

## Calendar No. 165

109TH CONGRESS  
1ST SESSION**S. 1394**

To reform the United Nations, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 13, 2005

Mr. SMITH (for himself, Mr. KYL, Mr. COBURN, Mr. INHOFE, and Mr. VITTER) introduced the following bill; which was read the first time

JULY 14, 2005

Read the second time and placed on the calendar

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**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.
- Sec. 110. Report on United States contributions to the United Nations.
- Sec. 111. United Nations Security Council and Lebanon.
- Sec. 112. Policy with respect to expansion of the Security Council.
- Sec. 113. Genocide and the United Nations.
- Sec. 114. Anti-semitism and the United Nations.

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

- Sec. 201. Human rights.
- Sec. 202. Economic and Social Council (ECOSOC).
- Sec. 203. United Nations Democracy Fund.

## 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.
- Sec. 404. Rule of construction relating to protection of United States officials and members of the Armed Forces.

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:

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

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

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

14          (4) MEMBER STATE.—The term “Member  
15          State” means a Member State of the United Na-  
16          tions. Such term is synonymous with the term  
17          “country”.

18          (5) SECRETARY.—The term “Secretary” means  
19          the Secretary of State.

20          (6) SECRETARY GENERAL.—The term “Sec-  
21          retary General” means the Secretary General of the  
22          United Nations.

23          (7) SECURITY COUNCIL.—The term “Security  
24          Council” means the Security Council of the United  
25          Nations.

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

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

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

(C) the International Civil Aviation Organization (ICAO);

(D) the International Fund for Agricultural Development (IFAD);

(E) the International Labor Organization (ILO);

(F) the International Maritime Organization (IMO);

(G) the International Telecommunication Union (ITU);

(H) the United Nations Educational, Scientific, and Cultural Organization (UNESCO);

(I) the United Nations Industrial Development Organization (UNIDO);

(J) the Universal Postal Union (UPU);

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

1 (L) the World Meteorological Organization  
2 (WMO); and  
3 (M) the World Intellectual Property Orga-  
4 nization (WIPO).

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

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

12 **TITLE I—MISSION AND BUDGET**  
13 **OF THE UNITED NATIONS**

14 **SEC. 101. UNITED STATES FINANCIAL CONTRIBUTIONS TO**  
15 **THE UNITED NATIONS.**

16 (a) STATEMENTS OF POLICY.—

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

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

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

1 specified under paragraph (4) from the regular  
2 assessed budget to voluntarily funded programs.

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

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

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

11 (i) Public Information.

12 (ii) General Assembly affairs and con-  
13 ference services.

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

22 (4) CERTAIN ORGANIZATIONAL PROGRAMS.—  
23 The organizational programs referred to in para-  
24 graph (1)(B) are the following:

25 (A) Economic and social affairs.

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

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

6 (D) Trade and development.

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

9 (F) Environment.

10 (G) Human settlements.

11 (H) Crime prevention and criminal justice.

12 (I) International drug control.

13 (J) Economic and social development in  
 14 Africa.

15 (K) Economic and social development in  
 16 Asia and the Pacific.

17 (L) Economic development in Europe.

18 (M) Economic and social development in  
 19 Latin America and the Caribbean.

20 (N) Economic and social development in  
 21 Western Asia.

22 (O) Regular program of technical coopera-  
 23 tion.

24 (P) Development account.

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

3 (R) Palestine refugees.

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

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

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

17 “(a) POLICY OF THE UNITED STATES RELATING TO  
 18 THE REGULAR ASSESSED BUDGET OF THE UNITED NA-  
 19 TIONS.—

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



1           “(A) pursue a streamlined, efficient, and  
2           accountable regular assessed budget of the  
3           United Nations; and

4           “(B) shift funding mechanisms of certain  
5           organizational programs of the United Nations  
6           specified under paragraph (2) of subsection (c)  
7           from the regular assessed budget to voluntarily  
8           funded programs.

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

11           “(A) redirect United States contributions  
12           to the United Nations to achieve the policy ob-  
13           jectives described in paragraph (1)(B); and

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

17           “(i) Public Information.

18           “(ii) General Assembly affairs and  
19           conferences services.

20           “(3) FUTURE BIENNIUM BUDGETS.—The Presi-  
21          dent shall direct the United States Permanent Rep-  
22          resentative to the United Nations to use the voice,  
23          vote, and influence of the United States at the  
24          United Nations to ensure that the shifting of fund-  
25          ing mechanisms under paragraph (1)(B) and re-

1 directing of contributions under paragraph (2) be re-  
2 flected in future resolutions agreed to by the General  
3 Assembly for the regular assessed budget of the  
4 United Nations for the period of a current biennium.  
5 To achieve the policies described in paragraphs (1)  
6 and (2), the United States Permanent Representa-  
7 tive to the United Nations shall withhold the support  
8 of the United States for a consensus for such budget  
9 until such time as such budget is reflective of such  
10 policies.

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

17 “(c) ANNUAL DUES.—

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

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

3           The percentage specified in subsection (b) shall be  
4           multiplied by one-half of the sum of amounts budg-  
5           eted by resolution of the General Assembly for a  
6           current biennial period for the following certain or-  
7           ganizational programs:

8                   “(A) Economic and social affairs.

9                   “(B) Least-developed countries, landlocked  
10           developing countries and small island devel-  
11           oping States.

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

14                   “(D) Trade and development.

15                   “(E)     International     Trade     Center  
16           UNCTAD/WTO.

17                   “(F) Environment.

18                   “(G) Human settlements.

19                   “(H) Crime prevention and criminal jus-  
20           tice.

21                   “(I) International drug control.

22                   “(J) Economic and social development in  
23           Africa.

24                   “(K) Economic and social development in  
25           Asia and the Pacific.

1                   “(L) Economic development in Europe.

2                   “(M) Economic and social development in  
3 Latin America and the Caribbean.

4                   “(N) Economic and social development in  
5 Western Asia.

6                   “(O) Regular program of technical co-  
7 operation.

8                   “(P) Development account.

9                   “(Q) Protection of and assistance to refu-  
10 gees.

11                  “(R) Palestine refugees.

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

1       nium are redirected from payment of the assessed  
2       amount for the regular assessed budget as follows:

3               “(A) Subject to not less than 30 days prior  
4       notification to Congress, the Secretary shall ex-  
5       pend an amount, not to exceed 40 percent of  
6       the amount specified for each such organiza-  
7       tional program pursuant to the resolution  
8       agreed to by the General Assembly for the reg-  
9       ular assessed budget of the United Nations for  
10      the period of a current biennium, as a contribu-  
11      tion to an eligible organizational program speci-  
12      fied in paragraph (4).

13              “(B) Subject to not less than 30 days prior  
14      notification to Congress, the Secretary shall ex-  
15      pend the remaining amounts under this para-  
16      graph to voluntarily funded United Nations spe-  
17      cialized agencies, funds, or programs.

18              “(4) ELIGIBLE ORGANIZATIONAL PROGRAMS.—

19      The eligible organizational programs referred to in  
20      paragraph (3)(A) for redirection of funds under such  
21      paragraph are the following:

22              “(A) Internal oversight.

23              “(B) Human rights.

24              “(C) Humanitarian assistance.

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

4           “(5) EXPENDITURE OF REMAINING AMOUNTS  
5           TO CERTAIN ORGANIZATION PROGRAMS.—

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

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

1       “(d) FURTHER CALCULATION WITH RESPECT TO  
2 BUDGETS FOR PUBLIC INFORMATION AND GENERAL AS-  
3 SEMBLY AFFAIRS AND CONFERENCE SERVICES.—

4           “(1) 22 PERCENT LIMITATION.—The Secretary  
5 may not make a contribution to a regularly assessed  
6 biennial budget of the United Nations in an amount  
7 greater than 22 percent of the amount calculable  
8 under paragraph (2).

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

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

18           “(B) CALCULATION WITH RESPECT TO  
19 PUBLIC INFORMATION AND GENERAL ASSEMBLY  
20 AFFAIRS AND CONFERENCE SERVICES.—With  
21 respect to such United States annual dues, the  
22 percentage specified in paragraph (1) shall be  
23 multiplied by one-half of the sum of amounts  
24 budgeted by resolution of the General Assembly

1 for the 2004–2005 biennial period for the fol-  
2 lowing organizational programs:

3 “(i) Public Information.

4 “(ii) General Assembly affairs and  
5 conferences services.

6 “(C) REDIRECTION OF FUNDS.—

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



1 regular assessed budget of the United Na-  
2 tions.

3 “(ii) SPECIFIC AMOUNTS.—The Sec-  
4 retary shall make the amount determined  
5 under clause (i) available as a contribution  
6 to an eligible organizational program speci-  
7 fied in subparagraphs (A) through (C) of  
8 paragraph (4) of subsection (c).

