of concrete measures that will—



1 (A) improve the ability of the IAEA to  
2 monitor and enforce compliance by Member  
3 States of the IAEA with the Nuclear Non-  
4 proliferation Treaty and the Statute of the  
5 International Atomic Energy Agency; and

6 (B) enhance the ability of the IAEA, be-  
7 yond the verification mechanisms and authori-  
8 ties contained in the Additional Protocol to the  
9 Safeguards Agreements between the IAEA and  
10 Member States of the IAEA, to detect with a  
11 high degree of confidence undeclared nuclear  
12 activities by a Member State.

13 (3) PENALTIES WITH RESPECT TO THE IAEA.—

14 (A) IN GENERAL.—The President shall di-  
15 rect the United States Permanent Representa-  
16 tive to the IAEA to use the voice, vote, and in-  
17 fluence of the United States at the IAEA to en-  
18 sure that a Member State of the IAEA that is  
19 under investigation for a breach of or non-  
20 compliance with its IAEA obligations or the  
21 purposes and principles of the Charter of the  
22 United Nations has its privileges suspended, in-  
23 cluding—

24 (i) limiting its ability to vote on its  
25 case;

1 (ii) being prevented from receiving  
2 any technical assistance; and

3 (iii) being prevented from hosting  
4 meetings.

5 (B) TERMINATION OF PENALTIES.—The  
6 penalties specified under subparagraph (A)  
7 shall be terminated when such investigation is  
8 concluded and such Member State is no longer  
9 in such breach or noncompliance.

10 (4) PENALTIES WITH RESPECT TO THE NU-  
11 CLEAR NONPROLIFERATION TREATY.—The Presi-  
12 dent shall direct the United States Permanent Rep-  
13 resentative to the IAEA to use the voice, vote, and  
14 influence of the United States at the IAEA to en-  
15 sure that a Member State of the IAEA that is found  
16 to be in breach of, in noncompliance with, or has  
17 withdrawn from the Nuclear Nonproliferation Treaty  
18 shall return to the IAEA all nuclear materials and  
19 technology received from the IAEA, any Member  
20 State of the IAEA, or any Member State of the Nu-  
21 clear Nonproliferation Treaty.

22 (b) UNITED STATES CONTRIBUTIONS.—

23 (1) VOLUNTARY CONTRIBUTIONS.—Voluntary  
24 contributions of the United States to the IAEA  
25 should primarily be used to fund activities relating

1 to Nuclear Safety and Security or activities relating  
2 to Nuclear Verification.

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

7 (A) ensure that funds for safeguards in-  
8 spections are prioritized for countries that have  
9 newly established nuclear programs or are initi-  
10 ating nuclear programs; and

11 (B) block the allocation of funds for any  
12 other IAEA development, environmental, or nu-  
13 clear science assistance or activity to a coun-  
14 try—

15 (i) the government of which the Sec-  
16 retary of State has determined, for pur-  
17 poses of section 6(j) of the Export Admin-  
18 istration Act of 1979, section 620A of the  
19 Foreign Assistance Act of 1961, section 40  
20 of the Arms Export Control Act, or other  
21 provision of law, is a government that has  
22 repeatedly provided support for acts of  
23 international terrorism and the government  
24 of which the Secretary has determined has  
25 not dismantled and surrendered its weap-

1                   ons of mass destruction programs under  
2                   international verification;

3                   (ii) that is under investigation for a  
4                   breach of or noncompliance with its IAEA  
5                   obligations or the purposes and principles  
6                   of the Charter of the United Nations; or

7                   (iii) that is in violation of its IAEA  
8                   obligations or the purposes and principles  
9                   of the Charter of the United Nations.

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

19                  (c) **MEMBERSHIP.**—

20                  (1) **IN GENERAL.**—The President shall direct  
21                  the United States Permanent Representative to the  
22                  IAEA to use the voice, vote, and influence of the  
23                  United States at the IAEA to block the membership  
24                  on the Board of Governors of the IAEA for a Mem-

1       ber State of the IAEA that has not signed and rati-  
2       fied the Additional Protocol and—

3               (A) is under investigation for a breach of  
4               or noncompliance with its IAEA obligations or  
5               the purposes and principles of the Charter of  
6               the United Nations; or

7               (B) that is in violation of its IAEA obliga-  
8               tions or the purposes and principles of the  
9               Charter of the United Nations.

10           (2) CRITERIA.—The United States Permanent  
11       Representative to the IAEA shall make every effort  
12       to modify the criteria for Board membership to re-  
13       flect the principles described in paragraph (1).

