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109TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 109–132

PROVIDING FOR CONSIDERATION OF H.R. 2745, HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

JUNE 15, 2005.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 319]

The Committee on Rules, having had under consideration House Resolution 319, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2745, the Henry J. Hyde United Nations Reform Act of 2005, under a structured rule. The rule provides twenty minutes of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on International Relations.

The rule makes in order only those amendments printed in this report and amendments en bloc described in section 3 of the resolution.

The rule provides that amendments shall be considered only in the order specified in this report, may be offered only by a Member designated in this report, shall be debatable for the time specified in this report, shall not be subject to amendment, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against amendments printed in this

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report and amendments en bloc described in section 3 of this resolution.

The rule provides for an additional 20 minutes of general debate on the topic of accountability of the United Nations prior to consideration of amendments printed in subpart A of Part 1 of this report; an additional 10 minutes of general debate on the topic of United Nations peacekeeping operations prior to consideration of amendments printed in subpart B of Part 1 of this report; an additional 10 minutes of general debate on the topic of the International Atomic Energy Agency prior to consideration of amendments printed in subpart C of Part 1 of this report; an additional 20 minutes of general debate on the topic of human rights prior to consideration of amendments printed in subpart D of Part 1 of this report; an additional 20 minutes of general debate on the topic of the Oil-for-Food Program prior to consideration of amendments printed in subpart E of Part 1 of this report.

The rule authorizes the chairman of the Committee on International Relations or his designee to offer amendments en bloc consisting of amendments in part 2 of this report or germane modifications thereto, which shall be considered as read except that modifications shall be reported, which shall not be subject to amendment or a demand for division of the question in the House or Committee of the Whole, and which shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees.

Finally, the rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The Committee on Rules is not aware of any points of order against consideration of the bill. The waivers of all points of order are prophylactic in nature.

SUMMARY OF AMENDMENTS MADE IN ORDER

PART 1—SUBPART A

(ACCOUNTABILITY OF THE UNITED NATIONS)

1. King (NY): Instructs the President to direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to ensure the Secretary General exercises the right and duty to waive immunity of any United Nations official who is under investigation for or is charged with committing a serious criminal offense. (10 minutes)

2. Garrett: Requires the Comptroller General to submit a report to Congress describing the costs associated with the contracting for and construction of the Geneva, Switzerland, buildings of the World Meteorological Organization (WMO) and the World Intellectual Property Organization (WIPO). (10 minutes)

3. Cannon: Adds whether the United Nations or any of its specialized agencies have contracted with parties on the U.S. Government's Excluded Parties List to the report to Congress on the state of U.N. reforms since 1990. (10 minutes)

4. McCotter: Provides that no employee of the U.N. shall be compensated while participating in a domestic election except for voting and acting on behalf of the U.N. in an authorized U.N. mission; that the U.N. cannot hire an employee who has been convicted in a generally recognized court for any crime or crimes involving financial misfeasance, malfeasance, fraud or perjury; that any U.N. employee who is convicted for any crime or crimes involving financial misfeasance, malfeasance, fraud or perjury shall be subject to termination; that any employee who has contact regarding the internal ongoing operations of the U.N. with any person not employed by the U.N. shall prepare a memorandum of such contact and make it available to Member States. (10 minutes)

5. Poe: Requires OMB to submit a report to the House International Relations Committee on the U.S. contributions to the U.N. The report shall include assessed, voluntary, and in-kind contributions. (10 minutes)

6. Stearns: Gives the Independent Oversight Board and the Office of Internal Oversight Services subpoena power in conducting their investigations. (10 minutes)

PART 1—SUBPART B

(UNITED NATIONS PEACEKEEPING OPERATIONS)

1. Boozman: Adds the lifting of restrictions on the secondment of military personnel to serve at the Department of Peacekeeping Operations headquarters in New York to the list of reforms which the United States should pursue. It is not linked to a certification requirement and withholding of assistance. (10 minutes)

2. Kline: Requires that nothing in the title regarding peacekeeping operations shall be construed as superseding the Uniform Code of Military Justice or operating to affect the surrender of U.S. officials to a foreign country or international tribune, including the International Criminal Court, and nothing in the title shall be interpreted in a manner inconsistent with the American Servicemembers' Protection Act. (10 minutes)

PART 1—SUBPART C

(INTERNATIONAL ATOMIC ENERGY AGENCY)

1. Cantor/Berkley: Directs the U.S. Permanent Representative to the IAEA to ensure that the IAEA Board of Governors adopts a resolution making Iran ineligible to receive any nuclear material, technology, equipment, or assistance from any IAEA Members State until Iran is in full compliance with the IAEA. (10 minutes)

2. Kirk/Andrews: Calls for the International Atomic Energy Agency (IAEA) to rescind the Small Quantities Protocol (SQP) and requires that any nation that has signed the SQP to have implemented and be in compliance with the Additional Protocol providing for more stringent inspections; and prohibit any IAEA members from receiving any nuclear-related material, technology, equipment, or assistance and subject it to penalties, if they do not adhere to the higher inspections standards. (10 minutes)

3. Markey: Calls for the President to direct the U.S. Permanent Representative to the IAEA to call for penalties to any State Member that violates or withdraws from the Nonproliferation Treaty by

requiring them to return any nuclear materials or technology acquired for peaceful purposes. (10 minutes)

PART 1—SUBPART D

(HUMAN RIGHTS)

1. Royce: Adds an additional paragraph to the list of reforms in section 201(b), which the President shall direct the U.S. Permanent Representative to the U.N. to achieve in the area of human rights reforms. The new paragraph states that country specific resolutions shall not be eliminated. This additional provision is made part of the certification and withholding process of section 601. (10 minutes)

2. Fortenberry: Directs the U.S. Permanent Representative to the U.N. to use the voice, vote, and influence of the U.S. at the U.N. to make every effort to ensure the formal adoption and implementation of mechanisms to: (1) suspend the membership of a Member State if it is determined that the government of such Member State is engaged or complicit in an act of genocide, war crimes, or crimes against humanity; (2) impose an arms and trade embargo, travel restrictions and asset freeze upon groups or individuals responsible for such acts; (3) deploy a U.N. peacekeeping operation from an international or regional organization; (4) deploy monitors from the U.N. High Commissioner for Refugees to the area where such acts are occurring; and (5) authorize the establishment of an international commission of inquiry into such acts. Links the provision to the certification and withholding process under section 601. (10 minutes)

PART 1—SUBPART E

(OIL-FOR-FOOD PROGRAM)

1. Flake: Creates a certification of U.N. cooperation that requires the U.N. to release documents that concern the Oil-for-Food Program, upon request of the permanent representatives of member states; and to waive the immunity of U.N. officials from the judicial process in the U.S. for civil or criminal acts under federal or state law that transpired in the U.S. and in connection with the Oil-for-Food Program. (10 minutes)

2. Barton: Directs the Independent Oversight Board to review the Final Report of the Independent Inquiry Committee (IIC) into the United Nations Oil for Food Program (OFF). The IOB's review would focus on the adequacy of the IIC's Final Report or any subsequent reports of the IIC or any possible successor to the IIC. (10 minutes)

PART 2

Chabot/Lantos: Directs the U.S. ambassador to the U.N. to oppose anti-Semitic statements and anti-Israel resolutions in the U.N. (10 minutes)

2. Wilson (SC): Adds the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and any other entity the Secretary determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli-Palestinian

issues to the list of entities which the Department of State is directed to review and report on in order to avoid duplicative efforts and funding. (10 minutes)

3. King (IA): Prohibits the Secretary of State from making contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in an amount greater than the highest contribution to UNRWA made by an Arab country, but may not exceed 22% of the total budget of UNRWA. (10 minutes)

4. McCotter/Engel: Calls on U.S. Permanent Representatives to ensure full implementation of United Nations Security Council Resolution (UNSCR) 1559, including by calling for U.N. inspectors to verify and certify withdrawal of all foreign forces, including security, intelligence, and police, as well as disarming of all militias; and by calling for U.N. observer team to prevent further manipulation of the Lebanese electoral process, including helping to prevent targeted assassination of Lebanese political figures. This amendment also calls for the U.S. to seek adoption of a UNSC Resolution to impose punitive measures on Syria and other foreign forces, such as Iran, whose forces remain in Lebanon in violation of UNSCR 1559 and those who directly, or through their proxies, are infringing upon the territorial integrity or political sovereignty of Lebanon. (10 minutes)

