

109TH CONGRESS
1ST SESSION

H. R. 2745

To reform the United Nations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2005

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

A BILL

To reform the United Nations, and for other purposes.

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “United Nations Reform Act of 2005”.

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

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

TITLE I—MISSION AND BUDGET OF THE UNITED NATIONS

- Sec. 101. United States financial contributions to the United Nations.
- Sec. 102. Weighted voting.
- Sec. 103. Budget certification requirements.
- Sec. 104. Accountability.

- Sec. 105. Terrorism and the United Nations.
- Sec. 106. United Nations treaty bodies.
- Sec. 107. Equality at the United Nations.
- Sec. 108. Report on United Nations reform.
- Sec. 109. Report on United Nations personnel.

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

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

TITLE III—INTERNATIONAL ATOMIC ENERGY AGENCY

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

TITLE IV—PEACEKEEPING

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

TITLE V—DEPARTMENT OF STATE AND GOVERNMENT
ACCOUNTABILITY OFFICE

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

TITLE VI—CERTIFICATIONS AND WITHHOLDING OF
CONTRIBUTIONS

- Sec. 601. Certifications and withholding of contributions.

1 SEC. 2. DEFINITIONS.

2 In this Act:

- 3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
- 4 TEES.—The term “appropriate congressional com-
- 5 mittees” means the Committee on International Re-
- 6 lations of the House of Representatives and the
- 7 Committee on Foreign Relations of the Senate.

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

6 (3) GENERAL ASSEMBLY.—The term “General
7 Assembly” means the General Assembly of the
8 United Nations.

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

13 (5) SECRETARY.—The term “Secretary” means
14 the Secretary of State.

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

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

21 (8) SPECIALIZED AGENCIES AND SPECIALIZED
22 AGENCIES OF THE UNITED NATIONS.—The terms
23 “specialized agencies” and “specialized agencies of
24 the United Nations” mean—

1 (A) the Food and Agriculture Organization
2 (FAO);

3 (B) the International Atomic Energy
4 Agency (IAEA);

5 (C) the International Civil Aviation Orga-
6 nization (ICAO);

7 (D) the International Fund for Agricul-
8 tural Development (IFAD);

9 (E) the International Labor Organization
10 (ILO);

11 (F) the International Maritime Organiza-
12 tion (IMO);

13 (G) the International Telecommunication
14 Union (ITU);

15 (H) the United Nations Educational, Sci-
16 entific, and Cultural Organization (UNESCO);

17 (I) the United Nations Industrial Develop-
18 ment Organization (UNIDO);

19 (J) the Universal Postal Union (UPU);

20 (K) the World Health Organization
21 (WHO) and its regional agencies;

22 (L) the World Meteorological Organization
23 (WMO); and

24 (M) the World Intellectual Property Orga-
25 nization (WIPO).

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

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

8 **TITLE I—MISSION AND BUDGET**
9 **OF THE UNITED NATIONS**

10 **SEC. 101. UNITED STATES FINANCIAL CONTRIBUTIONS TO**
11 **THE UNITED NATIONS.**

12 (a) STATEMENTS OF POLICY.—

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

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

19 (B) shift funding mechanisms of certain
20 organizational programs of the United Nations
21 specified under paragraph (4) from the regular
22 assessed budget to voluntarily funded programs.

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

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

4 (B) redirect a portion of funds from the
5 following organizational programs to pursue the
6 policy objectives described in paragraph (1)(A):

7 (i) Public Information.

8 (ii) General Assembly affairs and con-
9 ference services.

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

18 (4) CERTAIN ORGANIZATIONAL PROGRAMS.—
19 The organizational programs referred to in para-
20 graph (1)(B) are the following:

21 (A) Economic and social affairs.

22 (B) Least-developed countries, landlocked
23 developing countries and small island devel-
24 oping States.

- 1 (C) United Nations support for the New
2 Partnership for Africa's Development.
- 3 (D) Trade and development.
- 4 (E) International Trade Center UNCTAD/
5 WTO.
- 6 (F) Environment.
- 7 (G) Human settlements.
- 8 (H) Crime prevention and criminal justice.
- 9 (I) International drug control.
- 10 (J) Economic and social development in
11 Africa.
- 12 (K) Economic and social development in
13 Asia and the Pacific.
- 14 (L) Economic development in Europe.
- 15 (M) Economic and social development in in
16 Latin America and the Caribbean.
- 17 (N) Economic and social development in
18 Western Asia.
- 19 (O) Regular program of technical coopera-
20 tion.
- 21 (P) Development account.
- 22 (Q) Protection of and assistance to refu-
23 gees.
- 24 (R) Palestine refugees.

1 (b) AUTHORIZATION WITH RESPECT TO THE REG-
2 ULAR ASSESSED BUDGET OF THE UNITED NATIONS.—
3 Subject to the amendment made by subsection (c), the
4 Secretary of State is authorized to make contributions to-
5 ward the amount assessed to the United States by the
6 United Nations for the purpose of funding the regular as-
7 sessed budget of the United Nations.

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

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

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

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

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

24 “(B) shift funding mechanisms of certain
25 organizational programs of the United Nations

1 specified under paragraph (2) of subsection (c)
2 from the regular assessed budget to voluntarily
3 funded programs.

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

6 “(A) redirect United States contributions
7 to the United Nations to achieve the policy ob-
8 jectives described in paragraph (1)(B); and

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

12 “(i) Public Information.

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

15 “(3) FUTURE BIENNIUM BUDGETS.— The
16 President shall direct the United States Permanent
17 Representative to the United Nations to use the
18 voice, vote, and influence of the United States at the
19 United Nations to ensure that the shifting of fund-
20 ing mechanisms under paragraph (1)(B) and re-
21 directing of contributions under paragraph (2) be re-
22 flected in future resolutions agreed to by the General
23 Assembly for the regular assessed budget of the
24 United Nations for the period of a current biennium.
25 To achieve the policies described in paragraphs (1)

1 and (2), the United States Permanent Representa-
2 tive to the United Nations shall withhold the support
3 of the United States for a consensus for such budget
4 until such time as such budget is reflective of such
5 policies.

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

12 “(c) ANNUAL DUES.—

13 “(1) IN GENERAL.—For annual dues paid by
14 the United States to the United Nations each fiscal
15 year, the percentage specified in subsection (b) shall
16 be multiplied by one-half of the amount of the regu-
17 larly assessed budget of the United Nations for a
18 current biennial period, as agreed to by resolution of
19 the General Assembly.

20 “(2) CALCULATION WITH RESPECT TO CERTAIN
21 ORGANIZATIONAL PROGRAMS FOR REDIRECTION.—

22 The percentage specified in subsection (b) shall be
23 multiplied by one-half of the sum of amounts budg-
24 eted by resolution of the General Assembly for a

1 current biennial period for the following certain or-
2 ganizational programs:

3 “(A) Economic and social affairs.

4 “(B) Least-developed countries, landlocked
5 developing countries and small island devel-
6 oping States.

7 “(C) United Nations support for the New
8 Partnership for Africa’s Development.

9 “(D) Trade and development.

10 “(E) International Trade Center
11 UNCTAD/WTO.

12 “(F) Environment.

13 “(G) Human settlements.

14 “(H) Crime prevention and criminal jus-
15 tice.

16 “(I) International drug control.

17 “(J) Economic and social development in
18 Africa.

19 “(K) Economic and social development in
20 Asia and the Pacific.

21 “(L) Economic development in Europe.

22 “(M) Economic and social development in
23 in Latin America and the Caribbean.

24 “(N) Economic and social development in
25 Western Asia.

1 “(O) Regular program of technical co-
2 operation.

3 “(P) Development account.

4 “(Q) Protection of and assistance to refu-
5 gees.

6 “(R) Palestine refugees.

