



June 16, 2005

## Summary of Amendments Made in Order to H.R. 2745 - The Henry J. Hyde United Nations Reform Act

SEE OUTCOMES IN **RED-BOLD** BELOW.

The following are summaries of the amendments made in order under the structured rule (H.Res. 319) for today's consideration of the UN Reform Act (H.R. 2745). Amendments may be offered only in the order listed below.

The rule is divided into two parts—and Part 1 is itself divided into five subparts. Part 1 is the themed portion of the rule. Each of its five subparts contains amendments in the issue-area of the subpart. The rule provides for general debate on each of the five issue-areas immediately prior to the consideration of amendments in each subpart as follows:

- Subpart A: Accountability of the UN, 20 minutes of general debate
- Subpart B: UN Peacekeeping, 10 minutes of general debate
- Subpart C: International Atomic Energy Agency (IAEA), 10 minutes of general debate
- Subpart D: Human Rights, 20 minutes of general debate
- Subpart E: The Oil-for-Food Program, 20 minutes of general debate

Amendments in Part 2 are not themed and may be offered *en bloc* by the International Relations Committee Chairman or his designee.

Debate time for each amendment in both parts is 10 minutes, unless otherwise noted. *En bloc* amendments, if offered, would be debatable for 20 minutes each.

**NOTE:** Summaries are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see a separate RSC document released yesterday.

**RSC Staff Contact:** Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

---

### PART 1 - SUBPART A (Accountability of the United Nations)

**1. King (R-NY) #3. AGREED TO 405-13-1.** Instructs the President to direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to ensure the Secretary General exercises the right and duty to waive immunity of

any United Nations official who is under credible investigation for or is credibly charged with committing a serious criminal offense (when such immunity would impede justice).

**2. Garrett (R-NJ) #27. AGREED TO BY VOICE VOTE.** Requires the Comptroller General to submit a report to Congress describing the costs associated with the contracting for and construction of the Geneva, Switzerland, buildings of the World Meteorological Organization (WMO) and the World Intellectual Property Organization (WIPO). The report would have to “specifically address issues of any corrupt contracting processes that are discovered, such as rigged bids and kickbacks, as well as other improprieties.” The report would also have to examine other credible allegations of corrupt contracting at major UN construction projects.

**3. Cannon (R-UT) #28. AGREED TO BY VOICE VOTE.** Adds to the requirements for the report to Congress on the state of UN reforms since 1990 an examination of whether the UN or any of its specialized agencies have contracted with parties on the U.S. Government's Excluded Parties List.

**4. McCotter (R-MI) #20. AGREED TO BY VOICE VOTE.** Provides that:

- no employee of the UN can be compensated while participating in a domestic election, except for voting and acting on behalf of the UN in an authorized UN mission;
- the UN cannot hire an individual who has been convicted of any crime involving financial misfeasance, malfeasance, fraud or perjury in a generally recognized court of a democratically-elected government with an independent judiciary and an extradition treaty with the U.S.;
- a UN employee who has been convicted of any crime involving financial misfeasance, malfeasance, fraud or perjury in a generally recognized court of a democratically-elected government with an independent judiciary and an extradition treaty with the U.S. shall be subject to termination; and
- any UN employee who has contact regarding the internal ongoing operations of the UN with any non-media person not employed by the UN shall prepare a memorandum about such contact and make it available to Member States upon request.

**5. Poe (R-TX) #12. AGREED TO 402-14.** Requires OMB to submit a report to Congress on all U.S. contributions to the UN, including assessed, voluntary, and in-kind contributions.

**6. Stearns (R-FL) #7. NOT OFFERED.** Gives the Independent Oversight Board and the Office of Internal Oversight Services subpoena power in conducting their investigations.

## **PART 1 - SUBPART B**

### **(United Nations Peacekeeping Operations)**

**1. Boozman (R-AR) #8. AGREED TO BY VOICE VOTE.** Suggests that the UN General Assembly lift the restrictions on using gratis military personnel at the Department of Peacekeeping Operations headquarters in New York.