14       (d) SMALL QUANTITIES PROTOCOL.—The President  
15       shall direct the United States Permanent Representative  
16       to the IAEA to use the voice, vote, and influence of the  
17       United States at the IAEA to make every effort to ensure  
18       that the IAEA changes the policy regarding the Small  
19       Quantities Protocol in order to—

20           (1) rescind and eliminate the Small Quantities  
21       Protocol;

22           (2) require that any IAEA Member State that  
23       has previously signed a Small Quantities Protocol to  
24       sign, ratify, and implement the Additional Protocol,  
25       provide immediate access for IAEA inspectors to its

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

3 (3) require that any IAEA Member State that  
4 does not comply with paragraph (2) to be ineligible  
5 to receive nuclear material, technology, equipment,  
6 or assistance from any IAEA Member State and  
7 subject to the penalties described in subsection  
8 (a)(3).

9 (e) NUCLEAR PROGRAM OF IRAN.—

10 (1) UNITED STATES ACTION.—The President  
11 shall direct the United States Permanent Represent-  
12 ative to the IAEA to use the voice, vote, and influ-  
13 ence of the United States at the IAEA to make  
14 every effort to ensure the adoption of a resolution by  
15 the IAEA Board of Governors that, in addition to  
16 the restrictions already imposed, makes Iran ineli-  
17 gible to receive any nuclear material, technology,  
18 equipment, or assistance from any IAEA Member  
19 State and ineligible for any IAEA assistance not re-  
20 lated to safeguards inspections or nuclear security  
21 until the IAEA Board of Governors determines that  
22 Iran—

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

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

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

6 (2) PENALTIES.—If an IAEA Member State is  
7 determined to have violated the prohibition on as-  
8 sistance to Iran described in paragraph (1) before  
9 the IAEA Board of Governors determines that Iran  
10 has satisfied the conditions described in subpara-  
11 graphs (A) through (C) of such paragraph, such  
12 Member State shall be subject to the penalties de-  
13 scribed in subsection (a)(3), shall be ineligible to re-  
14 ceive nuclear material, technology, equipment, or as-  
15 sistance from any IAEA Member State, and shall be  
16 ineligible to receive any IAEA assistance not related  
17 to safeguards inspections or nuclear security until  
18 such time as the IAEA Board of Governors makes  
19 such determination with respect to Iran.

20 (f) REPORT.—Not later than 6 months after the date  
21 of the enactment of this Act and annually for 2 years  
22 thereafter, the President shall submit to the appropriate  
23 congressional committees a report on the implementation  
24 of this section.

1 **SEC. 502. SENSE OF CONGRESS REGARDING THE NUCLEAR**  
2 **SECURITY ACTION PLAN OF THE IAEA.**

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

9 **TITLE VI—PEACEKEEPING**

10 **SEC. 601. REFORM OF UNITED NATIONS PEACEKEEPING**  
11 **OPERATIONS.**

12 It is the sense of Congress that—

13 (1) although United Nations peacekeeping oper-  
14 ations have contributed greatly toward the pro-  
15 motion of peace and stability for nearly 6 decades  
16 and the majority of peacekeeping personnel who  
17 have served under the United Nations flag have  
18 done so with honor and courage, the record of  
19 United Nations peacekeeping has been severely tar-  
20 nished by operational failures and unconscionable  
21 acts of misconduct;

22 (2) in response to such failures, in 2000 and  
23 2005, respectively, the Secretary General charged  
24 the high-level Panel on United Nations Peace Oper-  
25 ations, led by former Foreign Minister of Algeria  
26 Lakhdar Brahimi, and his Special Advisor on the



1 Prevention of Sexual Exploitation and Abuse, His  
2 Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein  
3 of Jordan, to provide honest assessments of the  
4 United Nations' shortcomings and make rec-  
5 ommendations that would help restore the con-  
6 fidence of the international community in United  
7 Nations peacekeeping operations;

8 (3) audits of procurement practices in the De-  
9 partment of Peacekeeping Operations, conducted by  
10 the Office of Internal Oversight Services, also have  
11 uncovered "significant" corruption schemes, includ-  
12 ing a 2007 audit of peacekeeping contracts valued at  
13 \$1.4 billion, of which more than \$614 million, or  
14 44%, were subject to corruption;