5. Pence: Requires that there be no more than five times difference in the levels of assessment among the permanent members of the U.N. Security Council. If the Secretary of State cannot certify that such requirement is met, the U.S. Ambassador to the U.N. is required to use the voice, vote and influence of the U.S. to deny that permanent member the use of their veto in the Security Council. (10 minutes)

6. Ros-Lehtinen: Calls for the establishment of a democracy fund to assist countries that respect and uphold human rights and are determined by the Secretary of State to be emerging democracies or democracies in transition. Fund would be administered by the U.S. and other members of the U.N. Democracy Caucus. (10 minutes)

7. Garrett: Discourages the State Department from increasing the size of the U.N. Security Council if such an increase would diminish the United States' influence on the Council. (10 minutes)

8. Garrett: Directs the U.S. Permanent Representative to the U.N. to make every effort to enforce zero nominal growth in all assessed dues to the regular budget of the U.N., its specialized agencies, and its funds and programs. (10 minutes)

9. Gohmert: Prohibits U.S. assistance to a country that opposed the position of the U.S. in the U.N. The term "opposed the position of the U.S." means, in the case of a country, that the country's votes in the General Assembly and Security Council (if the country is a member) were the same as the position of the U.S. less than 50% of the time. (10 minutes)

10. Kucinich: Adds "strengthening of international labor rights" as another U.N. reform and adds it to the certification and withholding process of section 601. (10 minutes)

11. Pearce: Prohibits an employee from any U.N. entity, bureau, division, department, or specialized agency from having unauthor-

ized contact, including business contact, with a Member State that is subject to U.N. sanctions. (10 minutes)

12. Stearns: Changes the amount of regular U.S. dues withheld from 50% to 75%. (10 minutes)

13. Lantos/Shays: Amendment in the Nature of a Substitute. Contains all the reforms of H.R. 2745, with the following differences: (1) Rather than require withholding dues if certain reforms are not met, the substitute authorizes the Secretary of State to withhold up to 50% of our U.N. dues, but would not mandate such a cut; (2) Rather than withhold a portion of U.S. dues to the U.N. if its member states refuse to change certain programs from the "assessed" to the "voluntary" budget, the substitute authorizes the Secretary of State to withhold up to 50% of U.S. dues to the U.N. dues if substantial progress has not been made to carry out such a change; (3) while keeping the U.N. reforms on peacekeeping, the substitute provides the Secretary of State with a waiver in the event that a new or expanded mission is essential to America's national interest; (4) the substitute also ensures that we do not withhold funds from the U.N. when it is separate specialized agencies, such as the WorId Health Organization or the World Intellectual Property Organization, that have failed to make necessary reforms; (5) the substitute provides for an extension of the authority to pay our peacekeeping dues at 27.1 percent for the next two years, ensuring that we do not immediately go into arrears at the U.N.; and the amendment includes incentives by supporting an effort to pay our dues on time (we now pay in the last quarter of the calendar year), supports an increased U.N. budget for the large number of new offices that will be needed to implement the reforms, supports a well structured buyout of unneeded U.N. personnel and supports a contribution to the U.N. Democracy Fund. (30 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

PART 1—SUBPART A

1. An Amendment To Be Offered by Representative King of New York, or His Designee, Debatable for 10 Minutes

In section 104, add at the end the following new subsection:

(f) Waiver of Immunity.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to ensure that the Secretary General exercises the right and duty of the Secretary General under section 20 of the Convention on the Privileges and Immunities of the United Nations to waive the immunity of any United Nations official in any case in which such immunity would impede the course of justice. In exercising such waiver, the Secretary General is urged to interpret the interests of the United Nations as favoring the investigation or prosecution of a United Nations official who is credibly under investigation for having committed a serious criminal offense or who is credibly charged with a serious criminal offense.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARRETT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 504, add at the end the following new subsection:

(c) UNITED NATIONS CONSTRUCTION AND CONTRACTING.—Not later than six months after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report describing the costs associated with the contracting for and construction of the Geneva, Switzerland, buildings of the World Meteorological Organization (WMO) and the World Intellectual Property Organization (WIPO). The report shall include analyses of the procurement procedures for each such building and shall specifically address issues of any corrupt contracting practices that are discovered, such as rigged bids and kickbacks, as well as other improprieties. The report shall also include an identification of other credible allegations of corrupt contracting at United Nations construction projects that involve major construction on a scale comparable to the WMO and WIPO construction projects, and a description of the results of an investigation into each such credible allegation.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CANNON OF UTAH, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 108(b)(4) (relating to the report on United Nations reform), strike "and" after the semicolon.

In section 108(b)(5), strike the period at the end and insert "; and".

In section 108(b), add at the end the following new paragraph:

(6) whether the United Nations or any of its specialized agencies has contracted with any party included on the Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCOTTER OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 104(c)(1), add at the end the following new sentence: "The UNOE shall promulgate ethics rules, including the following:".

In section 104(c)(1), add at the end the following new subparagraphs:

(A) No employee of any United Nations entity, bureau, division, department, or specialized agency may be compensated while participating in the domestic politics of the country of such employee, except for voting or acting as part of a Security Council, General Assembly, or legitimately authorized United Nations mission or assignment.

(B) No United Nations entity, bureau, division, department, or specialized agency may hire an individual convicted in a generally recognized court of a democratically-elected government with an independent judiciary and an

extradition treaty with the United States and the European Union for any crime or crimes involving financial misfeasance, malfeasance, fraud, or perjury.

(C) The employment of an employee of any United Nations entity, bureau, division, department, or specialized agency who is convicted in a generally recognized court of a democratically-elected government with an independent judiciary and an extradition treaty with the United States and the European Union of any crime or crimes involving financial misfeasance, malfeasance, fraud, or perjury shall be subject to termination.

(D) If an employee of any United Nations entity, bureau, division, department, or specialized agency has contact regarding the disposition of ongoing internal United Nations operations or decisions with an individual who is not an employee or official of the government of a Member State (or a similarly situated individual), with an individual who is not officially employed by any United Nations entity, bureau, division, department, or specialized agency, or with an individual who is not a working member of the media, a memorandum of such contact shall be prepared by such employee and, upon request, be made available to Member States.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POE OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title I, add at the end the following new section:

SEC. 110. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Not later than 12 months after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report on United States contributions to the United Nations. Such report shall examine assessed, voluntary, in-kind, and all other United States contributions.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEARNS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 104(a) (relating to the creation of an Independent Oversight Board), add at the end the following new paragraph:

(7) The IOB shall have subpoena power.

In section 104(b) (relating to reforms of the Office of Internal Oversight Services), add at the end the following new paragraph:

(11) The OIOS shall have subpoena power.

TEXT OF AMENDMENTS MADE IN ORDER

PART 1—SUBPART B

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOOZMAN OF ARKANSAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 402(1) (relating to reform of United Nations peacekeeping operations), add at the end the following new subparagraph:

(E) GRATIS MILITARY PERSONNEL.—The General Assembly should lift restrictions on the utilization at the headquarters in New York, the United States, of the Department of Peacekeeping Operations of gratis military personnel by the Department so that the Department may accept secondments from Member States of military personnel with expertise in mission planning, logistics, and other operational specialties.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KLINE OF MINNESOTA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IV (relating to United Nations peacekeeping operations), add at the end the following new section (and conform the table of contents accordingly):

SEC. 404. RULE OF CONSTRUCTION RELATING TO PROTECTION OF UNITED STATES OFFICIALS AND MEMBERS OF THE ARMED FORCES.

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

TEXT OF AMENDMENTS MADE IN ORDER

PART 1—SUBPART C

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CANTOR OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 301, redesignate subsection (d) as subsection (e).

In section 301, insert after subsection (c) the following new subsection:

(d) NUCLEAR PROGRAM OF IRAN.—

(1) UNITED STATES ACTION.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to make every effort to ensure the adoption of a resolution by the IAEA Board of Governors that makes Iran ineligible to re-

ceive any nuclear material, technology, equipment, or assistance from any IAEA Member State and ineligible for any IAEA assistance not related to safeguards inspections or nuclear security until the IAEA Board of Governors determines that Iran—

(A) is providing full access to IAEA inspectors to its nuclear-related facilities;

(B) has fully implemented and is in compliance with the Additional Protocol; and

(C) has permanently ceased and dismantled all activities and programs related to nuclear-enrichment and reprocessing.

