

103^D CONGRESS
2^D SESSION

H. R. 3744

To amend the United Nations Participation Act of 1945 to facilitate coordination between the executive and legislative branches of Government regarding United States participation in, or the use of United States funds for, United Nations peacekeeping activities.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1994

Mr. HYDE (for himself, Mr. GILMAN, Mr. SPENCE, Mr. COMBEST, Ms. SNOWE, and Mr. ROGERS) introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, Armed Services, and Permanent Select Committee on Intelligence

A BILL

To amend the United Nations Participation Act of 1945 to facilitate coordination between the executive and legislative branches of Government regarding United States participation in, or the use of United States funds for, United Nations peacekeeping activities.

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.**

4 This Act may be cited as the “Peace Powers Act of
5 1994”.

1 **SEC. 2. STATEMENT OF PURPOSES.**

2 The purposes of this Act are to—

3 (1) maintain and ensure the primacy of United
4 States national security interests with respect to
5 United States participation in and support for Unit-
6 ed Nations peacekeeping activities;

7 (2) strengthen congressional oversight of Unit-
8 ed Nations peacekeeping activities and other United
9 Nations activities;

10 (3) provide for advance notification to the Con-
11 gress regarding anticipated United Nations peace-
12 keeping activities;

13 (4) ensure that the United States contributions
14 to United Nations peacekeeping activities are fair
15 and equitable; and

16 (5) otherwise facilitate coordination between the
17 executive and legislative branches of Government re-
18 garding United States participation in and support
19 for United Nations peacekeeping activities.

20 **SEC. 3. DEFINITIONS.**

21 (a) AMENDMENT.—The United Nations Participation
22 Act of 1945 (22 U.S.C. 287–287e–1) is amended by add-
23 ing at the end the following new section:

24 “SEC. 10. For purposes of this Act—

25 “(1) the term ‘appropriate congressional com-
26 mittees’ means the Committee on Appropriations,

1 the Committee on Armed Services, and the Commit-
2 tee on Foreign Relations of the Senate and the Com-
3 mittee on Appropriations, the Committee on Armed
4 Services, and the Committee on Foreign Affairs of
5 the House of Representatives;

6 “(2) the term ‘Permanent Representative’
7 means the Permanent Representative of the United
8 States to the United Nations appointed by the Presi-
9 dent pursuant to section 2 of this Act; and

10 “(3) the term ‘United Nations peacekeeping ac-
11 tivities’ means any international peacekeeping,
12 peacemaking, peace-enforcing, or similar activity in-
13 volving the use of nationals of member countries of
14 the United Nations that is authorized by the Secu-
15 rity Council under chapter VI or VII of the United
16 Nations Charter.”.

17 (b) APPLICABILITY TO NONAMENDATORY PROVI-
18 SIONS.—The definitions contained in the amendment
19 made by subsection (a) also apply with respect to the pro-
20 visions of this Act that do not amend the United Nations
21 Participation Act of 1945.

1 **SEC. 4. LIMITATION ON PLACEMENT OF UNITED STATES**
2 **ARMED FORCES UNDER FOREIGN CONTROL**
3 **FOR A UNITED NATIONS PEACEKEEPING AC-**
4 **TIVITY.**

5 Section 6 of the United Nations Participation Act (22
6 U.S.C. 287d) is amended to read as follows:

7 “SEC. 6. (a) Any special agreement or agreements ne-
8 gotiated by the President with the Security Council pro-
9 viding for the numbers and types of United States Armed
10 Forces, their degree of readiness and general locations, or
11 the nature of facilities and assistance, including rights of
12 passage, to be made available to the Security Council for
13 the purpose of maintaining international peace and secu-
14 rity in accordance with Article 43 of the United Nations
15 Charter, shall be subject to the approval of the Congress
16 by Act or joint resolution.

17 “(b) The President may not subordinate to the com-
18 mand or operational control of any foreign nationals any
19 element of the United States Armed Forces participating
20 in any United Nations peacekeeping activity unless—

21 “(1) the President satisfies the requirements of
22 subsection (c); or

23 “(2) the Congress enacts an Act or joint resolu-
24 tion specifically authorizing such subordination.