**2. Kline (R-MN) #1. AGREED TO BY VOICE VOTE.** Emphasizes that nothing in the title regarding peacekeeping operations should be construed as superseding the Uniform Code of

Military Justice or affecting the surrender of U.S. officials to a foreign country or international tribunal, including the International Criminal Court. Furthermore, nothing in this title should be interpreted in a manner inconsistent with the American Servicemembers' Protection Act (Title II of Public Law 107-206).

## PART 1 - SUBPART C (International Atomic Energy Agency)

**1. Cantor (R-VA)/ Berkley (D-NV) #18. AGREED TO 411-9.** Directs the President to instruct the U.S. Permanent Representative to the IAEA to ensure that the IAEA Board of Governors adopts a resolution making Iran ineligible to receive any nuclear material, technology, equipment, or assistance from any IAEA Member State until Iran is in full compliance with IAEA requirements. Violating this policy would make a Member State ineligible to receive any nuclear-related material, technology, equipment, or IAEA assistance.

**2. Kirk (R-IL)/Andrews (D-NJ) #5. AGREED TO BY VOICE VOTE.** Directs the President to instruct the U.S. Permanent Representative to the IAEA to ensure that the IAEA rescind the Small Quantities Protocol (SQP) and require that any nation that has signed the SQP to also implement and be in compliance with the Additional Protocol (which provides for more stringent inspections). Violating this policy would make a Member State ineligible to receive any nuclear-related material, technology, equipment, or IAEA assistance.

**3. Markey (D-MA) #17. AGREED TO BY VOICE VOTE.** Calls on the President to direct the U.S. Permanent Representative to the IAEA to call for penalties against any Member State that violates or withdraws from the Nonproliferation Treaty by requiring them to return all nuclear materials and technology received from the IAEA, any Member State of the IAEA, or any Member State of the Nuclear Nonproliferation Treaty.

## PART 1 - SUBPART D (Human Rights)

**1. Royce (R-CA) #11. AGREED TO 373-32.** Requires that the President direct the U.S. Permanent Representative to the UN to ensure that the use of country-specific resolutions regarding human rights violations shall not be eliminated. This additional requirement is made part of the certification and withholding process of section 601 of the underlying bill.

**2. Fortenberry (R-NE) #29. AGREED TO 375-29.** Directs the U.S. Permanent Representative to the UN to use the voice, vote, and influence of the U.S. at the UN to make every effort to ensure the formal adoption and implementation of mechanisms to:

- suspend the membership of a Member State if it is determined that the government of such Member State is engaged or complicit in act of genocide, war crimes, or crimes against humanity;
- impose an arms and trade embargo, travel restrictions and asset freeze upon groups or individuals responsible for such acts;
- deploy a UN peacekeeping operation from an international or regional organization;

- deploy monitors from the UN High Commissioner for Refugees to the area where such acts are occurring; and
- authorize the establishment of an international commission of inquiry into such acts.

This additional requirement is made part of the certification and withholding process of section 601 of the underlying bill.

## PART 1 - SUBPART E (Oil-for-Food Program)

**1. Flake (R-AZ) #9. AGREED TO 366-38.** Requires the UN to release documents regarding the Oil-for-Food Program, upon request of the permanent representatives of Member States, and to waive the immunity of UN officials from the judicial process in the U.S. for civil or criminal acts under federal or state law that transpired in the U.S. and in connection with the Oil-for-Food Program. This additional requirement is made part of the certification and withholding process of section 601 of the underlying bill.

**2. Barton (R-TX) #21. AGREED TO BY VOICE VOTE.** Directs the Independent Oversight Board to review the Final Report of the Independent Inquiry Committee (IIC) into the UN Oil-for-Food Program. The IOB's review would focus on the adequacy of the IIC's Final Report (regarding such matters as illegal kickbacks, failure of UN officials to cooperate in investigations, the use of Oil-for-Food revenues for military purposes, etc.) or any subsequent reports of the IIC or any possible successor to the IIC.