7 “(3) REDIRECTION OF FUNDS.—Of amounts
8 appropriated for contributions towards payment of
9 regular assessed dues to the United Nations for
10 2008 and each subsequent year, if the funding
11 mechanisms of one or more of the organizational
12 programs of the United Nations specified in para-
13 graph (2) have not been shifted from the regular as-
14 sessed budget to voluntarily funded programs in ac-
15 cordance with subsection (a)(1), the Secretary shall
16 ensure that such amounts in each such fiscal year
17 that are specified for each such organizational pro-
18 gram pursuant to the resolution agreed to by the
19 General Assembly for the regular assessed budget of
20 the United Nations for the period of a current bien-
21 nium are redirected from payment of the assessed
22 amount for the regular assessed budget as follows:

23 “(A) Subject to not less than 30 days prior
24 notification to Congress, the Secretary shall ex-
25 pend an amount, not to exceed 40 percent of

1 the amount specified for each such organiza-
2 tional program pursuant to the resolution
3 agreed to by the General Assembly for the reg-
4 ular assessed budget of the United Nations for
5 the period of a current biennium, as a contribu-
6 tion to an eligible organizational program speci-
7 fied in paragraph (4).

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

13 “(4) ELIGIBLE ORGANIZATIONAL PROGRAMS.—

14 The eligible organizational programs referred to in
15 paragraph (3)(A) for redirection of funds under such
16 paragraph are the following:

17 “(A) Internal oversight.

18 “(B) Human rights.

19 “(C) Humanitarian assistance.

20 “(D) An organizational program specified
21 in subparagraphs (A) through (P) of paragraph
22 (2), subject to paragraph (5).

23 “(5) EXPENDITURE OF REMAINING AMOUNTS

24 TO CERTAIN ORGANIZATION PROGRAMS.—

1 “(A) VOLUNTARY CONTRIBUTION.—Sub-
2 ject to not less than 30 days prior notification
3 to Congress and the limitation specified under
4 subparagraph (B), the Secretary is authorized
5 to make a voluntary contribution to an organi-
6 zational program of the United Nations speci-
7 fied in subparagraphs (A) through (P) of para-
8 graph (2) of any amounts not contributed in a
9 fiscal year to an eligible organizational program
10 specified in subparagraphs (A) through (C) of
11 paragraph (4).

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

19 “(d) FURTHER CALCULATION WITH RESPECT TO
20 BUDGETS FOR PUBLIC INFORMATION AND GENERAL AS-
21 SSEMBLY AFFAIRS AND CONFERENCE SERVICES.—

22 “(1) 22 PERCENT LIMITATION.—The Secretary
23 may not make a contribution to a regularly assessed
24 biennial budget of the United Nations in an amount

1 greater than 22 percent of the amount calculable
2 under paragraph (2).

3 “(2) ANNUAL DUES EACH FISCAL YEAR.—

4 “(A) IN GENERAL.—For annual dues paid
5 by the United States to the United Nations
6 each fiscal year, the percentage specified in
7 paragraph (1) shall be multiplied by one-half of
8 the amount of the regularly assessed budget of
9 the United Nations for a current biennial pe-
10 riod, as agreed to by resolution of the General
11 Assembly.

12 “(B) CALCULATION WITH RESPECT TO
13 PUBLIC INFORMATION AND GENERAL ASSEMBLY
14 AFFAIRS AND CONFERENCE SERVICES.—With
15 respect to such United States annual dues, the
16 percentage specified in paragraph (1) shall be
17 multiplied by one-half of the sum of amounts
18 budgeted by resolution of the General Assembly
19 for the 2004–2005 biennial period for the fol-
20 lowing organizational programs:

21 “(i) Public Information.

22 “(ii) General Assembly affairs and
23 conferences services.

24 “(C) REDIRECTION OF FUNDS.—

1 “(i) IN GENERAL.—The President
2 shall direct the United States Permanent
3 Representative to the United Nations to
4 make every effort, including the with-
5 holding of United States support for a con-
6 sensus budget of the United Nations, to
7 reduce the budgets of the organizational
8 programs specified in subparagraph (B)
9 for 2007 by ten percent against the bud-
10 gets of such organizational programs for the
11 2004–2005 biennial period. If the budgets
12 of such organizational programs are not so
13 reduced, 20 percent the amount deter-
14 mined under subparagraph (B) for con-
15 tributions towards payment of regular as-
16 sessed dues for 2007 shall be redirected
17 from payment for the amount assessed for
18 United States annual contributions to the
19 regular assessed budget of the United Na-
20 tions.

21 “(ii) SPECIFIC AMOUNTS.—The Sec-
22 retary shall make the amount determined
23 under clause (i) available as a contribution
24 to an eligible organizational program speci-

1 fied in subparagraphs (A) through (C) of
2 paragraph (4) of subsection (c).

3 “(3) POLICY WITH RESPECT TO 2008–2009 BIEN-
4 NIAL PERIOD AND SUBSEQUENT BIENNIAL PERI-
5 ODS.—

6 “(A) IN GENERAL.—The President shall
7 direct the United States Permanent Represent-
8 ative to the United Nations to make every ef-
9 fort, including the withholding of United States
10 support for a consensus budget of the United
11 Nations, to reduce the budgets of the organiza-
12 tional programs specified in subparagraph (B)
13 of paragraph (2) for the 2008–2009 biennial
14 period and each subsequent biennial period by
15 20 percent against the budgets of such organi-
16 zational programs for the 2004–2005 biennial
17 period.

18 “(B) CERTIFICATION.—In accordance with
19 section 601, a certification shall be required
20 that certifies that the reduction in budgets de-
21 scribed in subparagraph (A) has been imple-
22 mented.”.

23 (d) EFFECTIVE DATE.—The amendment made by
24 subsection (c) shall take effect and apply beginning on Oc-
25 tober 1, 2006.

1 **SEC. 102. WEIGHTED VOTING.**

2 It shall be the policy of the United States to actively
3 pursue weighted voting with respect to all budgetary and
4 financial matters in the Administrative and Budgetary
5 Committee and in the General Assembly in accordance
6 with the level of the financial contribution of a Member
7 State to the regular assessed budget of the United Na-
8 tions.

9 **SEC. 103. BUDGET CERTIFICATION REQUIREMENTS.**

10 (a) CERTIFICATION.—In accordance with section
11 601, a certification shall be required that certifies that the
12 conditions described in subsection (b) have been satisfied.

13 (b) CONDITIONS.—The conditions under this sub-
14 section are the following:

15 (1) NEW BUDGET PRACTICES FOR THE UNITED
16 NATIONS.—The United Nations is implementing
17 budget practices that—

18 (A) require the maintenance of a budget
19 not in excess of the level agreed to by the Gen-
20 eral Assembly at the beginning of each United
21 Nations budgetary biennium, unless increases
22 are agreed to by consensus and do not exceed
23 ten percent; and

24 (B) require the identification of expendi-
25 tures by the United Nations by functional cat-

1 egories such as personnel, travel, and equip-
2 ment.

3 (2) PROGRAM EVALUATION.—

4 (A) EXISTING AUTHORITY.—The Secretary
5 General and the Director General of each spe-
6 cialized agency have used their existing authori-
7 ties to require program managers within the
8 United Nations Secretariat and the Secretariats
9 of the specialized agencies to conduct evalua-
10 tions in accordance with the standardized meth-
11 odology referred to in subparagraph (B) of—

12 (i) United Nations programs approved
13 by the General Assembly; and

14 (ii) programs of the specialized agen-
15 cies.

16 (B) DEVELOPMENT OF EVALUATION CRI-
17 TERIA.—

18 (i) UNITED NATIONS.—The Office of
19 Internal Oversight Services has developed
20 a standardized methodology for the evalua-
21 tion of United Nations programs approved
22 by the General Assembly, including specific
23 criteria for determining the continuing rel-
24 evance and effectiveness of the programs.