15 (4) despite the fact that the United Nations has  
16 had more than eight years to implement the reforms  
17 contained in the Brahimi Report, nearly four years  
18 to implement the reforms in the Zeid Report, and  
19 the fact that Secretary General Ban Ki-Moon, his  
20 predecessor Kofi Annan, and the Special Committee  
21 on Peacekeeping Operations repeatedly have ex-  
22 pressed their commitment "to implementing funda-  
23 mental, systematic changes as a matter of urgency,"  
24 a number of critical reforms continue to be blocked

1 or delayed by Members States who arguably benefit  
2 from maintenance of the status quo; and

3 (5) if the reputation of and confidence in  
4 United Nations peacekeeping operations is to be re-  
5 stored, fundamental and far-reaching reforms, par-  
6 ticularly in the areas of planning, management, pro-  
7 curement, training, conduct, and discipline, must be  
8 implemented without further delay.

9 **SEC. 602. POLICY RELATING TO REFORM OF UNITED NA-**  
10 **TIONS PEACEKEEPING OPERATIONS.**

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

14 (1) PLANNING AND MANAGEMENT.—

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

23 (B) PROCUREMENT AND TRANS-  
24 PARENCY.—A modern logistics system and  
25 transparent, streamlined procurement proce-

1           dures should be established within the United  
2           Nations Department of Field Support to ensure  
3           that all peacekeeping missions are resourced ap-  
4           propriately and in a timely fashion while indi-  
5           vidual accountability for waste, fraud and abuse  
6           within United Nations peacekeeping missions is  
7           established and uniformly enforced.

8           (C) REVIEW OF MANDATES AND CLOSING  
9           OPERATIONS.—In conjunction with the audit  
10          described in subparagraph (A), the United Na-  
11          tions Department of Peacekeeping Operations  
12          should conduct a comprehensive review of all  
13          United Nations peacekeeping operation man-  
14          dates, with a view toward identifying objectives  
15          that are practical and achievable, and report its  
16          findings to the Security Council. In particular,  
17          the review should consider the following:

18               (i) Except in extraordinary cases, in-  
19               cluding genocide, the United Nations De-  
20               partment of Peacekeeping Operations  
21               should not be tasked with activities that  
22               are impractical or unachievable without the  
23               cooperation of the Member State(s)  
24               hosting a United Nations peacekeeping op-  
25               eration, or which amount to de-facto

1           Trusteeship outside of the procedures es-  
2           tablished for such under Chapter XII of  
3           the United Nations Charter, thereby cre-  
4           ating unrealistic expectations and obfus-  
5           cating the primary responsibility of the  
6           Member States themselves in creating and  
7           maintaining conditions for peace.

8           (ii) Long-standing operations that are  
9           static and cannot fulfill their mandate  
10          should be downsized or closed.

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

21          (D) LEADERSHIP.—As peacekeeping oper-  
22          ations become larger and increasingly complex,  
23          the Secretariat should adopt a minimum stand-  
24          ard of qualifications for senior leaders and  
25          managers, with particular emphasis on specific

1 skills and experience, and current senior leaders  
2 and managers who do not meet those standards  
3 should be removed.

4 (E) PRE-DEPLOYMENT TRAINING.—Pre-de-  
5 ployment training on interpretation of the man-  
6 date of the operation, specifically in the areas  
7 of use of force, civilian protection and field con-  
8 ditions, the Code of Conduct, HIV/AIDS, and  
9 human rights should be mandatory, and all per-  
10 sonnel, regardless of category or rank, should  
11 be required to sign an oath that each has re-  
12 ceived and understands such training as a con-  
13 dition of participation in the operation.

14 (F) GRATIS MILITARY PERSONNEL.—The  
15 General Assembly should seek to strengthen the  
16 capacity the United Nations Department of  
17 Peacekeeping Operations and ease the extraor-  
18 dinary burden currently placed upon the limited  
19 number of headquarters staff by lifting restric-  
20 tions on the utilization of gratis military per-  
21 sonnel by the Department so that the Depart-  
22 ment may accept secondments from Member  
23 States of military personnel with expertise in  
24 mission planning, logistics, and other oper-  
25 ational specialties.

1 (2) CONDUCT AND DISCIPLINE.—

2 (A) ADOPTION OF A UNIFORM CODE OF  
3 CONDUCT.—A single, uniform Code of Conduct  
4 that has the status of a binding rule and ap-  
5 plies equally to all personnel serving in United  
6 Nations peacekeeping operations, regardless of  
7 category or rank, including military personnel,  
8 should be adopted and incorporated into legal  
9 documents governing participation in such an  
10 operation, including all contracts and Memoran-  
11 dums of Understanding, promulgated and effec-  
12 tively enforced.