## PART 2

**1. Chabot (R-OH)/Lantos (D-CA) #2. AGREED TO 405-2.** Requires that the President direct the U.S. Permanent Representative to the UN to ensure that the Secretary General issues a directive that:

- requires all UN employees to publicly condemn anti-Semitic statements made during UN sessions;
- subjects all UN employees to immediate dismissal for making anti-Semitic statements;
- makes specific recommendations for holding UN employees and officials accountable for anti-Semitic statements in any UN forum; and
- implements education programs about the Holocaust and anti-Semitism.

The Representative would also have to work to secure the adoption of a resolution in the General Assembly that establishes these mechanisms and to reduce anti-Semitic language and anti-Israel resolutions in the UN. This additional requirement is made part of the certification and withholding process of section 601 of the underlying bill.

**2. Wilson (R-SC) #4. AGREED TO BY VOICE VOTE.** Adds to the list of entities that the State Department has to review for duplicative efforts and funding:

- the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories; and
- any other entity the Secretary determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli-Palestinian issues.

**3. King (R-IA) #14. AGREED TO BY VOICE VOTE.** Prohibits the Secretary of State from making contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in an amount greater than the highest contribution to UNRWA made by an Arab country (Arab country defined as the 22 countries listed in the amendment text), but may not exceed 22% of the total budget of UNRWA.

**4. McCotter (R-MI)/Engel (D-NY) #24. AGREED TO BY VOICE VOTE.** Directs the President to instruct the U.S. Permanent Representative to the UN to ensure full implementation of UN Security Council Resolution (UNSCR) 1559 (regarding the sovereignty of Lebanon and the foreign occupation thereof:

<http://daccessdds.un.org/doc/UNDOC/GEN/N04/498/92/PDF/N0449892.pdf?OpenElement>), by:

- calling for UN inspectors to verify withdrawal of all foreign forces (including military security, intelligence, police, and militia forces) from Lebanon;
- calling for UN observer teams to prevent further manipulation of the Lebanese electoral process, including helping to prevent targeted assassination of Lebanese political figures.

Also calls for the U.S. to seek adoption of a UNSCR to impose punitive measures on countries whose forces remain in Lebanon in violation of UNSCR 1559 after July 31, 2005, and those who directly, or through their proxies, are infringing upon the territorial integrity or political sovereignty of Lebanon.

**5. Pence (R-IN) #16. AGREED TO 281-126.** Directs the President to instruct the U.S. Permanent Representative to the UN to ensure that the difference between the scale of assessments for the five permanent members of the Security Council is not greater than five times that of any other permanent member of the Security Council. If the Secretary of State determines that a permanent member of the Security Council is in violation of this policy, the President would have to instruct the U.S. Permanent Representative to the UN to use the voice, vote and influence of the U.S. to deny that permanent member the use of its veto in the Security Council until such member adheres to the assessment policy.

**6. Ros-Lehtinen (R-FL) #23. AGREED TO BY VOICE VOTE.** Directs the President to instruct the U.S. Permanent Representative to the UN to make every effort to establish a Democracy Fund at the UN to be funded and administered by the Member States of the UN Democracy Caucus. The Fund would be aimed at assisting emerging democracies or democracies in transition and could not assist countries that are ineligible for membership in a UN human rights body (as provided in the underlying bill text). It would be a policy of the U.S. to shift some of its regular assessed contributions to the UN to the Democracy Fund. This additional requirement is made part of the certification and withholding process of section 601 of the underlying bill.

**7. Garrett (R-NJ) #25. AGREED TO BY VOICE VOTE.** Declares that it is U.S. policy to oppose any proposals to expand the Security Council if such expansion would diminish the influence of the U.S. on the Council, provide veto power to any new member of the Council, or otherwise undermine the effectiveness of the Council.

**8. Garrett (R-NJ) #26. AGREED TO BY VOICE VOTE.** Declares that it is U.S. policy to enforce zero nominal growth in all assessed dues to the regular budget of the UN, its specialized

agencies, and its funds and programs. Also declares that it is U.S. policy to require the UN Secretariat to identify low-priority activities (known as the “5.6 Rule”) in the UN budget proposal. Encourages the UN to require its managers to identify the lowest priority activities equivalent to 15% of their respective budget requests or face a 15% across-the-board cut. Also declares that it is U.S. policy to ensure that the UN is annually publishing a list of all subsidiary bodies and their functions, budgets, and staff.