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

12 “(A) IN GENERAL.—The President shall  
13 direct the United States Permanent Represent-  
14 ative to the United Nations to make every ef-  
15 fort, including the withholding of United States  
16 support for a consensus budget of the United  
17 Nations, to reduce the budgets of the organiza-  
18 tional programs specified in subparagraph (B)  
19 of paragraph (2) for the 2008–2009 biennial  
20 period and each subsequent biennial period by  
21 20 percent against the budgets of such organi-  
22 zational programs for the 2004–2005 biennial  
23 period.

24 “(B) CERTIFICATION.—In accordance with  
25 section 601, a certification shall be required

1           that certifies that the reduction in budgets de-  
2           scribed in subparagraph (A) has been imple-  
3           mented.”.

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

7           (e) LIMITATION ON UNITED STATES CONTRIBUTIONS  
8 TO UNRWA.—The Secretary of State may not make a  
9 contribution to the United Nations Relief and Works  
10 Agency for Palestine Refugees in the Near East  
11 (UNRWA) in an amount greater than the highest con-  
12 tribution to UNRWA made by an Arab country, but may  
13 not exceed 22 percent of the total budget of UNRWA. For  
14 purposes of this subsection, an Arab country includes the  
15 following: Algeria, Bahrain, Comoros, Djibouti, Egypt,  
16 Iran, Jordan, Kuwait, Lebanon, Libya, Mauritania, Mo-  
17 rocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria,  
18 Tunisia, the United Arab Emirates, Iraq, and Yemen.

19           (f) POLICY RELATING TO ZERO NOMINAL  
20 GROWTH.—It shall be the policy of the United States to  
21 use the voice, vote, and influence of the United States at  
22 the United Nations to make every effort to enforce zero  
23 nominal growth in all assessed dues to the regular budget  
24 of the United Nations, its specialized agencies, and its  
25 funds and programs.

1       (g) 5.6 RULE.—It shall be the policy of the United  
2 States to use the voice, vote, and influence of the United  
3 States at the United Nations to actively enforce the 5.6  
4 rule at the United Nations, requiring the Secretariat to  
5 identify low-priority activities in the budget proposal. The  
6 United Nations should strengthen the 5.6 rule by requir-  
7 ing that managers identify the lowest priority activities  
8 equivalent to 15 percent of their budget request or face  
9 an across the board reduction of such amount.

10       (h) ANNUAL PUBLICATION.—It shall be the policy of  
11 the United States to use the voice, vote, and influence of  
12 the United States at the United Nations to ensure the  
13 United Nations is annually publishing a list of all sub-  
14 sidiary bodies and their functions, budgets, and staff.

15       (i) SCALE OF ASSESSMENTS.—The President shall  
16 direct the United States Permanent Representative to the  
17 United Nations to use the voice, vote, and influence of the  
18 United States at the United Nations to make every effort  
19 to ensure that the assessment for each of the five perma-  
20 nent members of the Security Council is not less than 20  
21 percent of the assessment for each other permanent mem-  
22 ber of the Security Council.

23       (j) DENIAL OF USE OF VETO.—If the Secretary of  
24 State determines that the assessment for a permanent  
25 member of the Security Council with veto power is less

1 than 20 percent of the assessment for any other perma-  
 2 nent member of the Security Council, the President shall  
 3 direct the United States Permanent Representative to the  
 4 United Nations to use the voice, vote, and influence of the  
 5 United States at the United Nations to make every effort  
 6 to deny to such lower paying permanent member the use  
 7 of the veto power of such permanent member until such  
 8 time as the assessment for such permanent member is at  
 9 least 20 percent of the assessment for each other perma-  
 10 nent member of the Security Council.

11 **SEC. 102. WEIGHTED VOTING.**

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

19 **SEC. 103. BUDGET CERTIFICATION REQUIREMENTS.**

20 (a) CERTIFICATION.—In accordance with section  
 21 601, a certification shall be required that certifies that the  
 22 conditions described in subsection (b) have been satisfied.

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

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

4           (A) require the maintenance of a budget  
5       not in excess of the level agreed to by the Gen-  
6       eral Assembly at the beginning of each United  
7       Nations budgetary biennium, unless increases  
8       are agreed to by consensus and do not exceed  
9       ten percent; and

10          (B) require the identification of expendi-  
11       tures by the United Nations by functional cat-  
12       egories such as personnel, travel, and equip-  
13       ment.

14       (2) PROGRAM EVALUATION.—

15           (A) EXISTING AUTHORITY.—The Secretary  
16       General and the Director General of each spe-  
17       cialized agency have used their existing authori-  
18       ties to require program managers within the  
19       United Nations Secretariat and the Secretariats  
20       of the specialized agencies to conduct evalua-  
21       tions in accordance with the standardized meth-  
22       odology referred to in subparagraph (B) of—

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

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

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

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

12 (ii) SPECIALIZED AGENCIES.—Pat-  
13 terned on the work of the Office of Inter-  
14 nal Oversight Services of the United Na-  
15 tions, each specialized agency has devel-  
16 oped a standardized methodology for the  
17 evaluation of the programs of the agency,  
18 including specific criteria for determining  
19 the continuing relevance and effectiveness  
20 of the programs.

21 (C) REPORT.—The Secretary General is  
22 assessing budget requests and, on the basis of  
23 evaluations conducted under subparagraph (B)  
24 for the relevant preceding year, submits to the  
25 General Assembly a report containing the re-

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

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

15 **SEC. 104. ACCOUNTABILITY.**

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

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

1 shall not be subject to budget authority or organiza-  
2 tional authority of any entity within the United Na-  
3 tions.

4 (2) The head of the IOB shall be a Director,  
5 who shall be nominated by the Secretary General  
6 and who shall be subject to Security Council ap-  
7 proval by a majority vote. The IOB shall also consist  
8 of four other board members who shall be nominated  
9 by the Secretary General and subject to Security  
10 Council approval by a majority vote. The IOB shall  
11 be responsible to the Security Council and the Direc-  
12 tor and board members shall each serve terms of 6  
13 years, except that the terms of the initial board shall  
14 be staggered so that no more than two board mem-  
15 bers' terms will expire in any one year. No board  
16 member may serve more than two terms. An IOB  
17 board member may be removed for cause by a ma-  
18 jority vote of the Security Council. The Director  
19 shall appoint a professional staff headed by a Chief  
20 of Staff and may employ contract staff as needed.

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



1 department, or specialized agency of the United Na-  
2 tions for such funding.

3 (4) While the IOB shall have the authority to  
4 evaluate all operations of the United Nations, the  
5 primary mission of the IOB is to oversee the Office  
6 of Internal Oversight Services and the Board of Ex-  
7 ternal Auditors. The IOB may direct the Office of  
8 Internal Oversight Services or the Board of External  
9 Auditors to initiate, abandon, or modify the scope of  
10 an investigation. Every three months or more fre-  
11 quently when appropriate, the IOB shall submit, as  
12 appropriate, to the Secretary General, the Security  
13 Council, the General Assembly, or the Economic and  
14 Social Council a report on its activities, relevant ob-  
15 servations, and recommendations relating to its  
16 audit operations, including information relating to  
17 the inventory and status of investigations by the Of-  
18 fice of Internal Oversight Services.

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

1 Nations or of its specialized agencies when allega-  
2 tions of serious misconduct have been made and  
3 such a special investigation is necessary to maintain  
4 public confidence in the integrity of the investiga-  
5 tion. A special investigator and staff shall comply  
6 with all United Nations financial disclosure and con-  
7 flict of interest rules, including the filing of an indi-  
8 vidual Annual Financial Disclosure Form in accord-  
9 ance with subsection (c).

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

13 (7)(A) The IOB shall review the Final Report  
14 of the Independent Inquiry Committee (IIC) into the  
15 United Nations Oil for Food Program (OFF). The  
16 IOB's review should focus on the adequacy of the  
17 IIC's Final Report or any subsequent reports of the  
18 IIC or of any possible successor to the IIC. The  
19 IOB's review of the IIC's Final Report should ad-  
20 dress the Final Report's treatment of and adequacy  
21 in the following areas—

22 (i) OFF's operations from inception  
23 through the transfer of power from the Coali-  
24 tion Provisional Authority to the interim Iraqi  
25 government;

1           (ii) claims of oil smuggling, illegal sur-  
2 charges on oil and commissions on commodity  
3 contracts, illegal kick-backs, use of oil alloca-  
4 tions to influence foreign government officials  
5 and international people of influence, and use of  
6 funds for military purposes;

7           (iii) the involvement, directly or indirectly,  
8 of any entity, bureau, division, department, spe-  
9 cialized agency, or employee (including the Sec-  
10 retary General) of the United Nations, includ-  
11 ing any employee of the specialized agencies of  
12 the United Nations or any employee or officer  
13 of the Secretariat;

14           (iv) the IIC's findings, discovery and use of  
15 evidence, and investigation practices; and

16           (v) the extent of cooperation by the United  
17 Nations with requests by Congress for testi-  
18 mony, interviews, documents, correspondence,  
19 reports, memoranda, books, papers, accounts,  
20 or records related to the Oil for Food Program.