25 “(c)(1) The requirements referred to in subsection
26 (b)(1) are that the President submit to the appropriate

1 congressional committees (at the time specified in para-
2 graph (2) of this subsection) the following documents:

3 “(A) A determination by the President that—

4 “(i) the proposed subordination of United
5 States Armed Forces to foreign command is in
6 the national security interest of the United
7 States;

8 “(ii) the unit commanders of the United
9 States Armed Forces proposed for subordina-
10 tion to the command of foreign nationals will at
11 all times retain the ability to report independ-
12 ently to higher United States military authori-
13 ties;

14 “(iii) the United States will retain author-
15 ity to withdraw the United States Armed
16 Forces from the United Nations peacekeeping
17 activity at any time and to take action it deems
18 necessary to protect those forces if they are en-
19 dangered; and

20 “(iv) the United States Armed Forces sub-
21 ordinated to the command of foreign nationals
22 will at all times remain under United States ad-
23 ministrative command for such purposes as dis-
24 cipline and evaluation.

1 “(B) The justification for the determination
2 made pursuant to subparagraph (A)(i).

3 “(C) A memorandum of legal points and au-
4 thorities explaining why the proposed foreign com-
5 mand arrangement does not violate the Constitution
6 of the United States.

7 “(2) The documents described in paragraph (1) shall
8 be submitted to the appropriate congressional committees
9 not less than 15 days before any element of the United
10 States Armed Forces is subordinated to the command and
11 control of a foreign national, except that if the President
12 determines that an emergency exists which prevents com-
13 pliance with the requirement that notice be provided 15
14 days in advance, those documents shall be submitted in
15 a timely manner but no later than 48 hours after such
16 subordination.

17 “(d) Except as authorized in section 7 of this Act,
18 nothing contained in this Act shall be construed as an au-
19 thorization to the President by the Congress to make
20 available to the Security Council United States Armed
21 Forces, facilities, or assistance.”.

22 **SEC. 5. NOTICE TO CONGRESS OF PROPOSED UNITED NA-**
23 **TIONS PEACEKEEPING ACTIVITIES.**

24 Section 4 of the United Nations Participation Act of
25 1945 (22 U.S.C. 287b) is amended—

1 (1) by striking the second sentence;

2 (2) by inserting “(a)” before “The President”;

3 and

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

5 “(b)(1) Except as provided in paragraph (2), at least
6 15 days before any vote in the Security Council to author-
7 ize any United Nations peacekeeping activity or any other
8 action under the Charter of the United Nations (including
9 any extension, modification, suspension, or termination of
10 any previously authorized United Nations peacekeeping
11 activity or other action) which would involve the use of
12 United States Armed Forces or the expenditure of United
13 States funds, the President shall submit to the appro-
14 priate congressional committees a notification with respect
15 to the proposed action. This notification shall include a
16 description of any anticipated involvement of United
17 States Armed Forces, a cost assessment of such action
18 (including the total estimated cost and the United States
19 share of such cost), the mission and objectives of United
20 States Armed Forces that would participate in such ac-
21 tion, the duration and estimated termination date of the
22 action, and the source of funding for the United States
23 share of the costs of the action (whether in an annual
24 budget request, reprogramming notification, a budget
25 amendment, or a supplemental budget request).

1 “(2) If the President determines that an emergency
2 exists which prevents submission of the 15-day advance
3 notification specified in paragraph (1) and that the pro-
4 posed action is in the national security interests of the
5 United States, the notification described in paragraph (1)
6 shall be provided in a timely manner but no later than
7 48 hours after the vote by the Security Council.”.

8 **SEC. 6. TRANSMITTAL TO CONGRESS OF UNITED NATIONS**
9 **RESOLUTIONS AND REPORTS.**

10 Section 4 of the United Nations Participation Act of
11 1945 (22 U.S.C. 287b), as amended by section 5 of this
12 Act, is further amended by adding at the end the follow-
13 ing:

14 “(c)(1) Not later than 24 hours after adoption by the
15 Security Council of a resolution authorizing United Na-
16 tions peacekeeping activities or any other action under the
17 Charter of the United Nations (including any extension,
18 modification, suspension, or termination of any previously
19 authorized United Nations peacekeeping activity or other
20 action) which would involve the use of United States
21 Armed Forces or the expenditure of United States funds,
22 the Permanent Representative shall transmit the text of
23 such resolution and any supporting documentation to the
24 appropriate congressional committees.