1 (ii) SPECIALIZED AGENCIES.—Pat-
2 terned on the work of the Office of Inter-
3 nal Oversight Services of the United Na-
4 tions, each specialized agency has devel-
5 oped a standardized methodology for the
6 evaluation of the programs of the agency,
7 including specific criteria for determining
8 the continuing relevance and effectiveness
9 of the programs.

10 (C) REPORT.—The Secretary General is
11 assessing budget requests and, on the basis of
12 evaluations conducted under subparagraph (B)
13 for the relevant preceding year, submits to the
14 General Assembly a report containing the re-
15 sults of such evaluations, identifying programs
16 that have satisfied the criteria for continuing
17 relevance and effectiveness, and an identifica-
18 tion of programs that have not satisfied such
19 criteria and should be terminated.

20 (D) SUNSET OF PROGRAMS.—Consistent
21 with the July 16, 1997, recommendations of the
22 Secretary General regarding a sunset policy and
23 results-based budgeting for United Nations pro-
24 grams, the United Nations and each specialized
25 agency has established and is implementing

1 procedures to require all new programs ap-
2 proved by the General Assembly to have a spe-
3 cific sunset date.

4 **SEC. 104. ACCOUNTABILITY.**

5 (a) CERTIFICATION OF CREATION OF INDEPENDENT
6 OVERSIGHT BOARD.—In accordance with section 601, a
7 certification shall be required that certifies that the fol-
8 lowing reforms related to the establishment of an Inde-
9 pendent Oversight Board (IOB) have been adopted by the
10 United Nations:

11 (1) An IOB is established from existing United
12 Nations budgetary and personnel resources. Except
13 as provided in this subsection, the IOB shall be an
14 independent entity within the United Nations and
15 shall not be subject to budget authority or organiza-
16 tional authority of any entity within the United Na-
17 tions.

18 (2) The head of the IOB shall be a Director,
19 who shall be nominated by the Secretary General
20 and who shall be subject to Security Council ap-
21 proval by a majority vote. The IOB shall also consist
22 of four other board members who shall be nominated
23 by the Secretary General and subject to Security
24 Council approval by a majority vote. The IOB shall
25 be responsible to the Security Council and the Direc-

1 tor and board members shall each serve terms of six
2 years, except that the terms of the initial board shall
3 be staggered so that no more than two board mem-
4 bers' terms will expire in any one year. No board
5 member may serve more than two terms. An IOB
6 board member may be removed for cause by a ma-
7 jority vote of the Security Council. The Director
8 shall appoint a professional staff headed by a Chief
9 of Staff and may employ contract staff as needed.

10 (3) The IOB shall receive operational and budg-
11 etary funding through appropriations by the General
12 Assembly from existing levels of United Nations
13 budgetary and personnel resources, and shall not be
14 dependent upon any other entity, bureau, division,
15 department, or specialized agency of the United Na-
16 tions for such funding.

17 (4) While the IOB shall have the authority to
18 evaluate all operations of the United Nations, the
19 primary mission of the IOB is to oversee the Office
20 of Internal Oversight Services and the Board of Ex-
21 ternal Auditors. The IOB may direct the Office of
22 Internal Oversight Services or the Board of External
23 Auditors to initiate, abandon, or modify the scope of
24 an investigation. Every three months or more fre-
25 quently when appropriate, the IOB shall submit, as

1 appropriate, to the Secretary General, the Security
2 Council, the General Assembly, or the Economic and
3 Social Council a report on its activities, relevant ob-
4 servations, and recommendations relating to its
5 audit operations, including information relating to
6 the inventory and status of investigations by the Of-
7 fice of Internal Oversight Services.

8 (5) In extraordinary circumstances and with the
9 concurrence of the Secretary General or the Security
10 Council by majority vote, the IOB may augment the
11 Office of Internal Oversight Services with a special
12 investigator and staff consisting of individuals who
13 are not employees of the United Nations, to inves-
14 tigate matters involving senior officials of the United
15 Nations or of its specialized agencies when allega-
16 tions of serious misconduct have been made and
17 such a special investigation is necessary to maintain
18 public confidence in the integrity of the investiga-
19 tion. A special investigator and staff shall comply
20 with all United Nations financial disclosure and con-
21 flict of interest rules, including the filing of an indi-
22 vidual Annual Financial Disclosure Form in accord-
23 ance with subsection (c).

1 (6) The IOB shall recommend annual budgets
2 for the Office of Internal Oversight Services and the
3 Board of External Auditors.

4 (b) CERTIFICATION OF UNITED NATIONS REFORMS
5 OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES.—

6 In accordance with section 601, a certification shall be re-
7 quired that certifies that the following reforms related to
8 the Office of Internal Oversight Services (OIOS) have
9 been adopted by the United Nations:

10 (1) The OIOS is designated as an independent
11 entity within the United Nations. The OIOS shall
12 not be subject to budget authority or organizational
13 authority of any entity within the United Nations
14 except as provided in this section.

15 (2) The regular assessed budget of the United
16 Nations shall fully fund the Internal Oversight
17 Budget from existing levels of United Nations budg-
18 etary and personnel resources and shall not be de-
19 pendent upon any other entity, bureau, division, de-
20 partment, or specialized agency of the United Na-
21 tions for such funding.

22 (3) All United Nations officials, including offi-
23 cials from any entity, bureau, division, department,
24 or specialized agency of the United Nations, may—

1 (A) make a recommendation to the OIOS
2 to initiate an investigation of any aspect of the
3 United Nations; or

4 (B) report to the OIOS information or al-
5 legations of misconduct or inefficiencies within
6 the United Nations.

7 (4) The OIOS may, sua sponte, initiate and
8 conduct an investigation or audit of any entity, bu-
9 reau, division, department, specialized agency, em-
10 ployee (including the Secretary General) of the
11 United Nations, including any employee of the spe-
12 cialized agencies of the United Nations, or con-
13 tractor or consultant for the United Nations or its
14 specialized agencies.

15 (5) At least every three months and more fre-
16 quently when appropriate, the OIOS shall submit to
17 the IOB a report containing an inventory and status
18 of its investigations.

19 (6) The OIOS shall establish procedures for
20 providing “whistle-blower” status and employment
21 protections for all employees of the United Nations,
22 including employees of the specialized agencies of
23 the United Nations, who provide informational leads
24 and testimony related to allegations of wrongdoing.
25 Such procedures shall be adopted throughout the

1 United Nations. Such status and protection may not
2 be conferred on the Secretary General.

3 (7) The OIOS shall annually publish a public
4 report determining the proper number, distribution,
5 and expertise of auditors within the OIOS necessary
6 to carry out present and future duties of the OIOS,
7 including assessing the staffing requirements needed
8 to audit United Nations contracting activities
9 throughout the contract cycle from the bid process
10 to contract performance.

11 (8) Not later than six months after the date of
12 the enactment of this Act, the Director shall estab-
13 lish a position of Associate Director of OIOS for
14 Specialized Agencies and Funds and Programs who
15 shall be responsible for supervising the OIOS liaison
16 or oversight duties for each of the specialized agen-
17 cies and funds and programs of the United Nations.
18 With the concurrence of the Director, the Associate
19 Director of OIOS for Specialized Agencies and
20 Funds and Programs may, from existing levels of
21 United Nations budgetary and personnel resources,
22 hire and appoint necessary OIOS staff, including
23 staff serving within and located at specialized agen-
24 cies and funds and programs permanently or as

1 needed to liaison with existing audit functions within
2 each specialized agency and fund and program.

3 (9) Not later than six months after the date of
4 the enactment of this Act, the Director shall estab-
5 lish a position of Associate Director of OIOS for
6 Peacekeeping Operations, who shall be responsible
7 for the oversight and auditing of the field offices at-
8 tached to United Nations peacekeeping operations.
9 The Associate Director of OIOS for Peacekeeping
10 Operations shall receive informational leads and tes-
11 timony from any person regarding allegations of
12 wrongdoing by United Nations officials or peace-
13 keeping troops or regarding inefficiencies associated
14 with United Nations peacekeeping operations. The
15 Associate Director of OIOS for Peacekeeping Oper-
16 ations shall be responsible for initiating, conducting,
17 and overseeing investigations within peacekeeping
18 operations.