21           (B) Subsequent to the IOB's review, the IOB  
22 shall determine in a written report whether the IIC  
23 investigation is incomplete or inadequate in any re-  
24 spects and whether any additional investigation is  
25 justified. If the IOB determines that additional in-

1        investigation is warranted, it shall appoint, in accord-  
2        ance with paragraph (5), a special investigator and  
3        staff consisting of individuals who are not employees  
4        of the United Nations and to identify specific areas  
5        within the OFF to investigate.

6        (b) CERTIFICATION OF UNITED NATIONS REFORMS  
7        OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES.—  
8        In accordance with section 601, a certification shall be re-  
9        quired that certifies that the following reforms related to  
10       the Office of Internal Oversight Services (OIOS) have  
11       been adopted by the United Nations:

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

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

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

4                   (A) make a recommendation to the OIOS  
5           to initiate an investigation of any aspect of the  
6           United Nations; or

7                   (B) report to the OIOS information or al-  
8           legations of misconduct or inefficiencies within  
9           the United Nations.

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

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

22          (6) The OIOS shall establish procedures for  
23          providing “whistle-blower” status and employment  
24          protections for all employees of the United Nations,  
25          including employees of the specialized agencies of

1 the United Nations, who provide informational leads  
2 and testimony related to allegations of wrongdoing.  
3 Such procedures shall be adopted throughout the  
4 United Nations. Such status and protection may not  
5 be conferred on the Secretary General.

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

14 (8) Not later than 6 months after the date of  
15 the enactment of this Act, the Director shall estab-  
16 lish a position of Associate Director of OIOS for  
17 Specialized Agencies and Funds and Programs who  
18 shall be responsible for supervising the OIOS liaison  
19 or oversight duties for each of the specialized agen-  
20 cies and funds and programs of the United Nations.  
21 With the concurrence of the Director, the Associate  
22 Director of OIOS for Specialized Agencies and  
23 Funds and Programs may, from existing levels of  
24 United Nations budgetary and personnel resources,  
25 hire and appoint necessary OIOS staff, including

1 staff serving within and located at specialized agen-  
2 cies and funds and programs permanently or as  
3 needed to liaison with existing audit functions within  
4 each specialized agency and fund and program.

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

21 (10) Not later than 6 months after the date of  
22 the enactment of this Act, the Director shall estab-  
23 lish a position of Associate Director of OIOS for  
24 Procurement and Contract Integrity, who shall be  
25 responsible for auditing and inspecting procurement

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

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



1 (B) the United Nations has established ef-  
 2 fective controls to prevent conflicts of interest  
 3 in the award of contracts; and

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

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

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

1 and who shall be subject to Security Council ap-  
2 proval by majority vote. The UNOE shall promul-  
3 gate ethics rules, including the following:

4 (A) No employee of any United Nations  
5 entity, bureau, division, department, or special-  
6 ized agency may be compensated while partici-  
7 pating in the domestic politics of the country of  
8 such employee, except for voting or acting as  
9 part of a Security Council, General Assembly,  
10 or legitimately authorized United Nations mis-  
11 sion or assignment.

12 (B) No United Nations entity, bureau, di-  
13 vision, department, or specialized agency may  
14 hire an individual convicted in a generally rec-  
15 ognized court of a democratically-elected gov-  
16 ernment with an independent judiciary and an  
17 extradition treaty with the United States and  
18 the European Union for any crime or crimes in-  
19 volving financial misfeasance, malfeasance,  
20 fraud, or perjury.

21 (C) The employment of an employee of any  
22 United Nations entity, bureau, division, depart-  
23 ment, or specialized agency who is convicted in  
24 a generally recognized court of a democrat-  
25 ically-elected government with an independent

1           judiciary and an extradition treaty with the  
2           United States and the European Union of any  
3           crime or crimes involving financial misfeasance,  
4           malfeasance, fraud, or perjury shall be subject  
5           to termination.

6           (D) If an employee of any United Nations  
7           entity, bureau, division, department, or special-  
8           ized agency has contact regarding the disposi-  
9           tion of ongoing internal United Nations oper-  
10          ations or decisions with an individual who is not  
11          an employee or official of the government of a  
12          Member State (or a similarly situated indi-  
13          vidual), with an individual who is not officially  
14          employed by any United Nations entity, bureau,  
15          division, department, or specialized agency, or  
16          with an individual who is not a working mem-  
17          ber of the media, a memorandum of such con-  
18          tact shall be prepared by such employee and,  
19          upon request, be made available to Member  
20          States.

21          (2) The UNEO shall receive operational and  
22          budgetary funding through appropriations by the  
23          General Assembly from existing levels of United Na-  
24          tions budgetary and personnel resources and shall  
25          not be dependent upon any other entity, bureau, di-

1 vision, department, or specialized agency of the  
2 United Nations for such funding.

3 (3) The Director of the UNEO shall, not later  
4 than 6 months after the date of its establishment,  
5 publish a report containing proposals for imple-  
6 menting a system for the filing and review of indi-  
7 vidual Annual Financial Disclosure Forms by each  
8 employee of the United Nations, including by each  
9 employee of its specialized agencies, at the P-5 level  
10 and above and by all contractors and consultants  
11 compensated at any salary level. Such system shall  
12 be in place and operational not later than 6 months  
13 after the date of the publication of the report. Such  
14 completed forms shall be made available to the Of-  
15 fice of Internal Oversight Services at the request of  
16 the Director of the Office of Internal Oversight  
17 Services. Such system shall seek to identify and pre-  
18 vent conflicts of interest by United Nations employ-  
19 ees and shall be comparable to the system used for  
20 such purposes by the United States Government.  
21 Such report shall also address broader reforms of  
22 the ethics program for the United Nations, includ-  
23 ing—

1 (A) the effect of the establishment of eth-  
2 ics officers throughout all organizations within  
3 the United Nations;

4 (B) the effect of retention by the UNEO of  
5 Annual Financial Disclosure Forms;

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

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

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

20 (F) proposals for disclosure upon request  
21 by the Ambassador of a Member State of infor-  
22 mation related to travel and per diem payments  
23 made from United Nations funds to any person;  
24 and

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

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

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

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

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

7       (f) WAIVER OF IMMUNITY.—The President shall di-  
8 rect the United States Permanent Representative to the  
9 United Nations to use the voice, vote, and influence of the  
10 United States at the United Nations to ensure that the  
11 Secretary General exercises the right and duty of the Sec-  
12 retary General under section 20 of the Convention on the  
13 Privileges and Immunities of the United Nations to waive  
14 the immunity of any United Nations official in any case  
15 in which such immunity would impede the course of jus-  
16 tice. In exercising such waiver, the Secretary General is  
17 urged to interpret the interests of the United Nations as  
18 favoring the investigation or prosecution of a United Na-  
19 tions official who is credibly under investigation for having  
20 committed a serious criminal offense or who is credibly  
21 charged with a serious criminal offense.

22       (g) CERTIFICATION OF UNITED NATIONS COOPERA-  
23 TION RELATING TO OIL-FOR-FOOD PROGRAM.—

24               (1) ACTIONS.—In accordance with section 601,  
25       a certification shall be required that certifies that

1 the following actions relating to the oil-for-food pro-  
2 gram have been taken by the United Nations:

3 (A) The United Nations Secretary General  
4 has authorized the release to a law enforcement  
5 authority of any Member State (upon request  
6 by the permanent representative to the United  
7 Nations of such Member State on behalf of  
8 such law enforcement authority) or to a na-  
9 tional legislative authority authentic copies of  
10 any document in the possession of the United  
11 Nations, including any document in the posses-  
12 sion of a person who was engaged on a contract  
13 basis to provide goods or services to the United  
14 Nations, that in the judgment of such request-  
15 ing law enforcement authority or national legis-  
16 lative authority directly or indirectly concerns  
17 the oil-for-food program or a sanction imposed  
18 on Iraq related to the oil-for-food program.

19 (B) The United Nations has waived any  
20 immunity enjoyed by any United Nations offi-  
21 cial from the judicial process in the United  
22 States for any civil or criminal acts or omis-  
23 sions under Federal or State law that may have  
24 transpired within the jurisdiction of the United



1 States in connection with the oil-for-food pro-  
2 gram.

3 (2) DEFINITION.—As used in this subsection,  
4 the term “oil-for-food program” means the program  
5 established and administered pursuant to United  
6 Nations Security Council Resolution 986 (April 14,  
7 1995) and subsequent United Nations resolutions to  
8 permit the sale of petroleum products exported from  
9 Iraq and to use the revenue generated from such  
10 sale for humanitarian assistance.