1 “(2) The Permanent Representative shall promptly
2 transmit to the appropriate congressional committees any
3 report prepared by the United Nations containing an as-
4 sessment of any proposed, ongoing, or concluded United
5 Nations peacekeeping activity.”.

6 **SEC. 7. NOTICE TO CONGRESS REGARDING CONTRIBU-**
7 **TIONS FOR UNITED NATIONS PEACEKEEPING**
8 **ACTIVITIES.**

9 Section 4 of the United Nations Participation Act of
10 1945 (22 U.S.C. 287b), as amended by sections 5 and
11 6 of this Act, is further amended by adding at the end
12 the following:

13 “(d)(1) Not later than 15 days after the United Na-
14 tions submits a billing requesting a payment by the United
15 States of any contribution for United Nations peacekeep-
16 ing activities, the President shall so notify the appropriate
17 congressional committees.

18 “(2) The President shall notify the appropriate con-
19 gressional committees at least 15 days before the United
20 States obligates funds for any assessed or voluntary con-
21 tribution for United Nations peacekeeping activities, ex-
22 cept that if the President determines that an emergency
23 exists which prevents compliance with the requirement
24 that such notification be provided 15 days in advance and
25 that such contribution is in the national security interests

1 of the United States, such notification shall be provided
2 in a timely manner but no later than 48 hours after such
3 obligation.”.

4 **SEC. 8. NOTICE TO CONGRESS REGARDING UNITED STATES**
5 **ASSISTANCE FOR UNITED NATIONS PEACE-**
6 **KEEPING ACTIVITIES.**

7 Section 7 of the United Nations Participation Act of
8 1945 (22 U.S.C. 287d–1) is amended—

9 (1) in subsection (a), by inserting “other than
10 subsection (e)(1)” after “any other law”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(e)(1) Except as provided in paragraph (2), at least
14 15 days before any agency or entity of the United States
15 Government makes available to the United Nations any
16 assistance or facility to support or facilitate United Na-
17 tions peacekeeping activities, the President shall so notify
18 the appropriate congressional committees.

19 “(2) If the President determines that an emergency
20 exists which prevents compliance with the requirement
21 that notification be provided 15 days in advance and that
22 such contribution is in the national security interests of
23 the United States, such notification shall be provided in
24 a timely manner but no later than 48 hours after the as-

1 sistance or facility is made available to the United Na-
2 tions.

3 “(3) For purposes of this subsection, the term ‘assist-
4 ance’—

5 “(A) means assistance of any kind, including
6 logistical support, supplies, goods, or services (in-
7 cluding command, control, communications or intel-
8 ligence assistance and training), and the grant of
9 rights of passage; and

10 “(B) includes assistance provided through in-
11 kind contributions or through the provision of sup-
12 port, supplies, goods, or services on any terms, in-
13 cluding on a grant, lease, loan, or reimbursable
14 basis; but

15 “(C) does not include the payment of assessed
16 or voluntary contributions.”.

17 **SEC. 9. UNITED STATES CONTRIBUTIONS TO UNITED NA-**
18 **TIONS PEACEKEEPING ACTIVITIES.**

19 Section 4 of the United Nations Participation Act of
20 1945 (22 U.S.C. 287b), as amended by section 5, 6, and
21 7 of this Act, is further amended by adding at the end
22 the following:

23 “(e)(1) The President shall, at the time of submission
24 of his annual budget request to the Congress, submit a
25 report to the Congress on the anticipated budget for the

1 fiscal year for United States participation in United Na-
2 tions peacekeeping activities.