19 (10) Not later than six months after the date
20 of the enactment of this Act, the Director shall es-
21 tablish a position of Associate Director of OIOS for
22 Procurement and Contract Integrity, who shall be
23 responsible for auditing and inspecting procurement
24 and contracting win the United Nations, including
25 within the specialized agencies. The Associate Direc-

1 tor of OIOS for Procurement and Contract Integrity
2 shall receive informational leads and testimony from
3 any person regarding allegations of wrongdoing by
4 United Nations officials or regarding inefficiencies
5 associated with United Nations procurement or con-
6 tracting activities. The Associate Director of OIOS
7 for Procurement and Contract Integrity shall be re-
8 sponsible for initiating, conducting, and overseeing
9 investigations of procurement and contract activities.
10 Not later than 12 months after the establishment of
11 the position of Associate Director of OIOS for Pro-
12 curement and Contract Integrity, the Director, with
13 the assistance of the Associate Director of OIOS for
14 Procurement and Contract Integrity, shall undertake
15 a review of contract procedures to ensure that prac-
16 tices and policies are in place to ensure that—

17 (A) the United Nations has ceased issuing
18 single bid contracts except for such contracts
19 issued during an emergency situation that is
20 justified by the Under Secretary General for
21 Management;

22 (B) the United Nations has established ef-
23 fective controls to prevent conflicts of interest
24 in the award of contracts; and

1 (C) the United Nations has established ef-
2 fective procedures and policies to ensure effec-
3 tive and comprehensive oversight and moni-
4 toring of United Nations contract performance.

5 (c) CERTIFICATION OF ESTABLISHMENT OF UNITED
6 NATIONS OFFICE OF ETHICS.—In accordance with sec-
7 tion 601, a certification shall be required that certifies
8 that the following reforms related to the establishment of
9 a United Nations Office of Ethics have been adopted by
10 the United Nations:

11 (1) A United Nations Office of Ethics (UNOE)
12 is established. The UNOE shall be an independent
13 entity within the United Nations and shall not be
14 subject to budget authority or organizational author-
15 ity of any entity within the United Nations. The
16 UNOE shall be responsible for establishing, man-
17 aging, and enforcing a code of ethics for all employ-
18 ees of United Nations and its specialized agencies.
19 The UNOE shall also be responsible for providing
20 such employees with annual training related to such
21 code. The head of the UNOE shall be a Director
22 who shall be nominated by the Secretary General
23 and who shall be subject to Security Council ap-
24 proval by majority vote.

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

8 (3) The Director of the UNEO shall, not later
9 than six months after the date of its establishment,
10 publish a report containing proposals for imple-
11 menting a system for the filing and review of indi-
12 vidual Annual Financial Disclosure Forms by each
13 employee of the United Nations, including by each
14 employee of its specialized agencies, at the P-5 level
15 and above and by all contractors and consultants
16 compensated at any salary level. Such system shall
17 be in place and operational not later than six
18 months after the date of the publication of the re-
19 port. Such completed forms shall be made available
20 to the Office of Internal Oversight Services at the
21 request of the Director of the Office of Internal
22 Oversight Services. Such system shall seek to iden-
23 tify and prevent conflicts of interest by United Na-
24 tions employees and shall be comparable to the sys-
25 tem used for such purposes by the United States

1 Government. Such report shall also address broader
2 reforms of the ethics program for the United Na-
3 tions, including—

4 (A) the effect of the establishment of eth-
5 ics officers throughout all organizations within
6 the United Nations;

7 (B) the effect of retention by the UNEO of
8 Annual Financial Disclosure Forms;

9 (C) proposals for making completed An-
10 nual Financial Disclosure Forms available to
11 the public on request through their Member
12 State's mission to the United Nations;

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

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

23 (F) proposals for disclosure upon request
24 by the Ambassador of a Member State of infor-
25 mation related to travel and per diem payments

1 made from United Nations funds to any person;
2 and

3 (G) proposals for annual disclosure to the
4 public of information related to travel and per
5 diem rates and payments made from United
6 Nations funds to any person.

7 (d) CERTIFICATION OF UNITED NATIONS ESTAB-
8 LISHMENT OF POSITION OF CHIEF OPERATING OFFI-
9 CER.—In accordance with section 601, a certification shall
10 be required that certifies that the following reforms re-
11 lated to the establishment of the position of a Chief Oper-
12 ating Officer have been adopted by the United Nations:

13 (1) There is established the position of Chief
14 Operating Officer (COO). The COO shall report to
15 the Secretary General.

16 (2) The COO shall be responsible for formu-
17 lating general policies and programs for the United
18 Nations in coordination with the Secretary General
19 and in consultation with the Security Council and
20 the General Assembly. The COO shall be responsible
21 for the daily administration, operation and super-
22 vision, and the direction and control of the business
23 of the United Nations. The Chief Operating Officer
24 shall also perform such other duties and may exer-

1 cise such other powers as from time to time may be
2 assigned to the COO by the Secretary General.

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

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

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

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

1 (2) a comprehensive convention on terrorism
2 that includes the definition described in paragraph
3 (1).

4 **SEC. 106. UNITED NATIONS TREATY BODIES.**

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

11 (1) a convention (without any protocols) or an
12 international covenant (without any protocols) to
13 which the United States is not party; or

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

16 **SEC. 107. EQUALITY AT THE UNITED NATIONS.**

17 (a) INCLUSION OF ISRAEL IN WEOG.—

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

1 (2) NOTIFICATION TO CONGRESS.—Not later
2 than six months after the date of the enactment of
3 this Act and every six months thereafter for the next
4 two years, the Secretary of State shall notify the ap-
5 propriate congressional committees concerning the
6 treatment of Israel in the United Nations and the
7 expansion of WEOG to include Israel as a perma-
8 nent member.

9 (b) DEPARTMENT OF STATE REVIEW AND RE-
10 PORT.—

11 (1) IN GENERAL.—To avoid duplicative efforts
12 and funding with respect to Palestinian interests
13 and to ensure balance in the approach to Israeli-
14 Palestinian issues, the Secretary shall, not later than
15 60 days after the date of the enactment of this
16 Act—

17 (A) conduct an audit of the functions of
18 the entities listed in paragraph (2); and

19 (B) submit to the appropriate congres-
20 sional committees a report containing rec-
21 ommendations for the elimination of such dupli-
22 cative entities and efforts.

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

1 (A) The United Nations Division for Pales-
2 tinian Rights.

3 (B) The Committee on the Exercise of the
4 Inalienable Rights of the Palestinian People.

5 (C) The United Nations Special Coordi-
6 nator for the Middle East Peace Process and
7 Personal Representative to the Palestine Lib-
8 eration Organization and the Palestinian Au-
9 thority.

10 (D) The NGO Network on the Question of
11 Palestine.

12 (c) IMPLEMENTATION BY PERMANENT REPRESENTA-
13 TIVE.—

14 (1) IN GENERAL.—The President shall direct
15 the United States Permanent Representative to the
16 United Nations to use the voice, vote, and influence
17 of the United States at the United Nations to seek
18 the implementation of the recommendations con-
19 tained in the report required under subsection
20 (b)(1).

21 (2) WITHHOLDING OF FUNDS.—Until such rec-
22 ommendations have been implemented, the United
23 States shall withhold from United States contribu-
24 tions to the regular assessed budget of the United
25 Nations for a biennial period amounts that are pro-

1 portional to the percentage of such budget that are
2 expended for such entities.

3 (d) GAO AUDIT.—The Comptroller General of the
4 United States of the Government Accountability Office
5 shall conduct an audit of—

6 (1) the status of the implementation of the rec-
7 ommendations contained in the report required
8 under subsection (b)(1); and

9 (2) United States actions and achievements
10 under subsection (c).