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

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

17 (1) a definition of terrorism that builds upon  
18 the recommendations of the Secretary General’s  
19 High-Level Panel on Threats, Challenges, and  
20 Change, and includes as an essential component of  
21 such definition any action that is intended to cause  
22 death or serious bodily harm to civilians with the  
23 purpose of intimidating a population or compelling a  
24 government or an international organization to do,  
25 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 6 months after the date of the enactment of  
3           this Act and every 6 months thereafter for the next  
4           2 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 (E) The Special Committee to Investigate  
 13 Israeli Practices Affecting the Human Rights of  
 14 the Palestinian People and Other Arabs of the  
 15 Occupied Territories.

16 (F) Any other entity the Secretary deter-  
 17 mines results in duplicative efforts or funding  
 18 or fails to ensure balance in the approach to  
 19 Israeli-Palestinian issues.

20 (c) IMPLEMENTATION BY PERMANENT REPRESENTA-  
 21 TIVE.—

22 (1) IN GENERAL.—The President shall direct  
 23 the United States Permanent Representative to the  
 24 United Nations to use the voice, vote, and influence  
 25 of the United States at the United Nations to seek

1 the implementation of the recommendations con-  
2 tained in the report required under subsection  
3 (b)(1).

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

11 (d) GAO AUDIT.—The Comptroller General of the  
12 United States of the Government Accountability Office  
13 shall conduct an audit of—

14 (1) the status of the implementation of the rec-  
15 ommendations contained in the report required  
16 under subsection (b)(1); and

17 (2) United States actions and achievements  
18 under subsection (c).

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

20 (a) IN GENERAL.—Not later than 180 days after the  
21 date of the enactment of this Act, and 1 year thereafter,  
22 the Secretary shall submit to the appropriate congres-  
23 sional committees a report on United Nations reform since  
24 1990.

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

3 (1) the status of the implementation of manage-  
4 ment reforms within the United Nations and its spe-  
5 cialized agencies;

6 (2) the number of outputs, reports, or other  
7 items generated by General Assembly resolutions  
8 that have been eliminated;

9 (3) the progress of the General Assembly to  
10 modernize and streamline the committee structure  
11 and its specific recommendations on oversight and  
12 committee outputs, consistent with the March 2005  
13 report of the Secretary General entitled “In larger  
14 freedom: towards development, security and human  
15 rights for all”;

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

21 (5) the continued utility and relevance of the  
22 Economic and Financial Committee and the Social,  
23 Humanitarian, and Cultural Committee, in light of  
24 the duplicative agendas of those committees and the  
25 Economic and Social Council; and

1           (6) whether the United Nations or any of its  
2       specialized agencies has contracted with any party  
3       included on the Lists of Parties Excluded from Fed-  
4       eral Procurement and Nonprocurement Programs.

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

6       (a) IN GENERAL.—Not later than 1 year after the  
7       date of the enactment of this Act, the Secretary of State  
8       shall submit to the appropriate congressional committees  
9       a report—

10           (1) concerning the progress of the General As-  
11       sembly to modernize human resource practices, con-  
12       sistent with the March 2005 report of the Secretary  
13       General entitled “In larger freedom: towards devel-  
14       opment, security and human rights for all”; and

15           (2) containing the information described in sub-  
16       section (b).

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

18           (1) a comprehensive evaluation of human re-  
19       sources reforms at the United Nations, including an  
20       evaluation of—

21                   (A) tenure;

22                   (B) performance reviews;

23                   (C) the promotion system;

1 (D) a merit-based hiring system and en-  
2 hanced regulations concerning termination of  
3 employment of employees; and

4 (E) the implementation of a code of con-  
5 duct and ethics training;

6 (2) the implementation of a system of proce-  
7 dures for filing complaints and protective measures  
8 for work-place harassment, including sexual harass-  
9 ment;

10 (3) policy recommendations relating to the es-  
11 tablishment of a rotation requirement for non-  
12 administrative positions;

13 (4) policy recommendations relating to the es-  
14 tablishment of a prohibition preventing personnel  
15 and officials assigned to the mission of a Member  
16 State to the United Nations from transferring to a  
17 position within the United Nations Secretariat that  
18 is compensated at the P-5 level and above;

19 (5) policy recommendations relating to a reduc-  
20 tion in travel allowances and attendant oversight  
21 with respect to accommodations and airline flights;  
22 and

23 (6) an evaluation of the recommendations of the  
24 Secretary General relating to greater flexibility for



1 the Secretary General in staffing decisions to accom-  
2 modate changing priorities.

3 **SEC. 110. REPORT ON UNITED STATES CONTRIBUTIONS TO**  
4 **THE UNITED NATIONS.**

5 Not later than 12 months after the date of the enact-  
6 ment of this Act, the Director of the Office of Manage-  
7 ment and Budget shall submit to the Committee on Inter-  
8 national Relations of the House of Representatives, the  
9 Committee on Foreign Relations of the Senate, the Com-  
10 mittee on Appropriations of the House of Representatives,  
11 and the Committee on Appropriations of the Senate a re-  
12 port on United States contributions to the United Nations.  
13 Such report shall examine assessed, voluntary, in-kind,  
14 and all other United States contributions.

15 **SEC. 111. UNITED NATIONS SECURITY COUNCIL AND LEB-**  
16 **ANON.**

17 (a) RESOLUTION 1559.—The President shall direct  
18 the United States Permanent Representative to the  
19 United Nations to use the voice, vote, and influence of the  
20 United States at the United Nations to make every effort  
21 to ensure that the Security Council is undertaking the nec-  
22 essary steps to secure the implementation of Security  
23 Council Resolution 1559, including—

24 (1) deploying United Nations inspectors to  
25 verify and certify to the Security Council that—

1 (A) all foreign forces, including intel-  
2 ligence, security, and policing forces, have been  
3 withdrawn from Lebanon; and

4 (B) all militias in Lebanon have been per-  
5 manently disarmed and dismantled and their  
6 weapons have been decommissioned; and

7 (2) continuing the presence of United Nations  
8 elections monitoring teams in Lebanon to verify and  
9 certify to the Security Council that—

10 (A) citizens of Lebanon are not being tar-  
11 geted for assassination by foreign forces, in  
12 particular by foreign forces of Syria, or by their  
13 proxies, as a means of intimidation and coer-  
14 cion in an effort to manipulate the political  
15 process in Lebanon;

16 (B) elections in Lebanon are being con-  
17 ducted in a fair and transparent manner and  
18 are free of foreign interference; and

19 (C) that such foreign forces, or their prox-  
20 ies, are not seeking to infringe upon the terri-  
21 torial integrity or political sovereignty of Leb-  
22 anon.

23 (b) UNITED STATES ACTION.—If the steps described  
24 in paragraphs (1) and (2) of subsection (a) have not been  
25 verified and certified to the Security Council by July 31,

1 2005, or by the date that is not later than 30 days after  
2 the date of the enactment of this Act, whichever is sooner,  
3 the President shall direct the United States Permanent  
4 Representative to the United Nations to use the voice,  
5 vote, and influence of the United States at the United Na-  
6 tions to secure the adoption of a resolution in the Security  
7 Council imposing punitive measures on the governments  
8 of countries whose forces remain in Lebanon in violation  
9 of Security Council Resolution 1559 and who directly, or  
10 through proxies, are infringing upon the territorial integ-  
11 rity or political sovereignty of Lebanon.

12 **SEC. 112. POLICY WITH RESPECT TO EXPANSION OF THE**  
13 **SECURITY COUNCIL.**

14 It shall be the policy of the United States to use the  
15 voice, vote, and influence of the United States at the  
16 United Nations to oppose any proposals on expansion of  
17 the Security Council if such expansion would—

- 18 (1) diminish the influence of the United States  
19 on the Security Council;  
20 (2) include veto rights for any new members of  
21 the Security Council; or  
22 (3) undermine the effectiveness of the Security  
23 Council.

1 **SEC. 113. GENOCIDE AND THE UNITED NATIONS.**

2 (a) UNITED STATES ACTION.—The President shall  
3 direct the United States Permanent Representative to the  
4 United Nations to use the voice, vote, and influence of the  
5 United States at the United Nations to make every effort  
6 to ensure the formal adoption and implementation of  
7 mechanisms to—

8 (1) suspend the membership of a Member State  
9 if it is determined that the government of such  
10 Member State is engaged in or complicit in, either  
11 by commission or omission, acts of genocide, ethnic  
12 cleansing, or crimes against humanity;

13 (2) impose an arms and trade embargo and  
14 travel restrictions on, and freeze the assets of, all  
15 groups and individuals responsible for committing or  
16 allowing such acts of genocide, ethnic cleansing, or  
17 crimes against humanity to occur;

18 (3) deploy a United Nations peacekeeping oper-  
19 ation or authorize and support the deployment of a  
20 peacekeeping operation from an international or re-  
21 gional organization to the Member State with a  
22 mandate to stop such acts of genocide, ethnic cleans-  
23 ing, or crimes against humanity;

24 (4) deploy monitors from the United Nations  
25 High Commissioner for Refugees to the area in the  
26 Member State where such acts of genocide, ethnic

1       cleansing, or crimes against humanity are occurring;  
2       and

3           (5) authorize the establishment of an inter-  
4       national commission of inquiry into such acts of  
5       genocide, ethnic cleansing, or crimes against human-  
6       ity.