3 “(2) The report required by paragraph (1) shall
4 state—

5 “(A) the aggregate amount of funds available to
6 the United Nations for that fiscal year, including as-
7 sessed and voluntary contributions, which may be
8 made available for United Nations peacekeeping ac-
9 tivities; and

10 “(B) the aggregate amount of funds (from all
11 accounts) and the aggregate costs of in-kind con-
12 tributions that the United States proposes to make
13 available to the United Nations for that fiscal year
14 for United Nations peacekeeping activities.

15 “(3) The President shall include in his budget sub-
16 mission for fiscal year 1996 a projection of all United
17 States costs for United Nations peacekeeping activities
18 during each of fiscal years 1996, 1997, and 1998, includ-
19 ing costs of in-kind contributions and assessed and vol-
20 untary contributions.”.

21 **SEC. 10. ANNUAL REPORTS ON UNITED STATES CONTRIBU-**
22 **TIONS TO UNITED NATIONS PEACEKEEPING**
23 **ACTIVITIES.**

24 Section 4 of the United Nations Participation Act of
25 1945 (22 U.S.C. 287b), as amended by sections 5, 6, 7,

1 and 9 of this Act, is further amended by adding at the
2 end the following:

3 “(f)(1) Not later than 90 days after the date of enact-
4 ment of this subsection and each year thereafter at the
5 time of the President’s budget submission to the Congress,
6 the Secretary of State, after consultation with the heads
7 of other relevant Federal agencies (including the Secretary
8 of Defense), shall submit to the appropriate congressional
9 committees a report on United States contributions to
10 United Nations peacekeeping activities.

11 “(2) Each such report shall include the following in-
12 formation:

13 “(A) The number and nature of ongoing United
14 Nations peacekeeping activities.

15 “(B) The priority accorded to each ongoing
16 United Nations peacekeeping activity, and the antici-
17 pated duration of each such activity.

18 “(C) An assessment of the effectiveness of each
19 ongoing United Nations peacekeeping activity, its re-
20 lationship to United States national security inter-
21 ests, and the efforts by the United Nations to re-
22 solve the relevant armed conflicts; and the projected
23 termination dates for each such activity.

1 “(D) The total costs of each United Nations
2 peacekeeping activity, both ongoing and concluded,
3 and the total cost of all such activities.

4 “(E) The amount of United States assessed
5 and voluntary contributions to each such activity,
6 and the total of such contributions to all such activi-
7 ties.

8 “(F) The incremental costs incurred by the De-
9 partment of Defense for each such activity, and for
10 all such activities.

11 “(G) Any other assistance (as defined in section
12 7(e) of this Act, as added by the Peace Powers Act
13 of 1994) made available by the United States for
14 United Nations peacekeeping activities, specifying
15 which assistance was provided on a reimbursable
16 basis and which was provided on a nonreimbursable
17 basis or on concessional terms.

18 “(H) An assessment of the United Nations
19 management and support for United Nations peace-
20 keeping activities, including all recommendations for
21 improvement made by the United States and any ac-
22 tion to implement such recommendations by the
23 United Nations.

24 “(I) A detailed description (including dollar
25 amounts expended and credited) of efforts by the

1 United States Government to seek and receive credit
2 toward the United States assessment for United Na-
3 tions peacekeeping activities for all United States as-
4 sistance provided in support of United Nations
5 peacekeeping objectives.

6 “(3) The first report submitted pursuant to this sub-
7 section shall include information with respect to costs and
8 contributions for all United Nations peacekeeping activi-
9 ties since October 1945. Subsequent reports shall include
10 such information for the immediately preceding fiscal year
11 and (to the extent such information is available) for the
12 then current fiscal year.”.

13 **SEC. 11. REIMBURSEMENT TO THE UNITED STATES FOR IN-**
14 **KIND CONTRIBUTIONS TO UNITED NATIONS**
15 **PEACEKEEPING ACTIVITIES.**

16 Section 7 of the United Nations Participation Act of
17 1945 (22 U.S.C. 287d–1), as amended by section 8 of this
18 Act, is further amended—

19 (1) in subsection (b)—

20 (A) by striking all that follows “: *Pro-*
21 *vided*,” through “*Provided further*,”;

22 (B) by adding at the end the following:
23 “The Secretary of Defense may waive the re-
24 quirement for such reimbursement if the Sec-
25 retary, after consultation with the Secretary of