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

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, and one year thereafter,
14 the Secretary shall submit to the appropriate congres-
15 sional committees a report on United Nations reform since
16 1990.

17 (b) CONTENTS.—The report required under para-
18 graph (1) shall describe—

19 (1) the status of the implementation of manage-
20 ment reforms within the United Nations and its spe-
21 cialized agencies;

22 (2) the number of outputs, reports, or other
23 items generated by General Assembly resolutions
24 that have been eliminated;

1 (3) the progress of the General Assembly to
2 modernize and streamline the committee structure
3 and its specific recommendations on oversight and
4 committee outputs, consistent with the March 2005
5 report of the Secretary General entitled “In larger
6 freedom: towards development, security and human
7 rights for all”;

8 (4) the status of the review by the General As-
9 sembly of all mandates older than five years and
10 how resources have been redirected to new chal-
11 lenges, consistent with such March 2005 report of
12 the Secretary General; and

13 (5) the continued utility and relevance of the
14 Economic and Financial Committee and the Social,
15 Humanitarian, and Cultural Committee, in light of
16 the duplicative agendas of those committees and the
17 Economic and Social Council.

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

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

23 (1) concerning the progress of the General As-
24 sembly to modernize human resource practices, con-
25 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 **TITLE II—HUMAN RIGHTS AND**
14 **THE ECONOMIC AND SOCIAL**
15 **COUNCIL (ECOSOC)**

16 **SEC. 201. HUMAN RIGHTS.**

17 (a) STATEMENT OF POLICY.—It shall be the policy
18 of the United States to use its voice, vote, and influence
19 at the United Nations to ensure that a credible and re-
20 spectable Human Rights Council or other human rights
21 body is established within the United Nations whose par-
22 ticipating Member States uphold the values embodied in
23 the Universal Declaration of Human Rights.

24 (b) HUMAN RIGHTS REFORMS AT THE UNITED NA-
25 TIONS.—The President shall direct the United States Per-

1 manent Representative to the United Nations to ensure
2 that the following human rights reforms have been adopt-
3 ed by the United Nations:

4 (1) A Member State that fails to uphold the
5 values embodied in the Universal Declaration of
6 Human Rights shall be ineligible for membership on
7 any United Nations human rights body.

8 (2) A Member State shall be ineligible for mem-
9 bership on any United Nations human rights body
10 if such Member State is—

11 (A) subject to sanctions by the Security
12 Council; or

13 (B) under a Security Council-mandated in-
14 vestigation for human rights abuses.

15 (3) A Member State that is currently subject to
16 an adopted country specific resolution, in the prin-
17 cipal body in the United Nations for the promotion
18 and protection of human rights, relating to human
19 rights abuses perpetrated by the government of such
20 country in such country, or has been the subject of
21 such an adopted country specific resolution in such
22 principal body within the previous three years, shall
23 be ineligible for membership on any United Nations
24 human rights body. For purposes of this subsection,

1 an adopted country specific resolution shall not in-
2 clude consensus resolutions on advisory services.

3 (4) A Member State that violates the principles
4 of a United Nations human rights body to which it
5 aspires to join shall be ineligible for membership on
6 such body.

7 (5) No human rights body has a standing agen-
8 da item that relates only to one country or region.

9 (c) CERTIFICATION.—In accordance with section
10 601, a certification shall be required that certifies that the
11 human rights reforms described under subsection (b) have
12 been adopted by the United Nations.

13 (d) PREVENTION OF ABUSE OF “NO ACTION” MO-
14 TIONS.—The United States Permanent Representative
15 shall work to prevent abuse of “no action” motions, par-
16 ticularly as such motions relate to country specific resolu-
17 tions.

18 (e) OFFICE OF THE UNITED NATIONS HIGH COMMIS-
19 SIONER FOR HUMAN RIGHTS.—

20 (1) STATEMENT OF POLICY.—It shall be the
21 policy of the United States to continue to strongly
22 support the Office of the United Nations High Com-
23 missioner for Human Rights.

24 (2) CERTIFICATION.—In accordance with sec-
25 tion 601, a certification shall be required that cer-

1 tifies that the Office of the United Nations High
2 Commissioner for Human Rights has been given
3 greater authority in field operation activities, such
4 as in the Darfur region of Sudan and in the Demo-
5 cratic Republic of the Congo, in furtherance of the
6 purpose and mission of the United Nations.

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

8 (a) STATEMENT OF POLICY.—It shall be the policy
9 of the United States to use its voice, vote, and influence
10 at the United Nations to—

11 (1) abolish secret voting in the Economic and
12 Social Council (ECOSOC);

13 (2) ensure that, until such time as the Commis-
14 sion on Human Rights of the United Nations is
15 abolished, only countries that are not ineligible for
16 membership on a human rights body in accordance
17 with paragraph (1) through (4) of section 201(b)
18 shall be considered for membership on the Commis-
19 sion on Human Rights; and

20 (3) ensure that after candidate countries are
21 nominated for membership on the Commission on
22 Human Rights, the Economic and Social Council
23 conducts a recorded vote to determine such member-
24 ship.

1 (b) CERTIFICATION.—In accordance with section
2 601, a certification shall be required that certifies that the
3 policies described in subsection (a) have been implemented
4 by the Economic and Social Council.

5 **TITLE III—INTERNATIONAL**
6 **ATOMIC ENERGY AGENCY**

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

8 (a) ENFORCEMENT AND COMPLIANCE.—

9 (1) OFFICE OF COMPLIANCE.—

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

17 (B) OPERATION.—The Office of Compli-
18 ance shall—

19 (i) function as an independent body
20 composed of technical experts who shall
21 work in consultation with IAEA inspectors
22 to assess compliance by IAEA Member
23 States and provide recommendations to the
24 IAEA Board of Governors concerning pen-
25 alties to be imposed on IAEA Member

1 States that fail to fulfill their obligations
2 under IAEA Board resolutions;

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

6 (iii) shall take into consideration in-
7 formation provided by IAEA Board Mem-
8 bers that are one of the five nuclear weap-
9 ons states as recognized by the Treaty on
10 the Non-Proliferation of Nuclear Weapons
11 (21 UST 483) (commonly referred to as
12 the “Nuclear Nonproliferation Treaty” or
13 the “NPT”).

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

19 (2) SPECIAL COMMITTEE ON SAFEGUARDS AND
20 VERIFICATION.—

21 (A) ESTABLISHMENT.—The President
22 shall direct the United States Permanent Rep-
23 resentative to the IAEA to use the voice, vote,
24 and influence of the United States at the IAEA

1 to establish a Special Committee on Safeguards
2 and Verification.

3 (B) RESPONSIBILITIES.—The Special
4 Committee shall—

5 (i) improve the ability of the IAEA to
6 monitor and enforce compliance by Mem-
7 ber States of the IAEA with the Nuclear
8 Nonproliferation Treaty and the Statute of
9 the International Atomic Energy Agency;
10 and

11 (ii) consider which additional meas-
12 ures are necessary to enhance the ability of
13 the IAEA, beyond the verification mecha-
14 nisms and authorities contained in the Ad-
15 ditional Protocol to the Safeguards Agree-
16 ments between the IAEA and Member
17 States of the IAEA, to detect with a high
18 degree of confidence undeclared nuclear ac-
19 tivities by a Member State.

20 (3) PENALTIES.—

21 (A) IN GENERAL.—The President shall di-
22 rect the United States Permanent Representa-
23 tive to the IAEA to use the voice, vote, and in-
24 fluence of the United States at the IAEA to en-
25 sure that a Member State of the IAEA that is

1 under investigation for a breach of or non-
2 compliance with its IAEA obligations or the
3 purposes and principles of the Charter of the
4 United Nations has its privileges suspended, in-
5 cluding—

6 (i) limiting its ability to vote on its
7 case;

8 (ii) being prevented from receiving
9 any technical assistance; and

10 (iii) being prevented from hosting
11 meetings.