7       (b) CERTIFICATION.—In accordance with section  
8       601, a certification shall be required that certifies that the  
9       mechanisms described in subsection (a) have been adopted  
10      and implemented.

11   **SEC. 114. ANTI-SEMITISM AND THE UNITED NATIONS.**

12       (a) IN GENERAL.—The President shall direct the  
13      United States Permanent Representative to the United  
14      Nations to use the voice, vote, and influence of the United  
15      States at the United Nations to make every effort to—

16           (1) ensure the issuance and implementation of  
17       a directive by the Secretary General or the Secre-  
18       tariat, as appropriate, that—

19               (A) requires all employees of the United  
20       Nations and its specialized agencies to officially  
21       and publicly condemn anti-Semitic statements  
22       made at any session of the United Nations or  
23       its specialized agencies, or at any other session  
24       sponsored by the United Nations;

1 (B) requires employees of the United Na-  
2 tions and its specialized agencies to be subject  
3 to punitive action, including immediate dis-  
4 missal, for making anti-Semitic statements or  
5 references;

6 (C) proposes specific recommendations to  
7 the General Assembly for the establishment of  
8 mechanisms to hold accountable employees and  
9 officials of the United Nations and its special-  
10 ized agencies, or Member States, that make  
11 such anti-Semitic statements or references in  
12 any forum of the United Nations or of its spe-  
13 cialized agencies; and

14 (D) develops and implements education  
15 awareness programs about the Holocaust and  
16 anti-Semitism throughout the world, as part of  
17 an effort to combat intolerance and hatred;

18 (2) work to secure the adoption of a resolution  
19 by the General Assembly that establishes the mecha-  
20 nisms described in paragraph (1)(C); and

21 (3) continue working toward further reduction  
22 of anti-Semitic language and anti-Israel resolutions  
23 in the United Nations and its specialized agencies.

24 (b) CERTIFICATION.—In accordance with section  
25 601, a certification shall be required that certifies that the

1 requirements described in subsection (a) have been satis-  
 2 fied.

## 3 **TITLE II—HUMAN RIGHTS AND** 4 **THE ECONOMIC AND SOCIAL** 5 **COUNCIL (ECOSOC)**

### 6 **SEC. 201. HUMAN RIGHTS.**

7 (a) STATEMENT OF POLICY.—It shall be the policy  
 8 of the United States to use its voice, vote, and influence  
 9 at the United Nations to ensure that a credible and re-  
 10 spectable Human Rights Council or other human rights  
 11 body is established within the United Nations whose par-  
 12 ticipating Member States uphold the values embodied in  
 13 the Universal Declaration of Human Rights.

14 (b) HUMAN RIGHTS REFORMS AT THE UNITED NA-  
 15 TIONS.—The President shall direct the United States Per-  
 16 manent Representative to the United Nations to ensure  
 17 that the following human rights reforms have been adopt-  
 18 ed by the United Nations:

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

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

1 (A) subject to sanctions by the Security  
2 Council; or

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

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

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

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

23 (6) The practice of considering in the principal  
24 body in the United Nations for the promotion and  
25 protection of human rights country specific resolu-



1        tions relating to human rights abuses perpetrated by  
2        the government of a Member State within such  
3        Member State shall not be eliminated.

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

8        (d) PREVENTION OF ABUSE OF “NO ACTION” MO-  
9        TIONS.—The United States Permanent Representative  
10       shall work to prevent abuse of “no action” motions, par-  
11       ticularly as such motions relate to country specific resolu-  
12       tions.

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

15                (1) STATEMENT OF POLICY.—It shall be the  
16       policy of the United States to continue to strongly  
17       support the Office of the United Nations High Com-  
18       missioner for Human Rights.

19                (2) CERTIFICATION.—In accordance with sec-  
20       tion 601, a certification shall be required that cer-  
21       tifies that the Office of the United Nations High  
22       Commissioner for Human Rights has been given  
23       greater authority in field operation activities, such  
24       as in the Darfur region of Sudan and in the Demo-

1        cratic Republic of the Congo, in furtherance of the  
 2        purpose and mission of the United Nations.

3        (f) PROHIBITION ON CONTACT WITH MEMBER  
 4 STATES SUBJECT TO SANCTIONS.—An employee from of  
 5 any United Nations entity, bureau, division, department,  
 6 or specialized agency may not have unauthorized contact,  
 7 including business contact, with a Member State that is  
 8 subject to United Nations sanctions.

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

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

13            (1) abolish secret voting in the Economic and  
 14 Social Council (ECOSOC);

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

22            (3) ensure that after candidate countries are  
 23 nominated for membership on the Commission on  
 24 Human Rights, the Economic and Social Council

1       conducts a recorded vote to determine such member-  
2       ship.

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

7       **SEC. 203. UNITED NATIONS DEMOCRACY FUND.**

8       (a) IN GENERAL.—The President shall direct the  
9       United States Permanent Representative to the United  
10      Nations to use the voice, vote, and influence of the United  
11      States at the United Nations to make every effort to—

12           (1) establish a Democracy Fund at the United  
13      Nations to be administered by Member States of the  
14      United Nations Democracy Caucus;

15           (2) secure political and financial support for the  
16      Democracy Fund from Member States of the United  
17      Nations Democracy Caucus; and

18           (3) establish criteria that limits recipients of as-  
19      sistance from the Democracy Fund to Member  
20      States that—

21           (A) are not ineligible for membership on  
22      any United Nations human rights body, in ac-  
23      cordance with paragraphs (1) through (4) of  
24      section 201(b); and

1 (B) are determined by the Secretary of  
 2 State to be emerging democracies or democ-  
 3 racies in transition.

4 (b) POLICY RELATING TO FUNDING FOR THE DE-  
 5 MOCRACY FUND.—It shall be the policy of the United  
 6 States to shift contributions of the United States to the  
 7 regularly assessed budget of the United Nations for a bi-  
 8 ennial period to initiate and support the Democracy Fund  
 9 referred to in subsection (a).

10 (c) CERTIFICATION.—In accordance with section  
 11 601, a certification shall be required that certifies that the  
 12 requirements described in subsection (a) have been satis-  
 13 fied.

## 14 **TITLE III—INTERNATIONAL** 15 **ATOMIC ENERGY AGENCY**

### 16 **SEC. 301. INTERNATIONAL ATOMIC ENERGY AGENCY.**

17 (a) ENFORCEMENT AND COMPLIANCE.—

18 (1) OFFICE OF COMPLIANCE.—

19 (A) ESTABLISHMENT.—The President  
 20 shall direct the United States Permanent Rep-  
 21 resentative to International Atomic Energy  
 22 Agency (IAEA) to use the voice, vote, and influ-  
 23 ence of the United States at the IAEA to estab-  
 24 lish an Office of Compliance in the Secretariat  
 25 of the IAEA.

1 (B) OPERATION.—The Office of Compli-  
2 ance shall—

3 (i) function as an independent body  
4 composed of technical experts who shall  
5 work in consultation with IAEA inspectors  
6 to assess compliance by IAEA Member  
7 States and provide recommendations to the  
8 IAEA Board of Governors concerning pen-  
9 alties to be imposed on IAEA Member  
10 States that fail to fulfill their obligations  
11 under IAEA Board resolutions;

12 (ii) base its assessments and rec-  
13 ommendations on IAEA inspection reports;  
14 and

15 (iii) shall take into consideration in-  
16 formation provided by IAEA Board Mem-  
17 bers that are one of the five nuclear weap-  
18 ons states as recognized by the Treaty on  
19 the Non-Proliferation of Nuclear Weapons  
20 (21 UST 483) (commonly referred to as  
21 the “Nuclear Nonproliferation Treaty” or  
22 the “NPT”).

23 (C) STAFFING.—The Office of Compliance  
24 shall be staffed from existing personnel in the  
25 Department of Safeguards of the IAEA or the

1 Department of Nuclear Safety and Security of  
2 the IAEA.

3 (2) SPECIAL COMMITTEE ON SAFEGUARDS AND  
4 VERIFICATION.—

5 (A) ESTABLISHMENT.—The President  
6 shall direct the United States Permanent Rep-  
7 resentative to the IAEA to use the voice, vote,  
8 and influence of the United States at the IAEA  
9 to establish a Special Committee on Safeguards  
10 and Verification.