1 State and the Director of the Office of Manage-
2 ment and Budget, determines that an emer-
3 gency exists which justifies waiver of that re-
4 quirement. Any such waiver shall be submitted
5 to the appropriate congressional committees at
6 least 15 days before it takes effect, except that
7 if the President determines that an emergency
8 exists which prevents compliance with the re-
9 quirement that the notification be provided 15
10 days in advance and that the provision under
11 subsection (a)(1) or (2) of personnel or assist-
12 ance on a nonreimbursable basis is in the na-
13 tional security interests of the United States,
14 such notification shall be provided in a timely
15 manner but no later than 48 hours after such
16 waiver takes effect.”; and

17 (2) by adding at the end the following new sub-
18 sections:

19 “(f) In any fiscal year (beginning in fiscal year 1995),
20 appropriated funds may not be used to pay any United
21 States assessed or voluntary contribution for United Na-
22 tions peacekeeping activities until the Secretary of De-
23 fense certifies to the Congress that the United Nations
24 has reimbursed the Department of Defense directly for all
25 goods and services that were provided to the United Na-

1 tions by the Department of Defense on a reimbursable
2 basis during the preceding fiscal year for United Nations
3 peacekeeping activities, including personnel and assistance
4 provided under this section (except to the extent that the
5 authority of subsection (b) to waive the reimbursement re-
6 quirement was exercised with respect to such personnel
7 or assistance).

8 “(g)(1) The Secretary of State shall ensure that
9 goods and services provided on a reimbursable basis by
10 the Department of Defense to the United Nations for
11 United Nations peacekeeping operations are reimbursed at
12 the appropriate value, as determined by the Department
13 of Defense.

14 “(2) Not later than one year after the date of enact-
15 ment of this subsection, the Permanent Representative
16 shall submit a report to the appropriate congressional
17 committees on all actions taken by the United States mis-
18 sion to the United Nations to achieve the objective de-
19 scribed in paragraph (1).”.

20 **SEC. 12. LIMITATION ON USE OF DEPARTMENT OF DE-**
21 **FENSE FUNDS FOR UNITED NATIONS PEACE-**
22 **KEEPING ACTIVITIES.**

23 Beginning October 1, 1995, funds made available to
24 the Department of Defense (including funds for “Oper-
25 ation and Maintenance”) shall be available for—

1 (1) United States assessed or voluntary con-
2 tributions for United Nations peacekeeping activi-
3 ties, or

4 (2) the incremental costs associated with the
5 participation of United States Armed Forces in
6 United Nations peacekeeping activities,
7 only to the extent that the Congress has by law specifically
8 made those funds available for such purposes.

9 **SEC. 13. ASSESSED CONTRIBUTIONS FOR UNITED NATIONS**
10 **PEACEKEEPING ACTIVITIES.**

11 (a) REASSESSMENT OF CONTRIBUTION PERCENT-
12 AGES.—The Permanent Representative should make every
13 effort to ensure that the United Nations completes an
14 overall review and reassessment of each nation's assessed
15 contributions for United Nations peacekeeping activities.
16 As part of the overall review and assessment, the Perma-
17 nent Representative should make every effort to advance
18 the concept that host governments and other governments
19 in the region where a United Nations peacekeeping activi-
20 ty is carried out should bear a greater burden of its finan-
21 cial cost.

22 (b) UNITED STATES CONTRIBUTIONS.—(1) The Per-
23 manent Representative should make every effort to obtain
24 agreement by the United Nations to a United States as-
25 sessed contribution for United Nations peacekeeping ac-

1 tivities that is no greater a percentage of such contribu-
2 tions by all countries than the United States percentage
3 share of assessed contributions for other United Nations
4 activities.

5 (2) The Congress declares that, effective for fiscal
6 year 1996, it does not intend to make available funds for
7 payment of United States assessed or voluntary contribu-
8 tions for United Nations peacekeeping activities that ex-
9 ceed 25 percent of the total amount of the assessed and
10 voluntary contributions of all countries for such activities
11 unless, after the date of enactment of this Act, the Con-
12 gress enacts a statute specifically authorizing a greater
13 percentage contribution.