(2) PENALTIES.—If an IAEA Member State is determined to have violated the prohibition on assistance to Iran described in paragraph (1) before the IAEA Board of Governors determines that Iran has satisfied the conditions described in subparagraphs (A) through (C) of such paragraph, such Member State shall be subject to the penalties described in section 301(a)(3), shall be ineligible to receive nuclear material, technology, equipment, or assistance from any IAEA Member State, and shall be ineligible to receive any IAEA assistance not related to safeguards inspections or nuclear security until such time as the IAEA Board of Governors makes such determination with respect to Iran.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIRK OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 301, redesignate subsection (d) as subsection (e).

In section 301, insert after subsection (c) the following new subsection:

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

(1) rescind and eliminate the Small Quantities Protocol;

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

(3) require that any IAEA Member State that does not comply with paragraph (2) to be ineligible to receive nuclear material, technology, equipment, or assistance from any IAEA Member State and subject to the penalties described in section 301(a)(3).

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY OF MASSACHUSETTS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 301(a)(3), amend the paragraph heading so as to read: "PENALTIES WITH RESPECT TO THE IAEA.—".

In section 301(a), add at the end the following new paragraph:

(4) PENALTIES WITH RESPECT TO THE NUCLEAR NONPROLIFERATION TREATY.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is found to be in breach of, in noncompliance with, or has withdrawn from the Nuclear Nonproliferation Treaty shall return to the IAEA all nuclear materials and technology received from the IAEA, any Member State of the IAEA, or any Member State of the Nuclear Nonproliferation Treaty.

TEXT OF AMENDMENTS MADE IN ORDER

PART 1—SUBPART D

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROYCE OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 201(b) (relating to human rights reforms at the United Nations), add at the end the following new paragraph:

(6) The practice of considering in the principal body in the United Nations for the promotion and protection of human rights country specific resolutions relating to human rights abuses perpetrated by the government of a Member State within such Member State shall not be eliminated.

In section 601(a)(3)(A), strike "39" and insert "40".

In section 601(a)(3)(B)(i), redesignate subclauses (XIII) and (XIV) as subclauses (XIV) and (XV), respectively, and insert after subclause (XII) the following new subclause:

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

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FORTENBERRY OF NEBRASKA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title I, add at the end the following new section (and conform the table of contents accordingly):

SECTION 110. GENOCIDE AND THE UNITED NATIONS.

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

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

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

(3) deploy a United Nations peacekeeping operation or authorize and support the deployment of a peacekeeping operation from an international or regional organization to the

Member State with a mandate to stop such acts of genocide, ethnic cleansing, or crimes against humanity;

(4) deploy monitors from the United Nations High Commissioner for Refugees to the area in the Member State where such acts of genocide, ethnic cleansing, or crimes against humanity are occurring; and

(5) authorize the establishment of an international commission of inquiry into such acts of genocide, ethnic cleansing, or crimes against humanity.

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

In section 601(a)(1), insert "section 110," after "104(e),".

In section 601(a)(3)(A), strike "39" and insert "40".

In section 601(a)(3)(A), strike "ten" and insert "11".

TEXT OF AMENDMENTS MADE IN ORDER

PART 1—SUBPART E

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 104, insert the following new subsection:

(f) CERTIFICATION OF UNITED NATIONS COOPERATION RELATING TO OIL-FOR-FOOD PROGRAM.—

(1) ACTIONS.—In accordance with section 601, a certification shall be required that certifies that the following actions relating to the oil-for-food program have been taken by the United Nations:

(A) The United Nations Secretary General has authorized the release to a law enforcement authority of any Member State (upon request by the permanent representative to the United Nations of such Member State on behalf of such law enforcement authority) or to a national legislative authority authentic copies of any document in the possession of the United Nations, including any document in the possession of a person who was engaged on a contract basis to provide goods or services to the United Nations, that in the judgment of such requesting law enforcement authority or national legislative authority directly or indirectly concerns the oil-for-food program or a sanction imposed on Iraq related to the oil-for-food program.

(B) The United Nations has waived any immunity enjoyed by any United Nations official from the judicial process in the United States for any civil or criminal acts or omissions under Federal or State law that may have transpired within the jurisdiction of the United States in connection with the oil-for-food program.

(2) DEFINITION.—As used in this subsection, the term "oil-for-food program" means the program established and administered pursuant to United Nations Security Council Resolution 986 (April 14, 1995) and subsequent United Nations resolutions to permit the sale of petroleum products exported from

Iraq and to use the revenue generated from such sale for humanitarian assistance.

In section 601(a)(1), strike "104(e)" and insert "104(f)".

In section 601(a)(3)(A), strike "39" and insert "41".

In section 601(a)(3)(A), strike "ten" and insert "11".

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARTON OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 104(a), add at the end the following new paragraph:

(7)(A) The IOB shall review the Final Report of the Independent Inquiry Committee (IIC) into the United Nations Oil for Food Program (OFF). The IOB's review should focus on the adequacy of the IIC's Final Report or any subsequent reports of the IIC or of any possible successor to the IIC. The IOB's review of the IIC's Final Report should address the Final Report's treatment of and adequacy in the following areas:

(i) OFF's operations from inception through the transfer of power from the Coalition Provisional Authority to the interim Iraqi government;

(ii) claims of oil smuggling, illegal surcharges on oil and commissions on commodity contracts, illegal kick-backs, use of oil allocations to influence foreign government officials and international people of influence, and use of funds for military purposes;

(iii) the involvement, directly or indirectly, of any entity, bureau, division, department, specialized agency, or employee (including the Secretary General) of the United Nations, including any employee of the specialized agencies of the United Nations or any employee or officer of the Secretariat;

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

(v) the extent of cooperation by the United Nations with requests by Congress for testimony, interviews, documents, correspondence, reports, memoranda, books, papers, accounts, or records related to the Oil for Food Program.

(B) Subsequent to the IOB's review, the IOB shall determine in a written report whether the IIC investigation is incomplete or inadequate in any respects and whether any additional investigation is justified. If the IOB determines that additional investigation is warranted, it shall appoint, in accordance with paragraph (5), a special investigator and staff consisting of individuals who are not employees of the United Nations and to identify specific areas within the OFF to investigate.

TEXT OF AMENDMENTS MADE IN ORDER

PART 2

1. An Amendment To Be Offered by Representative Chabot of Ohio, or His Designee, Debatable for 10 Minutes

In title I (relating to the mission and budget of the United Nations), add at the end the following new section (and conform the table of contents accordingly):

SEC. 110. ANTI-SEMITISM AND THE UNITED NATIONS.

(a) In General.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to—

(1) ensure the issuance and implementation of a directive by the Secretary General or the Secretariat, as appropriate, that—

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

(B) requires employees of the United Nations and its specialized agencies to be subject to punitive action, including immediate dismissal, for making anti-Semitic statements or references;

(C) proposes specific recommendations to the General Assembly for the establishment of mechanisms to hold accountable employees and officials of the United Nations and its specialized agencies, or Member States, that make such anti-Semitic statements or references in any forum of the United Nations or of its specialized agencies; and

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

(2) work to secure the adoption of a resolution by the General Assembly that establishes the mechanisms described in paragraph (1)(C); and

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

(b) Certification.—In accordance with section 601, a certification shall be required that certifies that the requirements described in subsection (a) have been satisfied.

In section 601(a)(1), insert "section 110," after "104(e),".

In section 601(a)(3)(A), strike "39" and insert "40".

In section 601(a)(3)(A), strike "ten" and insert "11".

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2. An Amendment To Be Offered by Representative Wilson of South Carolina, or His Designee, Debatable for 10 Minutes

In section 107(b)(2), add at the end the following new subparagraphs:

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

(F) Any other entity the Secretary determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli-Palestinian issues.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING OF IOWA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 101, add at the end the following new subsection:

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

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCOTTER OF MICHIGAN, OR HIS DESIGNEE, DEBATBLE FOR 10 MINUTES

In title I (relating to the mission and budget of the United Nations), add at the end the following new section (and conform the table of contents accordingly):

SEC. 110. UNITED NATIONS SECURITY COUNCIL AND LEBANON.

(a) RESOLUTION 1559.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure that the Security Council is undertaking the necessary steps to secure the implementation of Security Council Resolution 1559, including—

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

(A) all foreign forces, including intelligence, security, and policing forces, have been withdrawn from Lebanon; and

(B) all militias in Lebanon have been permanently disarmed and dismantled and their weapons have been decommissioned; and

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

(A) citizens of Lebanon are not being targeted for assassination by foreign forces, in particular by foreign forces of Syria, or by their proxies, as a means of intimidation and coercion in an effort to manipulate the political process in Lebanon;

(B) elections in Lebanon are being conducted in a fair and transparent manner and are free of foreign interference; and

(C) that such foreign forces, or their proxies, are not seeking to infringe upon the territorial integrity or political sovereignty of Lebanon.