13 (B) UNDERSTANDING THE CODE OF CON-  
14 DUCT.—All personnel, regardless of category or  
15 rank, should receive training on the Code of  
16 Conduct prior to deployment with a peace-  
17 keeping operation, in addition to periodic fol-  
18 low-on training. In particular—

19 (i) all personnel, regardless of cat-  
20 egory or rank, should be provided with a  
21 personal copy of the Code of Conduct that  
22 has been translated into the national lan-  
23 guage of such personnel, regardless of  
24 whether such language is an official lan-  
25 guage of the United Nations;

1           (ii) all personnel, regardless of cat-  
2           egory or rank, should sign an oath that  
3           each has received a copy of the Code of  
4           Conduct, that each pledges to abide by the  
5           Code of Conduct, and that each under-  
6           stands the consequences of violating the  
7           Code of Conduct, including immediate ter-  
8           mination of participation in and permanent  
9           exclusion from all current and future  
10          peacekeeping operations, as well as the as-  
11          sumption of personal liability for victims  
12          compensation, as a condition of appoint-  
13          ment to any such operation; and

14          (iii) peacekeeping operations should  
15          conduct educational outreach programs to  
16          reach local communities where peace-  
17          keeping personnel of such operations are  
18          based, including explaining prohibited acts  
19          on the part of United Nations peace-  
20          keeping personnel and identifying the indi-  
21          vidual to whom the local population may  
22          direct complaints or file allegations of ex-  
23          ploitation, abuse, or other acts of mis-  
24          conduct.

1 (C) MONITORING MECHANISMS.—Dedi-  
2 cated monitoring mechanisms, such as the Con-  
3 duct and Discipline Units already deployed to  
4 support United Nations peacekeeping oper-  
5 ations in Haiti, Sudan, Kosovo, Burundi, Libe-  
6 ria, Lebanon, Timor Leste, Cote d'Ivoire, West-  
7 ern Sahara, and the Democratic Republic of  
8 Congo, should be present in each operation to  
9 monitor compliance with the Code of Conduct,  
10 and—

11 (i) should report simultaneously to the  
12 Head of Mission, the United Nations De-  
13 partment of Peacekeeping Operations, and  
14 the Associate Director of OIOS for Peace-  
15 keeping Operations (established under sec-  
16 tion 1114(b)(9)); and

17 (ii) should be tasked with designing  
18 and implementing mission-specific meas-  
19 ures to prevent misconduct, conduct follow-  
20 on training for personnel, coordinate com-  
21 munity outreach programs, and assist in  
22 investigations, as OIOS determines nec-  
23 essary and appropriate.

24 (D) INVESTIGATIONS.—A permanent, pro-  
25 fessional, and independent investigative body



1 should be established and introduced into  
2 United Nations peacekeeping operations. In  
3 particular—

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

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

24 (iii) the investigative body should be  
25 regionally based to ensure rapid deploy-

1           ment and should be equipped with modern  
2           forensics equipment for the purpose of  
3           positively identifying perpetrators and,  
4           where necessary, for determining paternity;  
5           and

6                   (iv) the investigative body should re-  
7           port directly to the Associate Director of  
8           OIOS for Peacekeeping Operations, while  
9           providing copies of any reports to the De-  
10          partment of Peacekeeping Operations, the  
11          Head of Mission, and the Member State  
12          concerned.

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

18                   (i) promulgating measures to prevent  
19          misconduct;

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

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

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

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

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

20 (i) The United Nations should not as-  
21 sume responsibility for providing long-term  
22 treatment or compensation by creating a  
23 “Victims Trust Fund”, or any other such  
24 similar fund, financed through assessed  
25 contributions to United Nations peace-

1 keeping operations, thereby shielding indi-  
2 viduals from personal liability and rein-  
3 forcing an atmosphere of impunity.

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

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

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

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

11          (H) DATA BASE.—A centralized data base,  
12          including personnel photos and fingerprints,  
13          should be created and maintained within the  
14          United Nations Department of Peacekeeping  
15          Operations, the Office of Field Support, and  
16          other relevant United Nations bodies without  
17          further delay to track cases of misconduct, in-  
18          cluding the outcome of investigations and sub-  
19          sequent prosecutions, to ensure that personnel  
20          who have engaged in misconduct or other crimi-  
21          nal activities, regardless of category or rank,  
22          are permanently barred from participation in  
23          future peacekeeping operations.