11 (B) RESPONSIBILITIES.—The Special  
12 Committee shall—

13 (i) improve the ability of the IAEA to  
14 monitor and enforce compliance by Mem-  
15 ber States of the IAEA with the Nuclear  
16 Nonproliferation Treaty and the Statute of  
17 the International Atomic Energy Agency;  
18 and

19 (ii) consider which additional meas-  
20 ures are necessary to enhance the ability of  
21 the IAEA, beyond the verification mecha-  
22 nisms and authorities contained in the Ad-  
23 ditional Protocol to the Safeguards Agree-  
24 ments between the IAEA and Member  
25 States of the IAEA, to detect with a high

1 degree of confidence undeclared nuclear ac-  
2 tivities by a Member State.

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

4 (A) IN GENERAL.—The President shall di-  
5 rect the United States Permanent Representa-  
6 tive to the IAEA to use the voice, vote, and in-  
7 fluence of the United States at the IAEA to en-  
8 sure that a Member State of the IAEA that is  
9 under investigation for a breach of or non-  
10 compliance with its IAEA obligations or the  
11 purposes and principles of the Charter of the  
12 United Nations has its privileges suspended, in-  
13 cluding—

14 (i) limiting its ability to vote on its  
15 case;

16 (ii) being prevented from receiving  
17 any technical assistance; and

18 (iii) being prevented from hosting  
19 meetings.

20 (B) TERMINATION OF PENALTIES.—The  
21 penalties specified under subparagraph (A)  
22 shall be terminated when such investigation is  
23 concluded and such Member State is no longer  
24 in such breach or noncompliance.

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

13      (b) UNITED STATES CONTRIBUTIONS.—

14           (1) VOLUNTARY CONTRIBUTIONS.—Voluntary  
15      contributions of the United States to the IAEA  
16      should primarily be used to fund activities relating  
17      to Nuclear Safety and Security or activities relating  
18      to Nuclear Verification.

19           (2) LIMITATION ON USE OF FUNDS.—The  
20      President shall direct the United States Permanent  
21      Representative to the IAEA to use the voice, vote,  
22      and influence of the United States at the IAEA to—

23           (A) ensure that funds for safeguards in-  
24      spections are prioritized for countries that have



1 newly established nuclear programs or are initi-  
2 ating nuclear programs; and

3 (B) block the allocation of funds for any  
4 other IAEA development, environmental, or nu-  
5 clear science assistance or activity to a coun-  
6 try—

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

20 (ii) that is under investigation for a  
21 breach of or noncompliance with its IAEA  
22 obligations or the purposes and principles  
23 of the Charter of the United Nations; or

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

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

13 (c) MEMBERSHIP.—

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

21 (A) is under investigation for a breach of  
22 or noncompliance with its IAEA obligations or  
23 the purposes and principles of the Charter of  
24 the United Nations; or

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

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

8 (d) SMALL QUANTITIES PROTOCOL.—The President  
9 shall direct the United States Permanent Representative  
10 to the IAEA to use the voice, vote, and influence of the  
11 United States at the IAEA to make every effort to ensure  
12 that the IAEA changes the policy regarding the Small  
13 Quantities Protocol in order to—

14 (1) rescind and eliminate the Small Quantities  
15 Protocol;

16 (2) require that any IAEA Member State that  
17 has previously signed a Small Quantities Protocol to  
18 sign, ratify, and implement the Additional Protocol,  
19 provide immediate access for IAEA inspectors to its  
20 nuclear-related facilities, and agree to the strongest  
21 inspections regime of its nuclear efforts; and

22 (3) require that any IAEA Member State that  
23 does not comply with paragraph (2) to be ineligible  
24 to receive nuclear material, technology, equipment,  
25 or assistance from any IAEA Member State and

1 subject to the penalties described in section  
2 301(a)(3).

3 (e) NUCLEAR PROGRAM OF IRAN.—

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

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

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

20 (C) has permanently ceased and disman-  
21 tled all activities and programs related to nu-  
22 clear-enrichment and reprocessing.

23 (2) PENALTIES.—If an IAEA Member State is  
24 determined to have violated the prohibition on as-  
25 sistance to Iran described in paragraph (1) before

1       the IAEA Board of Governors determines that Iran  
2       has satisfied the conditions described in subpara-  
3       graphs (A) through (C) of such paragraph, such  
4       Member State shall be subject to the penalties de-  
5       scribed in section 301(a)(3), shall be ineligible to re-  
6       ceive nuclear material, technology, equipment, or as-  
7       sistance from any IAEA Member State, and shall be  
8       ineligible to receive any IAEA assistance not related  
9       to safeguards inspections or nuclear security until  
10      such time as the IAEA Board of Governors makes  
11      such determination with respect to Iran.

12      (f) REPORT.—Not later than 6 months after the date  
13      of the enactment of this Act and annually for 2 years  
14      thereafter, the President shall submit to the appropriate  
15      congressional committees a report on the implementation  
16      of this section.

17      **SEC. 302. SENSE OF CONGRESS REGARDING THE NUCLEAR**  
18                                   **SECURITY ACTION PLAN OF THE IAEA.**

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

1       **TITLE IV—PEACEKEEPING**

2   **SEC. 401. SENSE OF CONGRESS REGARDING REFORM OF**  
3                   **UNITED NATIONS PEACEKEEPING OPER-**  
4                   **ATIONS.**

5       It is the sense of Congress that—

6           (1) although United Nations peacekeeping oper-  
7       ations have contributed greatly toward the pro-  
8       motion of peace and stability for the past 57 years  
9       and the majority of peacekeeping personnel who  
10      have served under the United Nations flag have  
11      done so with honor and courage, the record of  
12      United Nations peacekeeping has been severely tar-  
13      nished by operational failures and unconscionable  
14      acts of misconduct; and

15          (2) if the reputation of and confidence in  
16      United Nations peacekeeping operations is to be re-  
17      stored, fundamental and far-reaching reforms, par-  
18      ticularly in the areas of planning, management,  
19      training, conduct, and discipline, must be imple-  
20      mented 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 (E) GRATIS MILITARY PERSONNEL.—The  
 13 General Assembly should lift restrictions on the  
 14 utilization at the headquarters in New York,  
 15 the United States, of the Department of Peace-  
 16 keeping Operations of gratis military personnel  
 17 by the Department so that the Department may  
 18 accept secondments from Member States of  
 19 military personnel with expertise in mission  
 20 planning, logistics, and other operational spe-  
 21 cialties.

22 (2) CONDUCT AND DISCIPLINE.—

23 (A) ADOPTION OF A UNIFORM CODE OF  
 24 CONDUCT.—A single, uniform Code of Conduct  
 25 that has the status of a binding rule and ap-

plies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, should be promulgated, adopted, and enforced.

(B) UNDERSTANDING THE CODE OF CONDUCT.—All personnel, regardless of category or rank, should receive training on the Code of Conduct prior to deployment with a peacekeeping operation, in addition to periodic follow-on training. In particular—

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

(ii) all personnel, regardless of category or rank, should sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code of Conduct, and that each understands the consequences of violating the Code of Conduct, including immediate termination of the participation of such per-

sonnel in the peacekeeping operation to which such personnel is assigned as a condition of appointment to such operation; and

(iii) peacekeeping operations should conduct educational outreach programs to reach local communities where peacekeeping personnel of such operations are based, including explaining prohibited acts on the part of United Nations peacekeeping personnel and identifying the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.

(C) MONITORING MECHANISMS.—Dedicated monitoring mechanisms, such as the Personnel Conduct Units already deployed to support United Nations peacekeeping operations in Haiti, Liberia, Burundi, and the Democratic Republic of Congo, should be present in each operation to monitor compliance with the Code of Conduct, and—

(i) should report simultaneously to the Head of Mission, the United Nations De-

partment of Peacekeeping Operations, and the Associate Director of OIOS for Peacekeeping Operations (established under section 104(b)(10)); and

(ii) should be tasked with designing and implementing mission-specific measures to prevent misconduct, conduct follow-on training for personnel, coordinate community outreach programs, and assist in investigations, as OIOS determines necessary and appropriate.