(b) UNITED STATES ACTION.—If the steps described in paragraphs (1) and (2) of subsection (a) have not been verified and certified to the Security Council by July 31, 2005, or by the date that is not later than 30 days after the date of the enactment of this Act, whichever is sooner, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to secure the adoption of a resolution in the Security Council imposing punitive measures on the governments of countries whose forces remain in Lebanon in violation of Security Council Resolution 1559 and who directly, or through proxies, are infringing upon the territorial integrity or political sovereignty of Lebanon.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PENCE OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 101, add at the end the following new subsections:

(e) SCALE OF ASSESSMENTS.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure that the difference between the scale of assessments for the five permanent members of the Security Council is not greater than five times that of any other permanent member of the Security Council.

(f) DENIAL OF USE OF VETO.—If the Secretary of State determines that a permanent member of the Security Council with veto power is not in compliance with the requirement described in subsection (e), the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to deny to such permanent member the use of the veto power of such permanent member until such time as such permanent member satisfies the requirement of such subsection.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROS-LEHTINEN OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES.

In title II (relating to human rights and the Economic and Social Council), add at the end the following new section (and conform the table of contents accordingly):

SEC. 203. UNITED NATIONS DEMOCRACY FUND.

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

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

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

(3) establish criteria that limits recipients of assistance from the Democracy Fund to Member States that—

(A) are not ineligible for membership on any United Nations human rights body, in accordance with paragraphs (1) through (4) of section 201(b); and

(B) are determined by the Secretary of State to be emerging democracies or democracies in transition.

(b) POLICY RELATING TO FUNDING FOR THE DEMOCRACY FUND.—It shall be the policy of the United States to shift contributions of the United States to the regularly assessed budget of the United Nations for a biennial period to initiate and support the Democracy Fund referred to in subsection (a).

(c) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the requirements described in subsection (a) have been satisfied.

In section 601(a)(1), strike "and section 202" and insert "section 202, and section 203".

In section 601(a)(3)(A), strike "39" and insert "40".

In section 601(a)(3)(A), strike "ten" and insert "11".

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARRETT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title I, add at the end the following new section (and conform the table of contents accordingly):

SEC. 110. POLICY WITH RESPECT TO EXPANSION OF THE SECURITY COUNCIL.

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

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

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

(3) undermine the effectiveness of the Security Council.

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARRETT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 101, add at the end the following new subsection:

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

(f) 5.6 Rule.—It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to actively enforce the 5.6 rule at the United Nations, requiring the Secretariat to identify low-priority activities in the

budget proposal. The United Nations should strengthen the 5.6 rule by requiring that managers identify the lowest priority activities equivalent to 15 percent of their budget request or face an across the board reduction of such amount.

(g) ANNUAL PUBLICATION.—It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to ensure the United Nations is annually publishing a list of all subsidiary bodies and their functions, budgets, and staff.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOHMERT OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 76, after line 9, add the following new title (and conform the table of contents accordingly):

TITLE VII—UNITED NATIONS VOTING ACCOUNTABILITY ACT OF 2005

SEC. 701. SHORT TITLE.

This title may be cited as the "United Nations Voting Accountability Act of 2005".

SEC. 702. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT OPPOSE THE POSITION OF THE UNITED STATES IN THE UNITED NATIONS.

(a) PROHIBITION.—United States assistance may not be provided to a country that opposed the position of the United States in the United Nations.

(b) CHANGE IN GOVERNMENT.—If—

(1) the Secretary of State determines that, since the beginning of the most recent session of the General Assembly, there has been a fundamental change in the leadership and policies of the government of a country to which the prohibition in subsection (a) applies, and

(2) the Secretary believes that because of that change the government of that country will no longer oppose the position of the United States in the United Nations,

the Secretary may exempt that country from that prohibition. Any such exemption shall be effective only until submission of the next report under section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a). The Secretary shall submit to the Congress a certification of each exemption made under this subsection. Such certification shall be accompanied by a discussion of the basis for the Secretary's determination and belief with respect to such exemption.

(c) DEFINITIONS.—As used in this section—

(1) the term "opposed the position of the United States" means, in the case of a country, that the country's votes in the United Nations General Assembly during the most recent session of the General Assembly and, in the case of a country which is a member of the United Nations Security Council, the country's votes in the Security Council during the most recent session of the General Assembly, were the same as the position of the United States less than 50 percent of the time, using for

this purpose the overall percentage-of-voting coincidences set forth in the annual report submitted to the Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991;

(2) the term "most recent session of the General Assembly" means the most recently completed plenary session of the General Assembly for which overall percentage-of-voting coincidences is set forth in the most recent report submitted to the Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and

(3) the term "United States assistance" means assistance under—

(A) chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund);

(B) chapter 5 of part II of that Act (relating to international military education and training); or

(C) the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act.

(d) EFFECTIVE DATE.—This section takes effect upon the date of the submission to the Congress of the report pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, that is required to be submitted by March 31, 2006.

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KUCINICH OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following new section:

SEC. 110. STRENGTHENING OF INTERNATIONAL LABOR RIGHTS.

(a) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to work to strengthen and expand the Social Protection sector of the International Labor Organization (ILO) in order to allow the ILO to issue more field and regional units of the ILO, to increase site inspections of working conditions, and to issue more reports on such conditions to the international community.

(b) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the following requirements have been satisfied:

(1) Member States are broadening the scope and the instruments of social security schemes, improving and diversifying benefits, strengthening governance and management, and developing policies to combat adverse effects of social and economic insecurity.

(2) ILO constituents are targeting and taking effective action to improve the safety and health conditions at work, with special attention to the most hazardous conditions in the workplace.

In section 601(a)(1), insert "section 110," after "104(e),".

In section 601(a)(3)(A), strike "39" and insert "40".

In section 601(a)(3)(A), strike "ten" and insert "11".

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PEARCE OF NEW MEXICO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 201, add at the end the following new subsection:

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

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEARNS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 601(b)(1) (relating to the withholding of United States contributions to the regular assessed budget of the United Nations), strike "50 percent" and insert "75 percent".

In section 601(b)(3), strike "11 percent" and insert "5.5 percent".

In section 601(b)(4)(B), strike "50 percent" and insert "75 percent".

In section 601(d)(2), strike "50 percent" and insert "75 percent".

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13. AN AMENDMENT IN THE NATURE OF A SUBSTITUTE IF OFFERED BY REPRESENTATIVE LANTOS OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 30 MINUTES

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United Nations Reform and Institutional Strengthening Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for 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. Certification requirements.
Sec. 104. Accountability.
Sec. 105. Terrorism and the United Nations.
Sec. 106. Equality at the United Nations.
Sec. 107. Reforms at the specialized agencies.
Sec. 108. Report on United Nations reform.
Sec. 109. Report on United Nations personnel.
Sec. 110. Anti-Semitism and the United Nations.
Sec. 111. United Nations cooperation relating to oil-for-food investigation.

TITLE II—HUMAN RIGHTS AND THE ECONOMIC AND SOCIAL COUNCIL

Sec. 201. Human Rights.
Sec. 202. Economic and Social Council (ecosoc).
Sec. 203. International responsibility to protect.

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. United States Contributions to United Nations Peacekeeping Operations.
Sec. 405. Genocide and the United Nations.
Sec. 406. 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.
Sec. 602. Diplomatic Campaign to Achieve Reform.

TITLE VII—UNITED NATIONS RENEWAL AND TOOLS TO FULLY IMPLEMENT UNITED NATIONS REFORM

Sec. 701. Synchronization of U.S. assessed Contributions to International Organizations.
Sec. 702. Increased funding for United States assessed contribution to the United Nations to support reform efforts.
Sec. 703. Buyout of United Nations personnel.
Sec. 704. United Nations democracy fund.
Sec. 705. United States personnel to international organizations.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) ECONOMIC AND SOCIAL COUNCIL.—The term "Economic and Social Council" means the Economic and Social Council of the United Nations.

(3) EMPLOYEE.—The term "employee" means an individual who is employed in the general services, professional staff, or senior management of the United Nations.

(4) GENERAL ASSEMBLY.—The term "General Assembly" means the General Assembly of the United Nations.

(5) MEMBER STATE.—The term "Member State" means a Member State of the United Nations.

(6) OFFICE OF INTERNAL OVERSIGHT SERVICES.—The terms "Office of Internal Oversight Services" and "OIOS" mean the Office of Internal Oversight Services of the United Nations.

(7) SECRETARY.—The term "Secretary" means the Secretary of State.