14 (3) The Permanent Representative shall inform the
15 Secretary General of the congressional intent expressed in
16 paragraph (2).

17 **SEC. 14. "BUY AMERICA" REQUIREMENT.**

18 No funds may be obligated or expended to pay any
19 United States assessed or voluntary contribution for Unit-
20 ed Nations peacekeeping activities unless the Secretary of
21 State determines and certifies to the appropriate congres-
22 sional committees that United States manufacturers and
23 suppliers are being given opportunities to provide equip-
24 ment, services, and material for such activities equal to
25 those being given to foreign manufacturers and suppliers.

1 **SEC. 15. UNITED STATES PERSONNEL TAKEN PRISONER**
2 **WHILE SERVING IN MULTILATERAL PEACE-**
3 **KEEPING FORCES.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) until recent years United States military
6 personnel rarely served as part of multilateral forces
7 under the United Nations or regional international
8 organizations;

9 (2) despite infrequent service as part of multi-
10 lateral forces, United States personnel, such as Colo-
11 nel William Higgins in Lebanon, have been cap-
12 tured, tortured, and murdered;

13 (3) in recent years, United States military per-
14 sonnel have served much more frequently as part of
15 multilateral forces;

16 (4) the capture and torture of Chief Warrant
17 Officer Michael Durant in Somalia in October 1993
18 was a horrendous and recent example of the risk to
19 United States personnel in multilateral forces;

20 (5) continued multilateral service increases the
21 probability that United States military personnel will
22 be captured, and subject to mistreatment;

23 (6) United States military personnel captured
24 while serving as part of multilateral forces have not
25 been treated as prisoners of war under the 1949 Ge-

1 neva Conventions and other international agree-
2 ments intended to protect prisoners of war; and

3 (7) failure of United States military personnel
4 serving as part of a multilateral force to receive pro-
5 tection under international law increases the risk to
6 personnel while serving in multinational forces.

7 (b) POLICY.—It is the sense of the Congress that—

8 (1) the President should take immediate steps,
9 unilaterally and in appropriate international bodies,
10 to assure that any United States military personnel
11 serving as part of a multilateral force who are cap-
12 tured are accorded the protection accorded to pris-
13 oners of war; and

14 (2) the President should also take all necessary
15 steps to bring to justice all individuals responsible
16 for any mistreatment, torture, or death of United
17 States military personnel who are captured while
18 serving in a multilateral force.

19 (c) REPORT.—Each report submitted pursuant to
20 section 4(f) of the United Nations Participation Act of
21 1945 (as added by section 10 of this Act), shall include
22 a separate section setting forth—

23 (1) the status under international law of mem-
24 bers of multilateral peacekeeping forces, including

1 the legal status of such personnel if captured, miss-
2 ing, or detained,

3 (2) the extent of the risk for United States
4 military personnel who are captured while participat-
5 ing in multinational peacekeeping forces in cases
6 where their captors fail to respect the 1949 Geneva
7 Conventions and other international agreements in-
8 tended to protect prisoners of war, and

9 (3) the specific steps that have been taken to
10 protect United States military personnel participat-
11 ing in multinational peacekeeping forces, together (if
12 necessary) with any recommendations for the enact-
13 ment of legislation to achieve that objective.

14 **SEC. 16. PROVISION OF INTELLIGENCE TO THE UNITED NA-**
15 **TIONS.**

16 (a) **REQUIREMENT FOR AGREEMENTS.**—The United
17 States may provide intelligence to the United Nations only
18 pursuant to a written agreement between the President
19 and the Secretary General of the United Nations specify-
20 ing—

21 (1) the types of intelligence to be provided to
22 the United Nations;

23 (2) the circumstances under which intelligence
24 may be provided to the United Nations; and

1 (3) the procedures to be observed by the United
2 Nations—

3 (A) concerning who shall have access to
4 the intelligence provided; and

5 (B) to protect the intelligence against dis-
6 closure not authorized by the agreement.

7 Any such agreement shall be effective for a period not to
8 exceed one year from the date on which the agreement
9 enters into force.