12 (B) TERMINATION OF PENALTIES.—The
13 penalties specified under subparagraph (A)
14 shall be terminated when such investigation is
15 concluded and such Member State is no longer
16 in such breach or noncompliance.

17 (b) UNITED STATES CONTRIBUTIONS.—

18 (1) VOLUNTARY CONTRIBUTIONS.—Voluntary
19 contributions of the United States to the IAEA
20 should primarily be used to fund activities relating
21 to Nuclear Safety and Security or activities relating
22 to Nuclear Verification.

23 (2) LIMITATION ON USE OF FUNDS.—The
24 President shall direct the United States Permanent

1 Representative to the IAEA to use the voice, vote,
2 and influence of the United States at the IAEA to—

3 (A) ensure that funds for safeguards in-
4 spections are prioritized for countries that have
5 newly established nuclear programs or are initi-
6 ating nuclear programs; and

7 (B) block the allocation of funds for any
8 other IAEA development, environmental, or nu-
9 clear science assistance or activity to a coun-
10 try—

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

24 (ii) that is under investigation for a
25 breach of or noncompliance with its IAEA

1 obligations or the purposes and principles
2 of the Charter of the United Nations; or

3 (iii) that is in violation of its IAEA
4 obligations or the purposes and principles
5 of the Charter of the United Nations.

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

15 (c) **MEMBERSHIP.**—

16 (1) **IN GENERAL.**—The President shall direct
17 the United States Permanent Representative to the
18 IAEA to use the voice, vote, and influence of the
19 United States at the IAEA to block the membership
20 on the Board of Governors of the IAEA for a Mem-
21 ber State of the IAEA that has not signed and rati-
22 fied the Additional Protocol and—

23 (A) is under investigation for a breach of
24 or noncompliance with its IAEA obligations or

1 the purposes and principles of the Charter of
2 the United Nations; or

3 (B) that is in violation of its IAEA obliga-
4 tions or the purposes and principles of the
5 Charter of the United Nations.

6 (2) CRITERIA.—The United States Permanent
7 Representative to the IAEA shall make every effort
8 to modify the criteria for Board membership to re-
9 flect the principles described in paragraph (1).

10 (d) REPORT.—Not later than six months after the
11 date of the enactment of this Act and annually for two
12 years thereafter, the President shall submit to the appro-
13 priate congressional committees a report on the implemen-
14 tation of this section.

15 **SEC. 302. SENSE OF CONGRESS REGARDING THE NUCLEAR**
16 **SECURITY ACTION PLAN OF THE IAEA.**

17 It is the sense of Congress that the national security
18 interests of the United States are enhanced by the Nuclear
19 Security Action Plan of the IAEA and the Board of Gov-
20 ernors should recommend, and the General Conference
21 should adopt, a resolution incorporating the Nuclear Secu-
22 rity Action Plan into the regular budget of the IAEA.

TITLE IV—PEACEKEEPING**SEC. 401. SENSE OF CONGRESS REGARDING REFORM OF
UNITED NATIONS PEACEKEEPING OPERATIONS.**

It is the sense of Congress that—

(1) although United Nations peacekeeping operations have contributed greatly toward the promotion of peace and stability for the past 57 years and the majority of peacekeeping personnel who have served under the United Nations flag have done so with honor and courage, the record of United Nations peacekeeping has been severely tarnished by operational failures and unconscionable acts of misconduct; and

(2) if the reputation of and confidence in United Nations peacekeeping operations is to be restored, fundamental and far-reaching reforms, particularly in the areas of planning, management, training, conduct, and discipline, must be implemented without delay.

1 **SEC. 402. STATEMENT OF POLICY RELATING TO REFORM**
2 **OF UNITED NATIONS PEACEKEEPING OPER-**
3 **ATIONS.**

4 It shall be the policy of the United States to pursue
5 reform of United Nations peacekeeping operations in the
6 following areas:

7 (1) PLANNING AND MANAGEMENT.—

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

16 (B) REVIEW OF MANDATES AND CLOSING
17 OPERATIONS.—In conjunction with the audit
18 described in subparagraph (A), the United Na-
19 tions Department of Peacekeeping Operations
20 should conduct a comprehensive review of all
21 United Nations peacekeeping operation man-
22 dates, with a view toward identifying objectives
23 that are practical and achievable, and report its
24 findings to the Security Council. In particular,
25 the review should consider the following:

1 (i) Activities that fall beyond the
2 scope of traditional peacekeeping activities
3 should be delegated to a new Peacebuilding
4 Commission, described in paragraph (3).

5 (ii) Long-standing operations that are
6 static and cannot fulfill their mandate
7 should be downsized or closed.

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

18 (C) LEADERSHIP.—As peacekeeping oper-
19 ations become larger and increasingly complex,
20 the Secretariat should adopt a minimum stand-
21 ard of qualifications for senior leaders and
22 managers, with particular emphasis on specific
23 skills and experience, and current senior leaders
24 and managers who do not meet those standards
25 should be removed or reassigned.

1 (D) PRE-DEPLOYMENT TRAINING.—Pre-
2 deployment training on interpretation of the
3 mandate of the operation, specifically in the
4 areas of use of force, civilian protection and
5 field conditions, the Code of Conduct, HIV/
6 AIDS, and human rights should be mandatory,
7 and all personnel, regardless of category or
8 rank, should be required to sign an oath that
9 each has received and understands such train-
10 ing as a condition of participation in the oper-
11 ation.

12 (2) CONDUCT AND DISCIPLINE.—

13 (A) ADOPTION OF A UNIFORM CODE OF
14 CONDUCT.—A single, uniform Code of Conduct
15 that has the status of a binding rule and ap-
16 plies equally to all personnel serving in United
17 Nations peacekeeping operations, regardless of
18 category or rank, should be promulgated, adopt-
19 ed, and enforced.

20 (B) UNDERSTANDING THE CODE OF CON-
21 DUCT.—All personnel, regardless of category or
22 rank, should receive training on the Code of
23 Conduct prior to deployment with a peace-
24 keeping operation, in addition to periodic fol-
25 low-on training. In particular—

1 (i) all personnel, regardless of cat-
2 egory or rank, should be provided with a
3 personal copy of the Code of Conduct that
4 has been translated into the national lan-
5 guage of such personnel, regardless of
6 whether such language is an official lan-
7 guage of the United Nations;

8 (ii) all personnel, regardless of cat-
9 egory or rank, should sign an oath that
10 each has received a copy of the Code of
11 Conduct, that each pledges to abide by the
12 Code of Conduct, and that each under-
13 stands the consequences of violating the
14 Code of Conduct, including immediate ter-
15 mination of the participation of such per-
16 sonnel in the peacekeeping operation to
17 which such personnel is assigned as a con-
18 dition of appointment to such operation;
19 and

20 (iii) peacekeeping operations should
21 conduct educational outreach programs to
22 reach local communities where peace-
23 keeping personnel of such operations are
24 based, including explaining prohibited acts
25 on the part of United Nations peace-

1 keeping personnel and identifying the indi-
2 vidual to whom the local population may
3 direct complaints or file allegations of ex-
4 ploitation, abuse, or other acts of mis-
5 conduct.

6 (C) MONITORING MECHANISMS.—Dedi-
7 cated monitoring mechanisms, such as the Per-
8 sonnel Conduct Units already deployed to sup-
9 port United Nations peacekeeping operations in
10 Haiti, Liberia, Burundi, and the Democratic
11 Republic of Congo, should be present in each
12 operation to monitor compliance with the Code
13 of Conduct, and—

14 (i) should report simultaneously to the
15 Head of Mission, the United Nations De-
16 partment of Peacekeeping Operations, and
17 the Associate Director of OIOS for Peace-
18 keeping Operations (established under sec-
19 tion 104(b)(10)); and

20 (ii) should be tasked with designing
21 and implementing mission-specific meas-
22 ures to prevent misconduct, conduct follow-
23 on training for personnel, coordinate com-
24 munity outreach programs, and assist in

1 investigations, as OIOS determines nec-
2 essary and appropriate.