(D) INVESTIGATIONS.—A permanent, professional, and independent investigative body should be established and introduced into United Nations peacekeeping operations. In particular—

(i) the investigative body should include professionals with experience in investigating sex crimes, as well as experts who can provide guidance on standards of proof and evidentiary requirements necessary for any subsequent legal action;

(ii) provisions should be included in a Model Memorandum of Understanding that obligate Member States that con-

1           tribute troops to a peacekeeping operation  
2           to designate a military prosecutor who will  
3           participate in any investigation into an al-  
4           legation of misconduct brought against an  
5           individual of such Member State, so that  
6           evidence is collected and preserved in a  
7           manner consistent with the military law of  
8           such Member State;

9           (iii) the investigative body should be  
10          regionally based to ensure rapid deploy-  
11          ment and should be equipped with modern  
12          forensics equipment for the purpose of  
13          positively identifying perpetrators and,  
14          where necessary, for determining paternity;  
15          and

16          (iv) the investigative body should re-  
17          port directly to the Associate Director of  
18          OIOS for Peacekeeping Operations, while  
19          providing copies of any reports to the De-  
20          partment of Peacekeeping Operations, the  
21          Head of Mission, and the Member State  
22          concerned.

23          (E) FOLLOW-UP.—A dedicated unit, simi-  
24          lar to the Personnel Conduct Units, staffed and  
25          funded through existing resources, should be es-

1           tablished within the headquarters of the United  
2           Nations Department of Peacekeeping Oper-  
3           ations and tasked with—

4                   (i) promulgating measures to prevent  
5                   misconduct;

6                   (ii) coordinating allegations of mis-  
7                   conduct, and reports received by field per-  
8                   sonnel; and

9                   (iii) gathering follow-up information  
10                  on completed investigations, particularly by  
11                  focusing on disciplinary actions against the  
12                  individual concerned taken by the United  
13                  Nations or by the Member State that is  
14                  contributing troops to which such indi-  
15                  vidual belongs, and sharing such informa-  
16                  tion with the Security Council, the Head of  
17                  Mission, and the community hosting the  
18                  peacekeeping operation.

19               (F) FINANCIAL LIABILITY AND VICTIMS  
20               ASSISTANCE.—Although peacekeeping oper-  
21               ations should provide immediate medical assist-  
22               ance to victims of sexual abuse or exploitation,  
23               the responsibility for providing longer-term  
24               treatment, care, or restitution lies solely with  
25               the individual found guilty of the misconduct.

1 In particular, the following reforms should be  
2 implemented:

3 (i) The United Nations should not as-  
4 sume responsibility for providing long-term  
5 treatment or compensation by creating a  
6 “Victims Trust Fund”, or any other such  
7 similar fund, financed through assessed  
8 contributions to United Nations peace-  
9 keeping operations, thereby shielding indi-  
10 viduals from personal liability and rein-  
11 forcing an atmosphere of impunity.

12 (ii) If an individual responsible for  
13 misconduct has been repatriated, reas-  
14 signed, redeployed, or is otherwise unable  
15 to provide assistance, responsibility for  
16 providing assistance to a victim should be  
17 assigned to the Member State that contrib-  
18 uted the troops to which such individual  
19 belonged or to the manager concerned.

20 (iii) In the case of misconduct by a  
21 member of a military contingent, appro-  
22 priate funds shall be withheld from the  
23 troop contributing country concerned.

24 (iv) In the case of misconduct by a ci-  
25 vilian employee or contractor of the United

1 Nations, appropriate wages shall be gar-  
2 nished from such individual or fines shall  
3 be imposed against such individual, con-  
4 sistent with existing United Nations Staff  
5 Rules.

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

16 (H) DATA BASE.—A centralized data base  
17 should be created and maintained within the  
18 United Nations Department of Peacekeeping  
19 Operations to track cases of misconduct, includ-  
20 ing the outcome of investigations and subse-  
21 quent prosecutions, to ensure that personnel  
22 who have engaged in misconduct or other crimi-  
23 nal activities, regardless of category or rank,  
24 are permanently barred from participation in  
25 future peacekeeping operations.



1 (I) WELFARE.—Peacekeeping operations  
 2 should assume responsibility for maintaining a  
 3 minimum standard of welfare for mission per-  
 4 sonnel to ameliorate conditions of service, while  
 5 adjustments are made to the discretionary wel-  
 6 fare payments currently provided to Member  
 7 States that contribute troops to offset the cost  
 8 of operation-provided recreational facilities.

9 (3) PEACEBUILDING COMMISSION.—

10 (A) ESTABLISHMENT.—Consistent with  
 11 the recommendations of the High Level Panel  
 12 Report, the United Nations should establish a  
 13 Peacebuilding Commission, supported by a  
 14 Peacebuilding Support Office, to marshal the  
 15 efforts of the United Nations, international fi-  
 16 nancial institutions, donors, and non-govern-  
 17 mental organizations to assist countries in tran-  
 18 sition from war to peace.

19 (B) STRUCTURE AND MEMBERSHIP.—The  
 20 Commission should—

21 (i) be a subsidiary body of the United  
 22 Nations Security Council, limited in size to  
 23 ensure efficiency;

24 (ii) include members of the United  
 25 Nations Security Council, major donors,

1 major troop contributing countries, appro-  
 2 priate United Nations organizations, the  
 3 World Bank, and the International Mone-  
 4 tary Fund; and

5 (iii) invite the President of ECOSOC,  
 6 regional actors, Member States that con-  
 7 tribute troops, regional development banks,  
 8 and other concerned parties that are not  
 9 already members, as determined appro-  
 10 priate, to consult or participate in meet-  
 11 ings as observers.

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

17 (i) developing and integrating coun-  
 18 try-specific and system-wide conflict pre-  
 19 vention, post-conflict reconstruction, and  
 20 long-term development policies and strate-  
 21 gies; and

22 (ii) serving as the key coordinating  
 23 body for the design and implementation of  
 24 military, humanitarian, and civil adminis-  
 25 tration aspects of complex missions.

1 (D) RESOURCES.—The establishment of  
2 the Peacebuilding Commission and the related  
3 Peacebuilding Support Office, should be staffed  
4 within existing resources.

5 **SEC. 403. CERTIFICATION.**

6 (a) NEW OR EXPANDED PEACEKEEPING OPER-  
7 ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-  
8 CATION OF PEACEKEEPING OPERATIONS REFORMS.—

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

11 (A) CERTIFICATION.—Except as provided  
12 in subparagraph (B), until the Secretary of  
13 State certifies that the requirements described  
14 in paragraph (2) have been satisfied, the Presi-  
15 dent shall direct the United States Permanent  
16 Representative to the United Nations to use the  
17 voice, vote, and influence of the United States  
18 at the United Nations to oppose the creation of  
19 new, or expansion of existing, United Nations  
20 peacekeeping operations.

21 (B) EXCEPTION AND NOTIFICATION.—The  
22 requirements described under subparagraphs  
23 (F) and (G) of paragraph (2) may be waived  
24 until January 1, 2007, if the President deter-  
25 mines that such is in the national interest of

the United States. If the President makes such a determination, the President shall, not later than 15 days before the exercise of such waiver, notify the appropriate congressional committees of such determination and resulting waiver.

(2) CERTIFICATION OF PEACEKEEPING OPERATIONS REFORMS.—The certification referred to in paragraph (1) is a certification made by the Secretary to the appropriate congressional committees that the following reforms, or an equivalent set of reforms, related to peacekeeping operations have been adopted by the United Nations Department of Peacekeeping Operations or the General Assembly, as appropriate:

(A) A single, uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, has been adopted by the General Assembly and mechanisms have been established for training such personnel concerning the requirements of the Code and enforcement of the Code.

(B) All personnel, regardless of category or rank, serving in a peacekeeping operation have

1           been trained concerning the requirements of the  
2           Code of Conduct and each has been given a per-  
3           sonal copy of the Code, translated into the na-  
4           tional language of such personnel.

5           (C) All personnel, regardless of category or  
6           rank, are required to sign an oath that each has  
7           received a copy of the Code of Conduct, that  
8           each pledges to abide by the Code, and that  
9           each understands the consequences of violating  
10          the Code, including the immediate termination  
11          of the participation of such personnel in the  
12          peacekeeping operation to which such personnel  
13          is assigned as a condition of the appointment to  
14          such operation.

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

1           (E) A centralized data base has been cre-  
2           ated and is being maintained in the United Na-  
3           tions Department of Peacekeeping Operations  
4           that tracks cases of misconduct, including the  
5           outcomes of investigations and subsequent pros-  
6           ecutions, to ensure that personnel, regardless of  
7           category or rank, who have engaged in mis-  
8           conduct or other criminal activities are perma-  
9           nently barred from participation in future  
10          peacekeeping operations.