24          (I) COOPERATION OF MEMBER STATES.—  
25          If a Member State routinely refuses to cooper-

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

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

15 **SEC. 603. CERTIFICATION.**

16          (a) NEW OR EXPANDED PEACEKEEPING OPER-  
17          ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-  
18          CATION OF PEACEKEEPING OPERATIONS REFORMS.—

19               (1) NO NEW OR EXPANDED PEACEKEEPING OP-  
20          ERATIONS.—

21               (A) CERTIFICATION.—Except as provided  
22          in subparagraph (B), until the Secretary of  
23          State certifies that the requirements described  
24          in paragraph (2) have been satisfied, the Presi-  
25          dent shall direct the United States Permanent

1 Representative to the United Nations to use the  
2 voice, vote, and influence of the United States  
3 at the United Nations to oppose the creation of  
4 new, or expansion of existing, United Nations  
5 peacekeeping operations.

6 (B) EXCEPTION AND NOTIFICATION.—The  
7 requirements described under paragraph (2)  
8 may be waived with respect to a particular  
9 peacekeeping operation if the President deter-  
10 mines that failure to deploy new or additional  
11 peacekeepers in such situation will significantly  
12 contribute to the widespread loss of human life,  
13 genocide, or the endangerment of a vital na-  
14 tional security interest of the United States. If  
15 the President makes such a determination, the  
16 President shall, not later than 15 days before  
17 the exercise of such waiver, notify the appro-  
18 priate congressional committees of such deter-  
19 mination and resulting waiver.

20 (2) CERTIFICATION OF PEACEKEEPING OPER-  
21 ATIONS REFORMS.—The certification referred to in  
22 paragraph (1) is a certification made by the Sec-  
23 retary to the appropriate congressional committees  
24 that the following reforms, or an equivalent set of  
25 reforms, related to peacekeeping operations have

1       been adopted by the United Nations Department of  
2       Peacekeeping Operations or the General Assembly,  
3       as appropriate:

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

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

21             (C) All personnel, regardless of category or  
22             rank, are required to sign an oath that each has  
23             received a copy of the Code of Conduct, that  
24             each pledges to abide by the Code, and that  
25             each understands the consequences of violating



1 the Code, including immediate termination of  
2 participation in and permanent exclusion from  
3 all current and future peacekeeping operations,  
4 as well as the assumption of personal liability  
5 for victims compensation as a condition of the  
6 appointment to such operation.

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

17 (E) The creation of a centralized data  
18 base, including personnel photos and finger-  
19 prints, has been completed and is being main-  
20 tained in the United Nations Department of  
21 Peacekeeping Operations that tracks cases of  
22 misconduct, including the outcomes of inves-  
23 tigations and subsequent prosecutions, to en-  
24 sure that personnel, regardless of category or  
25 rank, who have engaged in misconduct or other

1 criminal activities are permanently barred from  
2 participation in future peacekeeping operations.

3 (F) A Model Memorandum of Under-  
4 standing between the United Nations and each  
5 Member State that contributes troops to a  
6 peacekeeping operation has been adopted by the  
7 United Nations Department of Peacekeeping  
8 Operations that specifically obligates each such  
9 Member State to—

10 (i) uphold the uniform Code of Con-  
11 duct which shall apply equally to all per-  
12 sonnel serving in United Nations peace-  
13 keeping operations, regardless of category  
14 or rank;

15 (ii) designate a competent legal au-  
16 thority, preferably a prosecutor with exper-  
17 tise in the area of sexual exploitation and  
18 abuse where appropriate, to participate in  
19 any investigation into an allegation of mis-  
20 conduct brought against an individual of  
21 such Member State;

22 (iii) refer to its competent national or  
23 military authority for possible prosecution,  
24 if warranted, any investigation of a viola-  
25 tion of the Code of Conduct or other crimi-

1                   nal activity by an individual of such Mem-  
2                   ber State;

3                   (iv) report to the Department of  
4                   Peacekeeping Operations on the outcome  
5                   of any such investigation;

6                   (v) undertake to conduct on-site court  
7                   martial proceedings, where practical and  
8                   appropriate, relating to allegations of mis-  
9                   conduct alleged against an individual of  
10                  such Member State; and

11                  (vi) assume responsibility for the pro-  
12                  vision of appropriate assistance to a victim  
13                  of misconduct committed by an individual  
14                  of such Member State.

15                  (G) A professional and independent inves-  
16                  tigative and audit function has been established  
17                  within the United Nations Department of  
18                  Peacekeeping Operations and the OIOS to mon-  
19                  itor United Nations peacekeeping operations.

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