3 (D) INVESTIGATIONS.—A permanent, pro-
4 fessional, and independent investigative body
5 should be established and introduced into
6 United Nations peacekeeping operations. In
7 particular—

8 (i) the investigative body should in-
9 clude professionals with experience in in-
10 vestigating sex crimes, as well as experts
11 who can provide guidance on standards of
12 proof and evidentiary requirements nec-
13 essary for any subsequent legal action;

14 (ii) provisions should be included in a
15 Model Memorandum of Understanding
16 that obligate Member States that con-
17 tribute troops to a peacekeeping operation
18 to designate a military prosecutor who will
19 participate in any investigation into an al-
20 legation of misconduct brought against an
21 individual of such Member State, so that
22 evidence is collected and preserved in a
23 manner consistent with the military law of
24 such Member State;

1 (iii) the investigative body should be
2 regionally based to ensure rapid deploy-
3 ment and should be equipped with modern
4 forensics equipment for the purpose of
5 positively identifying perpetrators and,
6 where necessary, for determining paternity;
7 and

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

15 (E) FOLLOW-UP.—A dedicated unit, simi-
16 lar to the Personnel Conduct Units, staffed and
17 funded through existing resources, should be es-
18 tablished within the headquarters of the United
19 Nations Department of Peacekeeping Oper-
20 ations and tasked with—

21 (i) promulgating measures to prevent
22 misconduct;

23 (ii) coordinating allegations of mis-
24 conduct, and reports received by field per-
25 sonnel; and

1 (iii) gathering follow-up information
2 on completed investigations, particularly by
3 focusing on disciplinary actions against the
4 individual concerned taken by the United
5 Nations or by the Member State that is
6 contributing troops to which such indi-
7 vidual belongs, and sharing such informa-
8 tion with the Security Council, the Head of
9 Mission, and the community hosting the
10 peacekeeping operation.

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 troops to which such individual
11 belonged or to the manager concerned.

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

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

23 (G) MANAGERS AND COMMANDERS.—The
24 manner in which managers and commanders
25 handle cases of misconduct by those serving

1 under them should be included in their indi-
2 vidual performance evaluations, so that man-
3 agers and commanders who take decisive action
4 to deter and address misconduct are rewarded,
5 while those who create a permissive environ-
6 ment or impede investigations are penalized or
7 relieved of duty, as appropriate.

8 (H) DATA BASE.—A centralized data base
9 should be created and maintained within the
10 United Nations Department of Peacekeeping
11 Operations to track cases of misconduct, includ-
12 ing the outcome of investigations and subse-
13 quent prosecutions, to ensure that personnel
14 who have engaged in misconduct or other crimi-
15 nal activities, regardless of category or rank,
16 are permanently barred from participation in
17 future peacekeeping operations.

18 (I) WELFARE.—Peacekeeping operations
19 should assume responsibility for maintaining a
20 minimum standard of welfare for mission per-
21 sonnel to ameliorate conditions of service, while
22 adjustments are made to the discretionary wel-
23 fare payments currently provided to Member
24 States that contribute troops to offset the cost
25 of operation-provided recreational facilities.

1 (3) PEACEBUILDING COMMISSION.—

2 (A) ESTABLISHMENT.—Consistent with
3 the recommendations of the High Level Panel
4 Report, the United Nations should establish a
5 Peacebuilding Commission, supported by a
6 Peacebuilding Support Office, to marshal the
7 efforts of the United Nations, international fi-
8 nancial institutions, donors, and non-govern-
9 mental organizations to assist countries in tran-
10 sition from war to peace.

11 (B) STRUCTURE AND MEMBERSHIP.—The
12 Commission should—

13 (i) be a subsidiary body of the United
14 Nations Security Council, limited in size to
15 ensure efficiency;

16 (ii) include members of the United
17 Nations Security Council, major donors,
18 major troop contributing countries, appro-
19 priate United Nations organizations, the
20 World Bank, and the International Mone-
21 tary Fund; and

22 (iii) invite the President of ECOSOC,
23 regional actors, Member States that con-
24 tribute troops, regional development banks,
25 and other concerned parties that are not

1 already members, as determined appro-
2 priate, to consult or participate in meet-
3 ings as observers.

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

9 (i) developing and integrating coun-
10 try-specific and system-wide conflict pre-
11 vention, post-conflict reconstruction, and
12 long-term development policies and strate-
13 gies; and

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

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

22 **SEC. 403. CERTIFICATION.**

23 (a) NEW OR EXPANDED PEACEKEEPING OPER-
24 ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-
25 CATION OF PEACEKEEPING OPERATIONS REFORMS.—

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

3 (A) CERTIFICATION.—Except as provided
4 in subparagraph (B), until the Secretary of
5 State certifies that the requirements described
6 in paragraph (2) have been satisfied, the Presi-
7 dent shall direct the United States Permanent
8 Representative to the United Nations to use the
9 voice, vote, and influence of the United States
10 at the United Nations to oppose the creation of
11 new, or expansion of existing, United Nations
12 peacekeeping operations.

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

23 (2) CERTIFICATION OF PEACEKEEPING OPER-
24 ATIONS REFORMS.—The certification referred to in
25 paragraph (1) is a certification made by the Sec-

1 retary to the appropriate congressional committees
2 that the following reforms, or an equivalent set of
3 reforms, related to peacekeeping operations have
4 been adopted by the United Nations Department of
5 Peacekeeping Operations or the General Assembly,
6 as appropriate:

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

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

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

1 each understands the consequences of violating
2 the Code, including the immediate termination
3 of the participation of such personnel in the
4 peacekeeping operation to which such personnel
5 is assigned as a condition of the appointment to
6 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) A centralized data base has been cre-
18 ated and is being maintained in the United Na-
19 tions Department of Peacekeeping Operations
20 that tracks cases of misconduct, including the
21 outcomes of investigations and subsequent pros-
22 ecutions, to ensure that personnel, regardless of
23 category or rank, who have engaged in mis-
24 conduct or other criminal activities are perma-

1 nently barred from participation in future
2 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) designate a competent legal au-
11 thority, preferably a prosecutor with exper-
12 tise in the area of sexual exploitation and
13 abuse, to participate in any investigation
14 into an allegation of misconduct brought
15 against an individual of such Member
16 State;

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

23 (iii) report to the Department of
24 Peacekeeping Operations on the outcome
25 of any such investigation;

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

5 (v) assume responsibility for the pro-
 6 vision of appropriate assistance to a victim
 7 of misconduct committed by an individual
 8 of such Member State.

9 (G) A professional and independent inves-
 10 tigative and audit function has been established
 11 within the United Nations Department of
 12 Peacekeeping Operations and the OIOS to mon-
 13 itor United Nations peacekeeping operations.

14 **TITLE V—DEPARTMENT OF**
 15 **STATE AND GOVERNMENT AC-**
 16 **COUNTABILITY OFFICE**

17 **SEC. 501. POSITIONS FOR UNITED STATES CITIZENS AT**
 18 **INTERNATIONAL ORGANIZATIONS.**

19 The Secretary of State shall make every effort to re-
 20 cruit United States citizens for positions within inter-
 21 national organizations.

22 **SEC. 502. BUDGET JUSTIFICATION FOR REGULAR AS-**
 23 **SESSED BUDGET OF THE UNITED NATIONS.**

24 (a) DETAILED ITEMIZATION.—The annual congres-
 25 sional budget justification shall include a detailed itemized

1 request in support of the assessed contribution of the
2 United States to the regular assessed budget of the United
3 Nations.