**9. Gohmert (R-TX) #13. FAILED 108-297.** Adds a new title to the underlying bill to prohibit U.S. assistance for economic or military support to a country that has opposed the (voting) position of the U.S. in the UN more than 50% of the time (subject to exception for changes in governments).

**10. Kucinich (D-OH) #10. FAILED BY VOICE VOTE.** Directs the President to instruct the U.S. Permanent Representative to the UN to work to “strengthen and expand the Social Protection sector of the International Labor Organization (ILO), in order to allow the ILO to issue more field and regional units of the ILO, to increase site inspections of working conditions, and to issue more reports on such conditions to the international community.” Requires as part of the certification and withholding process of section 601 of the underlying bill that:

- “Member States are broadening the scope and the instruments of social security schemes, improving and diversifying benefits, strengthening governance and management, and developing policies to combat adverse effects of social and economic insecurity; and
- “ILO constituents are targeting and taking effective action to improve the safety and health conditions at work, with special attention to the most hazardous conditions in the workplace.”

**11. Pearce (R-NM) #22. AGREED TO BY VOICE VOTE.** Prohibits an employee of any UN entity, bureau, division, department, or specialized agency from having unauthorized contact, including business contact, with a Member State that is subject to UN sanctions.

**12. Stearns (R-FL) #6. FAILED 100-306.** Increases from 50% to 75% the amount of U.S. regular assessed dues withheld, if the required number of certifications is not met. Reduces from 11% to 5.5% the percentage of the UN’s regular assessed biennial budget that could be funded by the United States, if the required number of certifications is not met.

**13. Lantos (D-CA)/Shays (R-CT) #15. FAILED 190-216. (30 minutes of debate time)**

**Amendment in the Nature of a Substitute.** This substitute is substantively similar to the underlying bill, with the following differences:

- Rather than requiring the direct withholding of 50% of U.S. regular assessed dues to the UN if certain reforms are not met, the substitute would allow—but not require—the Secretary of State to withhold up to 50% of such dues.
- Rather than requiring the direct withholding of 50% of U.S. dues to the UN if certain programs are not changed from regular assessed to voluntary, the substitute would allow—but not require—the Secretary of State to withhold up to 50% of U.S. dues to the UN dues if substantial progress has not been made toward such budgetary changes.



- The substitute provides the Secretary of State with a waiver of the underlying bill's peacekeeping requirements, in the event that a new or expanded mission is in America's national interest.
  - The substitute also ensures that U.S. funds are not withheld from the regular UN budget when it is the separate specialized agencies, such as the World Health Organization or the World Intellectual Property Organization, that have failed to make necessary reforms.
  - The substitute includes a new title that would:
    - express congressional findings that U.S. payments to the UN are often "late," causing the UN to have to borrow from its peacekeeping account in order to fund regular activities;
    - authorize \$150 million for each of the three fiscal years after the first year in which all the certifications have been made for "a process to synchronize the payment of [U.S.] assessments to the United Nations and other international organizations over a multiyear period so that the United States can resume paying its dues to such international organizations at the beginning of each calendar year;"
    - express a sense of Congress that the U.S. should support increasing the UN's 2006-2007 budget to fund the new offices and duties that will be needed to implement the reforms in this legislation;
    - express a sense of Congress that the U.S. should support a "buyout" of UN personnel "that do not have the skills necessary for the United Nations in the 21<sup>st</sup> Century;"
    - authorize \$10 million for the UN International Democracy Fund in FY2006; and
    - authorize the President to detail any federal employee to the UN on a nonreimbursable basis for up to three years to assist in implementing the reforms in this legislation.
  - The substitute would include the language of the:
    - Chabot amendment summarized above (Part 2, Number 1), regarding anti-Semitism;
    - Fortenberry amendment summarized above (Part 1, Subpart D, Number 2), regarding genocide; and
    - Kline amendment summarized above (Part 1, Subpart B, Number 2), regarding the Uniform Military Code of Justice.
  - The substitute expresses a sense of Congress that the President needs to implement an extensive diplomatic campaign to achieve the reforms in this legislation.
-