(8) SECRETARY GENERAL.—The term "Secretary General" means the Secretary General of the United Nations.

(9) SECURITY COUNCIL.—The term "Security Council" means the Security Council of the United Nations.

(10) SPECIALIZED AGENCY.—The term "specialized agency" means any of the following agencies of the United Nations:

(A) The Food and Agriculture Organization, or FAO.

(B) The International Atomic Energy Agency, or IAEA.

(C) The International Civil Aviation Organization, or ICAO.

(D) The International Fund for Agricultural Development, or IFAD.

(E) The International Labor Organization, or ILO.

(F) The International Maritime Organization, or IMO.

(G) The International Telecommunication Union, or ITU.

(H) The United Nations Educational, Scientific, and Cultural Organization, or UNESCO.

(I) The United Nations Industrial Development Organization, or UNIDO.

(J) The Universal Postal Union, or UPU.

(K) The World Health Organization, or WHO.

(L) The World Meteorological Organization, or WMO.

(M) The World Intellectual Property Organization, or WIPO.

SEC. 3. STATEMENT OF CONGRESS.

Congress declares that, in light of recent history, it is incumbent upon the United Nations to enact significant reform measures if it is to restore the public trust and confidence necessary for it to achieve the laudable goals set forth in its Charter.

TITLE I—MISSION AND BUDGET OF THE UNITED NATIONS

SEC. 101. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

(a) AUTHORIZATION WITH RESPECT TO THE REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.—The Secretary is authorized to make contributions toward the amount assessed to the United States by the United Nations for the purpose of funding the regular assessed budget of the United Nations.

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

"SEC. 11. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

"(a) POLICY OF THE UNITED STATES RELATING TO THE REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.—

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

"(A) to pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations;

"(B) to make efforts to shift funding mechanisms of some of the organizational programs of the United Nations from the regular assessed budget to voluntarily funded programs; and

"(C) to shift funding from entities whose efforts are found duplicative or unbalanced under section 106(b) of the United Nations Reform and Institutional Strengthening Act of 2005 to programs under subsection (b) of this section or other related programs.

"(2) FUTURE BIENNIUM BUDGETS.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek to shift funding mechanisms of operational programs of the United Nations and to reduce the funding for programs specified in subsection (c) in future resolutions agreed to by the General Assembly for the regular assessed budget of the United Nations.

"(b) ELIGIBLE ORGANIZATIONAL PROGRAMS.—To the extent that any organizational programs are shifted from the regular assessed budget to voluntarily funded programs, the Secretary shall seek to use funds created by any reduction in the amount of the United States assessed contribution to the United Nations to make voluntary contributions to programs at the United Nations which—

"(1) conduct internal oversight;

"(2) promote human rights;

"(3) provide humanitarian assistance; and

"(4) are organizational programs which have been shifted from assessed to voluntary contributions.

"(c) PUBLIC INFORMATION AND GENERAL ASSEMBLY AFFAIRS AND CONFERENCE SERVICES.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to reduce by 20 percent the amount budgeted by resolution of the General Assembly for the 2008–2009 biennium compared to the amount budgeted by resolution of General Assembly for the 2004–2005 biennial period for the following organizational programs:

"(1) Public Information.

"(2) General Assembly affairs and conference services."

SEC. 102. WEIGHTED VOTING.

It shall be the policy of the United States to actively pursue weighted voting in the United Nations with respect to all budgetary and financial matters in the Administrative and Budgetary Committee and in the General Assembly in accordance with the level of the financial contribution of a Member State to the regular assessed budget of the United Nations.

SEC. 103. CERTIFICATION REQUIREMENTS.

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

(b) CONDITIONS.—The conditions under this subsection are the following:

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

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus and do not exceed ten percent, or unless the Secretary of State certifies that any increase that would be inconsistent with this paragraph is important to the national interest of the United States; and

(B) require the identification of expenditures by the United Nations by functional categories such as personnel, travel, and equipment.

(2) PROGRAM EVALUATION.—

(A) EVALUATION OF PROGRAMS.—The Secretary General has used the existing authorities to take measures to ensure that program managers within the United Nations Secretariat conduct evaluations of such programs in accordance with the standardized methodology referred to in subparagraph (B) of United Nations programs approved by the General Assembly.

(B) DEVELOPMENT OF EVALUATION CRITERIA.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) REPORT.—The Secretary General is assessing budget requests and, on the basis of the evaluations of programs conducted pursuant to subparagraph (A) for the relevant preceding year, reports to the General Assembly on the continuing relevance and effectiveness of such programs and identifies those that need reform or should be terminated.

(D) SUNSET OF PROGRAMS.—Consistent with the July 16, 1997, recommendations of the Secretary General regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations has established and is implementing procedures to require all new programs approved by the General Assembly to have a specific sunset date or a date by which such programs should be evaluated for continuing relevance and effectiveness.

SEC. 104. ACCOUNTABILITY.

(a) CERTIFICATION OF CREATION OF INDEPENDENT OVERSIGHT BOARD.—In accordance with section 601, a certification shall be required that certifies that the following reforms related to the establishment of an Independent Oversight Board (IOB) have been adopted by the United Nations:

(1) An IOB or an equivalent entity is established. Except as provided in paragraph (2), the IOB shall be an independent entity within the United Nations and shall not be subject to budget authority or organizational authority of any entity within the United Nations.

(2) The head of the IOB shall be a Director. The IOB shall also consist of four other board members who shall be nominated by the Secretary General and subject to Security Council approval by a majority vote. The IOB shall be responsible to the Security Council. The Director and board members shall each serve terms of six years, except that the terms of the initial board shall be staggered so that the terms of not more than two board members will expire in any one year. No board member may serve more than two terms. An IOB board member may be removed for cause by a majority vote of the Security Council. The Director shall appoint a professional staff

headed by a Chief of Staff and may employ contract staff as needed.

(3) The IOB shall receive operational and budgetary funding through appropriations by the General Assembly and shall not be dependent upon any other bureau, division, or department of the United Nations for such funding.

(4) The IOB shall have the authority to evaluate all operations of the Office of Internal Oversight Services and the Board of External Auditors of the United Nations. Every three months or more frequently when appropriate, the IOB shall submit, as appropriate, to the Secretary General, the Security Council, the General Assembly, or the Economic and Social Council a report on its activities, relevant observations, and recommendations relating to its audit operations, including information relating to the inventory and status of investigation by the Office of Internal Oversight Services. The IOB may direct the Office of Internal Oversight Services or the Board of External Auditors to initiate an investigation.

(5) In extraordinary circumstances, and with the concurrence of the Secretary General and Security Council by majority vote, the IOB may augment the Office of Internal Oversight Services with a special investigator and staff consisting of individuals who are not employees of the United Nations, to investigate matters involving senior officials of the United Nations when allegations of serious misconduct have been made and such a special investigation is necessary to maintain public confidence in the integrity of the investigation. A special investigation staff shall comply with all United Nations financial disclosure and conflict of interest rules, including the filing of an individual annual financial disclosure form in accordance with subsection (c).

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

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

(1) The OIOS is designated as an independent entity within the United Nations. The OIOS shall not be subject to budget authority or organizational authority of any entity within the United Nations.

(2) The head of the OIOS shall be a Director.

(3) The OIOS shall receive operational and budgetary funding through appropriations by the General Assembly and shall not be dependent upon any other bureau, division, department, or specialized agency for such funding.

(4) All United Nations officials, including officials from any bureau, division, or department of the United Nations, may—

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

(B) report to the OIOS information or allegations of misconduct or inefficiencies within the United Nations.

(5) The OIOS may, sua sponte, initiate and conduct an investigation of any bureau, division, department, or employee (including the Secretary General) of the United Nations or contractor or consultant for the United Nations.

(6) At least every three months and more frequently when appropriate, the OIOS or another responsible office shall submit to the IOB a report containing an inventory and status of its investigations.

(7) The OIOS shall establish or approve procedures for providing "whistle-blower" status and employment protections for all employees of the United Nations, who provide informational leads and testimony related to allegations of wrongdoing. Such procedures shall be adopted throughout the United Nations. Such status and protection may not be conferred on the Secretary General.

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

(9) The Director of OIOS shall establish a position of Associate Director of OIOS for Specialized Agencies and Funds and Programs, who shall be responsible for supervising the OIOS liaison and oversight duties for each specialized agency and funds and programs of the United Nations. With the concurrence of the Director and the relevant specialized agency, the Associate Director may hire and appoint necessary OIOS staff, including staff serving within and located at a specialized agency and funds and programs permanently or as needed to liaison with existing audit functions with each specialized agency and funds and programs.