10 (b) ADVANCE NOTIFICATION TO CONGRESS.—An
11 agreement described in subsection (a) shall be effective
12 only if the President has transmitted the agreement to the
13 Select Committee on Intelligence of the Senate and the
14 Permanent Select Committee on Intelligence of the House
15 of Representatives not less than 30 days in advance of
16 the entry into force of the agreement.

17 (c) DELEGATION OF AUTHORITY.—The President
18 may delegate the authority and assign the duties of the
19 President under this section only to the Secretary of De-
20 fense or the Director of Central Intelligence.

21 (d) EXCEPTIONS.—Subsection (a) shall not apply to
22 the provision of intelligence—

23 (1) only to and for the use of United States
24 Government personnel serving with the United Na-
25 tions; or

1 (2) essential for the protection of nationals of
2 the United States, including members of the United
3 States Armed Forces and civilian personnel of the
4 United States Government.

5 (e) EXISTING LAW.—Nothing in this section shall be
6 construed to—

7 (1) impair or otherwise affect the authority of
8 the Director of Central Intelligence to protect intel-
9 ligence sources and methods from unauthorized dis-
10 closure pursuant to section 103(c)(5) of the Na-
11 tional Security Act of 1947 (50 U.S.C. 403–3(c)(5));
12 or

13 (2) supersede or otherwise affect the provisions
14 of—

15 (A) title V of the National Security Act of
16 1947 (50 U.S.C. 413–415); or

17 (B) section 112b of title 1, United States
18 Code.

19 (f) EFFECTIVE DATE.—This section takes effect 60
20 days after the date of enactment of this section.

21 **SEC. 17. UNITED NATIONS PEACEKEEPING BUDGETARY**
22 **AND MANAGEMENT REFORM.**

23 (a) WITHHOLDING OF CONTRIBUTIONS FOR UNITED
24 NATIONS PEACEKEEPING.—(1) At the beginning of each
25 fiscal year (beginning with fiscal year 1995), 50 percent

1 of the amounts of funds made available for United States
2 assessed contributions for United Nations peacekeeping
3 activities shall be withheld from obligation and expendi-
4 ture unless a certification has been made under subsection
5 (b).

6 (2) For each fiscal year (beginning with fiscal year
7 1995), the United States may not pay any voluntary con-
8 tribution for international peacekeeping activities unless
9 a certification has been made under subsection (b).

10 (b) CERTIFICATION.—The certification referred to in
11 subsection (a) is a certification by the President to the
12 Congress that—

13 (1) the United Nations has established an inde-
14 pendent and objective Office of Inspector General to
15 conduct and supervise audits, inspections, and inves-
16 tigations relating to the United Nations peacekeep-
17 ing activities carried out by the United Nations;

18 (2) the Secretary General of the United Nations
19 has appointed an Inspector General, with the con-
20 sent of the General Assembly, solely the basis of in-
21 tegrity and demonstrated ability in accounting, au-
22 diting, financial analysis, law, management analysis,
23 public administration, or investigations;

24 (3) the United Nations Office of Inspector Gen-
25 eral is authorized to—

1 (A) make investigations and reports relat-
2 ing to the administration of the United Nations
3 peacekeeping activities carried out by the Unit-
4 ed Nations;

5 (B) have access to all records and docu-
6 ments or other material available which relate
7 to those activities; and

8 (C) have direct and prompt access to rel-
9 evant officials of the United Nations, including
10 any official of the United Nations Secretariat;

11 (4) the United Nations Office of Inspector Gen-
12 eral is keeping the Secretary General and the mem-
13 bers of the Security Council fully informed about
14 problems, deficiencies, and the necessity for, and
15 progress of, corrective action;

16 (5) the United Nations has established meas-
17 ures to protect the identity of, and to prevent repris-
18 als against, any staff member making a complaint or
19 disclosing information to, or cooperating in any in-
20 vestigation or inspection by the Office of the Inspec-
21 tor General; and

22 (6) the United Nations has enacted procedures
23 to ensure compliance with Inspector General rec-
24 ommendations.



HR 3744 IH——2