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

6 (1) contain information relating to the amounts
7 requested in support of each of the various sections
8 and titles of the regular assessed budget of the
9 United Nations; and

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

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

21 **SEC. 503. REVIEW AND REPORT.**

22 Not later than six months after the date of the enact-
23 ment of this Act, the Secretary of State shall conduct a
24 review of programs of the United Nations that are funded

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

3 (1) the findings of such review; and

4 (2) recommendations relating to—

5 (A) the continuation of such programs;

6 and

7 (B) which of such programs should be vol-
8 untarily funded, other than those specified in
9 subparagraphs (A) through (R) of subsection
10 (c)(2) of section 11 of the United Nations Par-
11 ticipation Act of 1945, as amended by section
12 101(c) of this Act.

13 **SEC. 504. GOVERNMENT ACCOUNTABILITY OFFICE.**

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

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

1 section (d)(3) of section 11 of the United Nations Partici-
2 pation Act of 1945 (as amended by section 101(c) of this
3 Act), the Comptroller General shall submit to the appro-
4 priate congressional committees a report on each such cer-
5 tification. The Secretary shall provide the Comptroller
6 General with any information required by the Comptroller
7 General to submit any such report.

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

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

13 (a) CERTIFICATIONS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (3), the certifications required under sub-
16 section (d)(3) of section 11 of the United Nations
17 Participation Act of 1945 (as amended by section
18 101(c) of this Act) and sections 103, 104(a) through
19 104(e), sections 201(c) and 201(e), and section 202
20 of this Act are certifications submitted to the appro-
21 priate congressional committees by the Secretary of
22 State that the requirements of each such section
23 have been satisfied with respect to reform of the
24 United Nations.

25 (2) ALTERNATE CERTIFICATION MECHANISM.—

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

13 (B) EQUIVALENCY.—Reforms are substan-
14 tially similar or accomplish the same purposes
15 if—

16 (i) such reforms are formally adopted
17 in written form by the entity or committee
18 of the United Nations or of its specialized
19 agency that has authority to enact or im-
20 plement such reforms or are issued by the
21 Secretariat or the appropriate entity or
22 committee in written form; and

23 (ii) such reforms are not identical to
24 the reforms required by a particular cer-
25 tification but in the determination of the

1 Secretary will have the same, or nearly the
2 same effect, as such reforms.

3 (C) WRITTEN JUSTIFICATION AND CON-
4 SULTATION.—

5 (i) WRITTEN JUSTIFICATION.—Not
6 later than 30 days before submitting an al-
7 ternate certification in accordance with
8 subparagraph (A), the Secretary shall sub-
9 mit to the appropriate congressional com-
10 mittees a written justification explaining in
11 detail the basis for such alternate certifi-
12 cation.

13 (ii) CONSULTATION.—After the Sec-
14 retary has submitted the written justifica-
15 tion under clause (i), but no later than 15
16 days before the Secretary exercises the al-
17 ternate certification mechanism described
18 under subparagraph (A), the Secretary
19 shall consult with the appropriate congress-
20 sional committees regarding such exercise.

21 (3) LIMITED EXCEPTION FOR SUBSTANTIAL
22 COMPLIANCE.—

23 (A) SUBSTANTIAL COMPLIANCE.—Subject
24 to subparagraph (B), if at least 32 of the 39
25 reforms represented by the ten certifications

1 specified under paragraph (1) have been imple-
2 mented, all such reforms (including the
3 unimplemented reforms) so represented shall be
4 deemed to have been implemented for the year
5 in which the Secretary submits such certifi-
6 cations.

7 (B) MANDATORY IMPLEMENTATION OF
8 CERTAIN REFORMS.—

9 (i) IN GENERAL.—The provisions of
10 subparagraph (A) shall not apply unless
11 the reforms under the following sections
12 have been implemented for the year to
13 which subparagraph (A) applies:

14 (I) Subsection (d)(3) of section
15 11 of the United Nations Participa-
16 tion Act of 1945 (as amended by sec-
17 tion 101(c) of this Act).

18 (II) Section 103(b)(1)(A).

19 (III) Section 103(b)(2)(D).

20 (IV) Section 104(a)(1).

21 (V) Section 104(a)(6).

22 (VI) Section 104(b)(1).

23 (VII) Section 104(b)(2).

24 (VIII) Section 104(c)(1).

25 (IX) Section 201(b)(1).

- 1 (X) Section 201(b)(2).
2 (XI) Section 201(b)(3).
3 (XII) Section 201(b)(5).
4 (XIII) Section 202(a)(1).
5 (XIV) Section 202(a)(2).

6 (ii) FULL COMPLIANCE IN SUC-
7 CEEDING YEAR.—If the unimplemented re-
8 forms under subparagraph (A) are not im-
9 plemented in the year succeeding the year
10 to which subparagraph (A) applies, the
11 provisions of subsection (b) shall apply for
12 such succeeding year.

13 (b) WITHHOLDING OF UNITED STATES CONTRIBU-
14 TIONS TO REGULAR ASSESSED BUDGET OF THE UNITED
15 NATIONS.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (4) and in accordance with paragraph (2),
18 until such time as all certifications (or alternate cer-
19 tifications) are submitted in accordance with sub-
20 section (a), the United States shall appropriate, but
21 withhold from expenditure, 50 percent of the con-
22 tributions of the United States to the regular as-
23 sessed budget of the United Nations for a biennial
24 period.

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

5 (3) APPLICATION WITH RESPECT TO SECTION
6 11(B) OF THE UNITED NATION PARTICIPATION ACT
7 OF 1945.—Until such time as all certifications (or al-
8 ternate certifications) are submitted in accordance
9 with subsection (a), subsection (b) of section 11 of
10 the United Nations Participation Act of 1945 (as
11 amended by section 101(c) of this Act) shall be ad-
12 ministered as though such section reads as follows:
13 “The Secretary may not make a contribution to a
14 regularly assessed biennial budget of the United Na-
15 tions in an amount greater than 11 percent of the
16 amount calculable under subsection (c).”.

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

19 (A) SPECIAL RULE.—A certification under
20 subsection (d)(3) of section 11 of the United
21 Nations Participation Act of 1945 (as amended
22 by section 101(c) of this Act) (relating to the
23 2008–2009 biennial period and subsequent bi-
24 ennial periods) shall not be required until such
25 time as the United Nations makes its formal

1 budget presentation for the 2008–2009 biennial
2 period.

3 (B) APPLICATION.—If the Secretary does
4 not submit a certification under such section,
5 the 50 percent withholding described under
6 paragraph (1) shall apply.

7 (c) RELEASE OF FUNDS.—At such time as all certifi-
8 cations (or alternate certifications) are submitted in ac-
9 cordance with subsection (a), the United States shall
10 transfer to the United Nations amounts appropriated but
11 withheld from expenditure under subsection (b).

12 (d) ANNUAL REVIEWS.—

13 (1) IN GENERAL.—The Secretary shall conduct
14 annual reviews, beginning one year after the date on
15 which the Secretary submits the final certification
16 (or alternate certification) in accordance with sub-
17 section (a), to determine if the United Nations con-
18 tinues to remain in compliance with all such certifi-
19 cations (or alternate certifications). Not later than
20 30 days after the completion of each such review,
21 the Secretary shall submit to the appropriate con-
22 gressional committees a report containing the find-
23 ings of each such review.

24 (2) ACTION.—If during the course of any such
25 review the Secretary determines that the United Na-

1 tions has failed to remain in compliance with a cer-
2 tification (or an alternate certification) that was
3 submitted in accordance with subsection (a), the 50
4 percent withholding described under subsection (b)
5 shall re-apply with respect to United States con-
6 tributions each fiscal year to the regular assessed
7 budget of the United Nations beginning with the fis-
8 cal year immediately following such review and sub-
9 sequent fiscal years until such time as all certifi-
10 cations (or alternate certifications) under subsection
11 (a) have been submitted.

12 (e) EFFECTIVE DATE.—The certifications (or alter-
13 nate certifications) specified under subsection (a) shall be
14 required with respect to United States contributions to-
15 wards payment of regular assessed dues of the United Na-
16 tions for 2007 and subsequent years.

○