(10) Not later than six months after the date of the enactment of this Act, the Director shall establish a position of Associate Director of OIOS for Peacekeeping Operations or an equivalent position, who shall be responsible for the oversight and auditing of the field offices attached to United Nations peacekeeping operations. The Associate Director of OIOS for Peacekeeping Operations shall—

(A) receive informational leads and testimony from any person regarding allegations of wrongdoing by United Nations officials or peacekeeping troops or regarding inefficiencies associated with United Nations peacekeeping operations; and

(B) shall be responsible for initiating, conducting, and overseeing investigations within peacekeeping operations.

(11)(A) Not later than six months after the date of the enactment of this Act, the Director shall establish a position of Associate Director of OIOS for Procurement and Contract Integrity or an equivalent position, who shall be responsible for auditing and inspecting procurement and contracting within the United Nations. The Associate Director of OIOS for Procurement and Contract Integrity shall—

(i) receive informational leads and testimony from any person regarding allegations of wrongdoing by United Nations officials or regarding inefficiencies associated with United Nations procurement or contracting activities; and

(ii) be responsible for initiating, conducting, and overseeing investigations of procurement and contract activities.

(B) Not later than 12 months after the establishment of the position of Associate Director of OIOS for Procurement and Contract Integrity, the Director, with the assistance of the Associate Director of OIOS for Procurement and Contract Integrity, shall undertake a review of contract procedures to ensure that practices and policies are in place to ensure that—

(i) the United Nations has ceased issuing single bid contracts, except during an emergency situation that is justified by the Under Secretary General for Management;

(ii) the United Nations has established effective controls to prevent conflicts of interest in the award of contracts; and

(iii) the United Nations has established effective procedures and policies to ensure effective and comprehensive oversight and monitoring of United Nations contract performance.

(c) CERTIFICATION OF ESTABLISHMENT OF UNITED NATIONS OFFICE OF ETHICS.—In accordance with section 601, a certification shall be required that certifies that the following reforms related to the establishment of a United Nations Office of Ethics or an equivalent entity (UNOE) have been established by the United Nations:

(1) A UNOE is established. The UNOE shall be an independent entity within the United Nations and shall not be subject to budget authority or organizational authority of any entity within the United Nations. The UNEO shall be responsible for establishing, managing, and enforcing a code of ethics for all employees of the United Nations. The UNEO shall be responsible for providing such employees with annual training related to such code. The head of the UNEO shall be a Director.

(2) The UNEO shall receive operational and budgetary funding through appropriations by the General Assembly and shall not be dependent upon any other bureau, division, department, or specialized agency of the United Nations for such funding.

(3) The Director of the UNEO shall, not later than six months after the date of its establishment, publish a report containing proposals for implementing a system for the filing and review of individual annual financial disclosure forms by each employee of the United Nations at the P–5 level and above and by all consultants for the United Nations compensated at any salary level. Such forms shall be made available at the request of the Director of the Office of Internal Oversight Services. Such system shall seek to identify and prevent conflicts of interest by United Nations employees and shall be comparable to the system used for such purposes by the United States Government. Such report shall also address

broader reforms of the ethics program for the United Nations, including—

(A) the effect of the establishment of ethics officers throughout all organizations within the United Nations;

(B) the effect of retention by the UNEO of annual financial disclosure forms;

(C) proposals for making completed annual financial disclosure forms of each employee and consultant available to the public, on request, through the mission to the United Nations of the Member State of which the employee or consultant is a national;

(D) proposals for annual disclosure to the public of information related to the annual salaries and payments, including pension payments and buyouts, of employees of and consultants for the United Nations;

(E) proposals for annual disclosure to the public of information related to per diem rates for all bureaus, divisions, departments, or specialized agencies within the United Nations;

(F) proposals for disclosure upon request by the Ambassador of a Member State of information related to travel and per diem payments made from United Nations funds to any person; and

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

(d) CERTIFICATION OF UNITED NATIONS ESTABLISHMENT OF POSITION OF CHIEF OPERATING OFFICER.—In accordance with section 601, a certification shall be required that certifies that the following reforms related to the establishment of the position of a Chief Operating Officer or an equivalent position have been adopted by the United Nations:

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

(2) The COO shall be responsible for formulating general policies and programs for the United Nations in coordination with the Secretary General and in consultation with the Security Council and the General Assembly. The COO shall be responsible for the daily administration, operation and supervision, and the direction and control of the business of the United Nations. The COO shall also perform such other duties and may exercise such other powers as from time to time may be assigned to the COO by the Secretary General.

SEC. 105. TERRORISM AND THE UNITED NATIONS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to work toward adoption by the General Assembly of—

(1) a definition of terrorism that builds upon the recommendations of the Secretary General's High-Level Panel on Threats, Challenges, and Change, and includes as an essential component of such definition any action that is intended to cause death or serious bodily harm to civilians with the purpose of intimidating a population or compelling a government

or an international organization to do, or abstain from doing, any act; and

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

SEC. 106. EQUALITY AT THE UNITED NATIONS.

(a) INCLUSION OF ISRAEL IN WEOG.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to expand the Western European and Others Group (WEOG) in the United Nations to include Israel as a permanent member with full rights and privileges.

(2) NOTIFICATION TO CONGRESS.—Not later than six months after the date of the enactment of this Act and every six months thereafter for the succeeding 2-year period, the Secretary of State shall notify the appropriate congressional committees concerning the treatment of Israel in the United Nations and the expansion of WEOG to include Israel as a permanent member.

(b) DEPARTMENT OF STATE REVIEW AND REPORT.—

(1) IN GENERAL.—To avoid duplicative efforts and funding with respect to Palestinian interests and to ensure balance in the approach to Israeli–Palestinian issues, the Secretary shall conduct an audit of the functions of the entities listed in paragraph (2) and submit to the appropriate congressional committees, not later than 60 days after enactment of this Act, a report containing recommendations for the elimination of such entities.

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

(A) The United Nations Division for Palestinian Rights.

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

(C) The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.

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

(E) The United Nations Relief and Works Agency for Palestinian Refugees in the Near East.

(F) The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

(G) Such other entities as the Secretary determines to constitute duplicative efforts and funding or fail to ensure balance in the approach to Israeli-Palestinian issues.

(c) IMPLEMENTATION BY PERMANENT REPRESENTATIVE.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations contained in the report required under subsection (b)(1).

(2) WITHHOLDING OF FUNDS.—Until such recommendations have been implemented, the Secretary of State is authorized to

withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended for such entities.

(d) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of—

(1) the status of the implementation of the recommendations contained in the report required under subsection (b)(1); and

(2) United States action and achievements under subsection (c).

SEC. 107. REFORMS AT THE SPECIALIZED AGENCIES.

(a) BUDGET REFORM.—The Secretary of State shall direct the United States representative to each specialized agency to use the voice, vote, and influence of the United States ensure that each specialized agency—

(1) has developed a standardized methodology for the evaluation of the programs of the agency, including specific criteria for determining the continuing relevance and effectiveness of the programs, patterned on the work of the Office of Internal Oversight Services of the United Nations under section 103;

(2) provides the results of such evaluations to the governing body of such agency; and

(3) has established and is implementing procedures to require all new programs of such agency have a specific sunset date.

(b) ACCOUNTABILITY.—The Secretary of State shall direct the United States representative to each specialized agency to use the voice, vote and influence of the United States to ensure that each specialized agency—

(1) has a strengthened internal inspection capability or has agreed to allow the Office on Internal Oversight Services of the United Nations to conduct an investigation or audit of any program in such agency, including any employee or contractor of, or consultant for, such agency; and

(2) has adopted whistleblower protections patterned on the protections developed by OIOS under section 104 of this Act.

(c) ETHICS.—The Secretary shall direct the United States representative to each specialized agency to use the voice, vote and influence of the United States to ensure that each specialized agency—

(1) is using a system for the filing and review of individual annual financial disclosure forms developed by the United Nations Ethics Office established by section 104 of this Act or a system patterned after such system; and

(2) has established its own ethics office or is using the services of the United Nations Ethics Office to review and otherwise implement the ethics system described in paragraph (1).

(d) AUTHORITY.—If the Secretary is unable to certify that one or more of the policies described in this section has been implemented for any specialized agency, the Secretary is authorized to withhold up to 50 percent of the United States contribution to the regular assessed budget of such specialized agency, beginning with funds appropriated for such contribution for fiscal year 2008.

SEC. 108. REPORT ON UNITED NATIONS REFORM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on United Nations reform since 1990.