11          (F) A Model Memorandum of Under-  
12          standing between the United Nations and each  
13          Member State that contributes troops to a  
14          peacekeeping operation has been adopted by the  
15          United Nations Department of Peacekeeping  
16          Operations that specifically obligates each such  
17          Member State to—

18               (i) designate a competent legal au-  
19               thority, preferably a prosecutor with exper-  
20               tise in the area of sexual exploitation and  
21               abuse, to participate in any investigation  
22               into an allegation of misconduct brought  
23               against an individual of such Member  
24               State;

1 (ii) refer to its competent national or  
2 military authority for possible prosecution,  
3 if warranted, any investigation of a viola-  
4 tion of the Code of Conduct or other crimi-  
5 nal activity by an individual of such Mem-  
6 ber State;

7 (iii) report to the Department of  
8 Peacekeeping Operations on the outcome  
9 of any such investigation;

10 (iv) undertake to conduct on-site court  
11 martial proceedings relating to allegations  
12 of misconduct alleged against an individual  
13 of such Member State; and

14 (v) assume responsibility for the pro-  
15 vision of appropriate assistance to a victim  
16 of misconduct committed by an individual  
17 of such Member State.

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

1 **SEC. 404. RULE OF CONSTRUCTION RELATING TO PROTEC-**  
2 **TION OF UNITED STATES OFFICIALS AND**  
3 **MEMBERS OF THE ARMED FORCES.**

4       Nothing in this title shall be construed as superseding  
5 the Uniform Code of Military Justice or operating to effect  
6 the surrender of United States officials or members of the  
7 Armed Forces to a foreign country or international tri-  
8 bunal, including the International Criminal Court, for  
9 prosecutions arising from peacekeeping operations or  
10 other similar United Nations-related activity, and nothing  
11 in this title shall be interpreted in a manner inconsistent  
12 with the American Servicemembers' Protection Act of  
13 2002 (title II of the 2002 Supplemental Appropriations  
14 Act for Further Recovery From and Response To Ter-  
15 rorist Attacks on the United States; Public Law 107–  
16 206).

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

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

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



1 **SEC. 502. BUDGET JUSTIFICATION FOR REGULAR AS-**  
2 **SESSED BUDGET OF THE UNITED NATIONS.**

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

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

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

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

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

1 **SEC. 503. REVIEW AND REPORT.**

2 Not later than 6 months after the date of the enact-  
3 ment of this Act, the Secretary of State shall conduct a  
4 review of programs of the United Nations that are funded  
5 through assessed contributions and submit to the appro-  
6 priate congressional committees a report containing—

7 (1) the findings of such review; and

8 (2) recommendations relating to—

9 (A) the continuation of such programs;  
10 and

11 (B) which of such programs should be vol-  
12 untarily funded, other than those specified in  
13 subparagraphs (A) through (R) of subsection  
14 (c)(2) of section 11 of the United Nations Par-  
15 ticipation Act of 1945, as amended by section  
16 101(c) of this Act.

17 **SEC. 504. GOVERNMENT ACCOUNTABILITY OFFICE.**

18 (a) REPORT ON UNITED NATIONS REFORMS.—Not  
19 later than 12 months after the date of the enactment of  
20 this Act and again 12 months thereafter, the Comptroller  
21 General of the United States of the Government Account-  
22 ability Office shall submit to the appropriate congressional  
23 committees a report on the status of the 1997, 2002, and  
24 2005 management reforms initiated by the Secretary Gen-  
25 eral and on the reforms mandated by this Act.

1       (b) REPORT ON DEPARTMENT OF STATE CERTIFI-  
2     CATIONS.—Not later than 6 months after each certifi-  
3     cation submitted by the Secretary of State to the appro-  
4     priate congressional committees under this Act and sub-  
5     section (d)(3) of section 11 of the United Nations Partici-  
6     pation Act of 1945 (as amended by section 101(c) of this  
7     Act), the Comptroller General shall submit to the appro-  
8     priate congressional committees a report on each such cer-  
9     tification. The Secretary shall provide the Comptroller  
10    General with any information required by the Comptroller  
11    General to submit any such report.

12       (c) UNITED NATIONS CONSTRUCTION AND CON-  
13     TRACTING.—Not later than 6 months after the date of the  
14     enactment of this Act, the Comptroller General shall sub-  
15     mit to the Committee on International Relations of the  
16     House of Representatives, the Committee on Foreign Re-  
17     lations of the Senate, the Committee on Appropriations  
18     of the House of Representatives, and the Committee on  
19     Appropriations of the Senate a report describing the costs  
20     associated with the contracting for and construction of the  
21     Geneva, Switzerland, buildings of the World Meteorolog-  
22     ical Organization (WMO) and the World Intellectual Prop-  
23     erty Organization (WIPO). The report shall include anal-  
24     yses of the procurement procedures for each such building  
25     and shall specifically address issues of any corrupt con-

1 tracting practices that are discovered, such as rigged bids  
 2 and kickbacks, as well as other improprieties. The report  
 3 shall also include an identification of other credible allega-  
 4 tions of corrupt contracting at United Nations construc-  
 5 tion projects that involve major construction on a scale  
 6 comparable to the WMO and WIPO construction projects,  
 7 and a description of the results of an investigation into  
 8 each such credible allegation.

## 9 **TITLE VI—CERTIFICATIONS AND** 10 **WITHHOLDING OF CONTRIBU-** 11 **TIONS**

### 12 **SEC. 601. CERTIFICATIONS AND WITHHOLDING OF CON-** 13 **TRIBUTIONS.**

#### 14 (a) CERTIFICATIONS.—

15 (1) IN GENERAL.—Except as provided in para-  
 16 graph (3), the certifications required under sub-  
 17 section (d)(3) of section 11 of the United Nations  
 18 Participation Act of 1945 (as amended by section  
 19 101(c) of this Act) and section 103, sections 104(a)  
 20 through 104(g), sections 113 and 114, sections  
 21 201(c) and 201(e), and sections 202 and 203 of this  
 22 Act are certifications submitted to the appropriate  
 23 congressional committees by the Secretary of State  
 24 that the requirements of each such section have been

1 satisfied with respect to reform of the United Na-  
2 tions.

3 (2) ALTERNATE CERTIFICATION MECHANISM.—

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

16 (B) EQUIVALENCY.—Reforms are substan-  
17 tially similar or accomplish the same purposes  
18 if—

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

1                   (ii) such reforms are not identical to  
2                   the reforms required by a particular cer-  
3                   tification but in the determination of the  
4                   Secretary will have the same, or nearly the  
5                   same effect, as such reforms.

6                   (C) WRITTEN JUSTIFICATION AND CON-  
7                   SULTATION.—

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

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

24                  (3) LIMITED EXCEPTION FOR SUBSTANTIAL  
25                  COMPLIANCE.—

1           (A) SUBSTANTIAL COMPLIANCE.—Subject  
 2 to subparagraph (B), if at least 32 of the 40  
 3 reforms represented by the 11 certifications  
 4 specified under paragraph (1) have been imple-  
 5 mented, all such reforms (including the  
 6 unimplemented reforms) so represented shall be  
 7 deemed to have been implemented for the year  
 8 in which the Secretary submits such certifi-  
 9 cations.

10           (B) MANDATORY IMPLEMENTATION OF  
 11 CERTAIN REFORMS.—

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

17           (I) Subsection (d)(3) of section  
 18 11 of the United Nations Participa-  
 19 tion Act of 1945 (as amended by sec-  
 20 tion 101(c) of this Act).

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

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

23           (IV) Section 104(a)(1).

24           (V) Section 104(a)(6).

25           (VI) Section 104(b)(1).

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

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

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

4 (X) Section 201(b)(2).

5 (XI) Section 201(b)(3).

6 (XII) Section 201(b)(5).

7 (XIII) Section 201(b)(6).

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

9 (XV) Section 202(a)(2).

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

17 (b) WITHHOLDING OF UNITED STATES CONTRIBU-  
 18 TIONS TO REGULAR ASSESSED BUDGET OF THE UNITED  
 19 NATIONS.—

20 (1) IN GENERAL.—Except as provided in para-  
 21 graph (4) and in accordance with paragraph (2),  
 22 until such time as all certifications (or alternate cer-  
 23 tifications) are submitted in accordance with sub-  
 24 section (a), the United States shall appropriate, but  
 25 withhold from expenditure, 50 percent of the con-



1       tributions of the United States to the regular as-  
2       sessed budget of the United Nations for a biennial  
3       period.

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

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

20           (4) SECTION 11(d)(3) OF UNITED NATIONS  
21      PARTICIPATION ACT OF 1945.—

22           (A) SPECIAL RULE.—A certification under  
23      subsection (d)(3) of section 11 of the United  
24      Nations Participation Act of 1945 (as amended  
25      by section 101(c) of this Act) (relating to the

1           2008–2009 biennial period and subsequent bi-  
2           ennial periods) shall not be required until such  
3           time as the United Nations makes its formal  
4           budget presentation for the 2008–2009 biennial  
5           period.

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

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

15          (d) ANNUAL REVIEWS.—

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

1       gressional committees a report containing the find-  
2       ings of each such review.

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

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

Calendar No. 165

109TH CONGRESS  
1ST Session

**S. 1394**

**A BILL**

To reform the United Nations, and for other  
purposes.

JULY 14, 2005

Read the second time and placed on the calendar