(b) CONTENTS.—The report required under paragraph (1) shall describe—

(1) the status of the implementation of management reforms within the United Nations and its specialized agencies;

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

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

(4) the status of the review by the General Assembly of all mandates older than five years and how resources have been redirected to new challenges, consistent with the March 2005 report of the Secretary General referred to in paragraph (3); and

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

(c) UPDATE.—Not later than one year after submitting the report under subsection (a), the Secretary shall submit to the appropriate congressional committees a report updating the information included in the first report.

SEC. 109. REPORT ON UNITED NATIONS PERSONNEL.

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

(1) concerning the progress of the General Assembly to modernize human resource practices, consistent with the March 2005 report of the Secretary General entitled "In larger freedom: towards development, security and human rights for all"; and

(2) containing the information described in subsection (b).

(b) CONTENTS.—The report shall include—

(1) a comprehensive evaluation of human resources reforms at the United Nations, including an evaluation of—

(A) tenure;

(B) performance reviews;

(C) the promotion system;

(D) a merit-based hiring system and enhanced regulations concerning termination of employment of employees; and

(E) the implementation of a code of conduct and ethics training;

(2) the implementation of a system of procedures for filing complaints and protective measures for work-place harassment, including sexual harassment;

(3) policy recommendations relating to the establishment of a rotation requirement for nonadministrative positions;

(4) policy recommendations relating to the establishment of a prohibition preventing personnel and officials assigned to the mission of a Member State to the United Nations from transferring to a position within the United Nations Secretariat that is compensated at the P–5 level or above;

(5) policy recommendations relating to a reduction in travel allowances and attendant oversight with respect to accommodations and airline flights; and

(6) an evaluation of the recommendations of the Secretary General relating to greater flexibility for the Secretary General in staffing decisions to accommodate changing priorities.

SEC. 110. ANTI-SEMITISM AND THE UNITED NATIONS.

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

(1) ensure the issuance and implementation of a directive by the Secretary General or the Secretariat, as appropriate, that—

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

(B) requires employees of the United Nations and its specialized agencies to be subject to punitive action, including immediate dismissal, for making anti-Semitic statements or references;

(C) proposes specific recommendations to the General Assembly for the establishment of mechanisms to hold accountable employees and officials of the United Nations and its specialized agencies, or Member States, that make such anti-Semitic statements or references in any forum of the United Nations or of its specialized agencies; and

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

(2) work to secure the adoption of a resolution by the General Assembly that establishes the mechanisms described in paragraph (1)(C); and

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

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

SEC. 111. UNITED NATIONS COOPERATION RELATING TO OIL-FOR-FOOD INVESTIGATION.

The President shall direct the United States Permanent Representative to the United Nations to make efforts to ensure that the United Nations provides all appropriate and necessary informa-

tion to the relevant law enforcement authority of a Member State relating to a prosecution initiated by such authority regarding the oil-for-food program of the United Nations and that the United Nations waives immunity regarding any official charged with a serious criminal offense under such prosecution.

TITLE II—HUMAN RIGHTS AND THE ECONOMIC AND SOCIAL COUNCIL

SEC. 201. HUMAN RIGHTS.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to ensure that a credible and respectable Human Rights Council or other human rights body is established within the United Nations whose participating Member States uphold the values embodied in the Universal Declaration of Human Rights.

(b) HUMAN RIGHTS REFORMS AT THE UNITED NATIONS.—The President shall direct the United States Permanent Representative to the United Nations to seek to ensure that the following human rights reforms have been adopted by the United Nations:

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

(2) A Member State that is subject to sanctions by the Security Council or under a Security Council-mandated investigation for human rights abuses shall be ineligible for membership on any United Nations human rights body.

(3) A Member State that is subject to a country specific resolution relating to human rights abuses perpetrated in that country by the government of that country that has been adopted, within the preceding 3-year period, by a United Nations or regional organization that has competence regarding such matters shall be ineligible for membership on any United Nations human rights body. For purposes of this paragraph, a country specific resolution shall not include consensus resolutions on advisory services.

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

(5) No human rights body has a standing agenda item that only relates to one country or one region.

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

(d) PREVENTION OF ABUSE OF "NO ACTION" MOTIONS.—The United States Permanent Representative to the United Nations shall work to prevent abuse of "no action" motions, particularly as such motions relate to country specific resolutions.

(e) OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS.—

(1) STATEMENT OF POLICY.—It shall be the policy of the United States to continue to strongly support the Office of the United Nations High Commissioner for Human Rights.

(2) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the Office of the United Nations High Commissioner for Human Rights has been given greater authority in field operation activities, such as in the Darfur region of Sudan and in the Democratic Republic of the Congo, in furtherance of the purpose and mission of the United Nations.

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

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

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

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

(3) ensure that after candidate countries are nominated for membership on the Commission on Human Rights, the Economic and Social Council conducts a recorded vote to determine such membership.

(b) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the policies described in subsection (a) have been implemented.

SEC. 203. INTERNATIONAL RESPONSIBILITY TO PROTECT.

(a) FINDINGS.—The situation in Darfur, Sudan, declared to be genocide by the U.S. House of Representatives in H.Con.Res. 467 (adopted on July 27, 2004), demonstrates the need for an internationally agreed framework for effective action to prevent genocide or other crimes against humanity that threaten a large scale loss of life.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States and other members of the international community should endorse the Secretary General's initiative described in his report entitled "In larger freedom: towards development, security and human rights for all" to require that—

(1) the government of every country has the responsibility to protect its civilian population from genocide, ethnic cleansing, or crimes against humanity; and

(2) in the case of a government that is unwilling or unable to do carry out its responsibility under paragraph (1) in the face of such gross violations of internationally recognized human rights, members of the international community must use diplomatic, humanitarian, and other necessary means to help protect civilian populations and save lives.

TITLE III—INTERNATIONAL ATOMIC ENERGY AGENCY

SEC. 301. INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) ENFORCEMENT AND COMPLIANCE.—

(1) OFFICE OF COMPLIANCE.—

(A) ESTABLISHMENT.—The President shall direct the United States Permanent Representative to International Atomic Energy Agency (IAEA) to use the voice, vote, and influence of the United States at the IAEA to establish an Office of Compliance in the Secretariat of the IAEA under the direction of the Deputy Director General for Safeguards.

(B) OPERATION.—The Office of Compliance shall—

(i) function as an independent body composed of technical experts who shall work in consultation with IAEA inspectors to assess compliance by IAEA Member States and provide recommendations to the IAEA Board of Governors concerning penalties to be imposed on IAEA Member States that fail to fulfill their obligations under IAEA Board resolutions;

(ii) base its assessments and recommendations on IAEA inspection reports; and

(iii) take into consideration information provided by IAEA Board Members that are among the five nuclear weapons states as recognized by the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) (commonly referred to as the "Nuclear Non-Proliferation Treaty" or the "NPT").

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

(D) OPERATION.—The Office of Compliance shall operate in consultation with IAEA inspectors and enforcement actions shall be based on inspection reports, IAEA Board of Governors resolutions, Director General reports, and shall take into consideration information provided by IAEA Board Members that are among the five nuclear weapons states as recognized by the Treaty on the Non-Proliferation of Nuclear Weapons.

(2) SPECIAL COMMITTEE ON SAFEGUARDS AND VERIFICATION.—

(A) ESTABLISHMENT.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to establish a Special Committee on Safeguards and Verification.

(B) RESPONSIBILITIES.—The Special Committee shall—

(i) improve the ability of the IAEA to monitor and enforce compliance by Member States of the IAEA with the Nuclear Non-Proliferation Treaty and the Statute of the International Atomic Energy Agency; and

(ii) consider which additional measures are necessary to enhance the ability of the IAEA, beyond the verification mechanisms and authorities contained in the Additional Protocol to the Safeguards Agreements between the IAEA and Member States of the IAEA, to detect with a high degree of confidence undeclared nuclear activities by a Member State.

(3) PENALTIES WITH RESPECT TO THE IAEA.—

(A) IN GENERAL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations has its IAEA privileges suspended, including—

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

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

(iii) being prevented from hosting meetings.

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

(4) PENALTIES WITH RESPECT TO THE NUCLEAR NONPROLIFERATION TREATY.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is found to be in breach of, in noncompliance with, or has withdrawn from the Nuclear Nonproliferation Treaty shall return to the IAEA all nuclear materials and technology received from the IAEA, any Member State of the IAEA, or any Member State of the Nuclear Non__Proliferation Treaty.

(b) UNITED STATES CONTRIBUTIONS.—

(1) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions of the United States to the IAEA may only be used to fund activities relating to Nuclear Safety and Security or activities relating to Nuclear Verification.

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

(A) ensure that funds for safeguards inspections are used giving first priority to address countries that are initiating or developing nuclear activities; and

(B) block the allocation of funds for any other IAEA development, environmental, or nuclear science assistance or activity to a country—

(i) the government of which the Secretary of State has determined—

(I) for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or other provision of

law, is a government that has repeatedly provided support for acts of international terrorism; and

(II) has not dismantled and surrendered its weapons of mass destruction under international verification;

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

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

(3) DETAIL OF EXPENDITURES.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to secure, as part of the regular budget presentation of the IAEA to Member States of the IAEA, a detailed breakdown by country of expenditures of the IAEA for safeguards inspections and nuclear security activities.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to block the membership on the Board of Governors of the IAEA of a Member State of the IAEA that has not signed and ratified the IAEA Additional Protocol and—

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

(B) is in violation of its IAEA obligations or the purposes and principles of the Charter of the United Nations.

(2) CRITERIA.—The United States Permanent Representative to the IAEA shall make every effort to modify the criteria for Board membership to reflect the principles described in paragraph (1).

(d) NUCLEAR PROGRAM OF IRAN.—

(1) UNITED STATES ACTION.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to make every effort to ensure the adoption of a resolution by the IAEA Board of Governors that makes Iran ineligible to receive any nuclear material, technology, equipment, or assistance from any IAEA Member State and ineligible for any IAEA assistance not related to safeguards inspections or nuclear security until the IAEA Board of Governors determines that Iran—

(A) is providing full access to IAEA inspectors to its nuclear-related facilities;

(B) has fully implemented and is in compliance with the Additional Protocol; and

(C) has permanently ceased and dismantled all activities and programs related to nuclear-enrichment and reprocessing.

(2) PENALTIES.—If an IAEA Member State is determined to have violated the prohibition on assistance to Iran described in

paragraph (1) before the IAEA Board of Governors determines that Iran has satisfied the conditions described in subparagraphs (A) through (C) of such paragraph, such Member State shall be subject to the penalties described in section 301(a)(3), shall be ineligible to receive nuclear material, technology, equipment, or assistance from any IAEA Member State, and shall be ineligible to receive any IAEA assistance not related to safeguards inspections or nuclear security until such time as the IAEA Board of Governors makes such determination with respect to Iran.

(e) REPORT.—Not later than six months after the date of the enactment of this Act and annually thereafter for the succeeding 2-year period, the President shall submit to the appropriate congressional committees a report on the implementation of this section.

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

It is the sense of Congress that the national security interests of the United States are enhanced by the Nuclear Security Action Plan of the IAEA and the Board of Governors of the IAEA should recommend, and the General Conference of the IAEA should adopt, a resolution incorporating the Nuclear Security Action Plan into the regular budget of the IAEA.

TITLE IV—PEACEKEEPING

SEC. 401. SENSE OF CONGRESS REGARDING REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of Congress that—

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

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

SEC. 402. STATEMENT OF POLICY RELATING TO REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

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

(1) PLANNING AND MANAGEMENT.—

(A) GLOBAL AUDIT.—As the size, cost, and number of United Nations peacekeeping operations have increased substantially over the past decade, an independent audit of each such operation, with a view toward "right-sizing" operations and ensuring that such operations are cost effective, should be conducted and its findings reported to the Security Council.

(B) REVIEW OF MANDATES AND CLOSING OPERATIONS.—In conjunction with the audit described in subparagraph (A),

the United Nations Department of Peacekeeping Operations should conduct a comprehensive review of all United Nations peacekeeping operation mandates, with a view toward identifying objectives that are practical and achievable, and report its findings to the Security Council. In particular, the review should consider the following:

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

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

(iii) If there is legitimate concern that the withdrawal from a country of an otherwise static United Nations peacekeeping operation would result in the resumption of major conflict, a burden-sharing arrangement that reduces the level of assessed contributions, similar to that currently supporting the United Nations Peacekeeping Force in Cyprus, should be explored and instituted.

(C) LEADERSHIP.—As peacekeeping operations become larger and increasingly complex, the Secretariat should adopt a minimum standard of qualifications for senior leaders and managers, with particular emphasis on specific skills and experience, and current senior leaders and managers who do not meet those standards should be removed or reassigned.

(D) PRE-DEPLOYMENT TRAINING.—Pre-deployment training on interpretation of the mandate of the operation, specifically in the areas of force, civilian protection, field conditions, the Code of Conduct described in paragraph (2)(A), HIV/AIDS, gender, and human rights issues should be mandatory, and all personnel, regardless of category or rank, should be required to sign an oath that each has received and understands such training as a condition of participation in the operation.

(2) CONDUCT AND DISCIPLINE.—

(A) ADOPTION OF A UNIFORM CODE OF CONDUCT.—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, 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 as a condition of appointment to such operation, including immediate termination of the participation of such personnel in the peacekeeping operation to which such personnel is assigned; and

(iii) peacekeeping operations should conduct educational outreach programs within communities hosting such operations, 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 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 Department of Peacekeeping Operations, and the Associate Director of OIOS for Peacekeeping Operations (established under section 104(b)(9)); 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 each Member State that contributes troops to a peacekeeping operation to designate a military prosecutor who will participate in any investigation into an allegation of misconduct brought against an individual of that Member State, so that evidence is collected and preserved in a manner consistent with the military law of that Member State;

(iii) the investigative body should be regionally based to ensure rapid deployment and should be equipped with modern forensics equipment for the

purpose of positively identifying perpetrators and, where necessary, for determining paternity; and

(iv) the investigative body should report directly to the Associate Director of OIOS for Peacekeeping Operations, while providing copies of any reports to the Department of Peacekeeping Operations, the Head of Mission, and the Member State concerned.

(E) FOLLOW-UP.—A dedicated unit, similar to the personnel conduct units, staffed and funded through existing resources, should be established within the headquarters of the United Nations Department of Peacekeeping Operations and tasked with—

(i) promulgating measures to prevent misconduct;

(ii) coordinating allegations of misconduct, and reports received by field personnel; and

(iii) gathering follow-up information on completed investigations, particularly by focusing on disciplinary actions against the individual concerned taken by the United Nations or by the Member State that is contributing troops to which the individual belongs, and sharing that information with the Security Council, the Head of Mission, and the community hosting the peacekeeping operation.

(F) FINANCIAL LIABILITY AND VICTIMS ASSISTANCE.—Although peacekeeping operations should provide immediate medical assistance to victims of sexual abuse or exploitation, the responsibility for providing longer-term treatment, care, or restitution lies solely with the individual found guilty of the misconduct. In particular, the following reforms should be implemented:

(i) The United Nations should not assume responsibility for providing long-term treatment or compensation by creating a "Victims Trust Fund", or any other such similar fund, financed through assessed contributions to United Nations peacekeeping operations, thereby shielding individuals from personal liability and reinforcing an atmosphere of impunity.

(ii) If an individual responsible for misconduct has been repatriated, reassigned, redeployed, or is otherwise unable to provide assistance, responsibility for providing assistance to a victim should be assigned to the Member State that contributed the troops to which the individual belonged or to the manager concerned.

(iii) In the case of misconduct by a member of a military contingent, appropriate funds should be withheld from the troop-contributing country concerned.

(iv) In the case of misconduct by a civilian employee or contractor of the United Nations, appropriate wages should be garnished from such individual or fines should be imposed against such individual, consistent with existing United Nations Staff Rules.

(G) MANAGERS AND COMMANDERS.—The manner in which managers and commanders handle cases of misconduct by those serving under them should be included in their individual performance evaluations, so that man-

agers and commanders who take decisive action to deter and address misconduct are rewarded, while those who create a permissive environment or impede investigations are penalized or relieved of duty, as appropriate.

(H) DATA BASE.—A centralized data base should be created and maintained within the United Nations Department of Peacekeeping Operations to track cases of misconduct, including the outcome of investigations and subsequent prosecutions, to ensure that personnel who have engaged in misconduct or other criminal activities, regardless of category or rank, are permanently barred from participation in future peacekeeping operations.

(I) WELFARE.—Peacekeeping operations should assume responsibility for maintaining a minimum standard of welfare for mission personnel to ameliorate conditions of service, while adjustments are made to the discretionary welfare payments currently provided to Member States that contribute troops to offset the cost of operation-provided recreational facilities.

(3) PEACEBUILDING COMMISSION.—

(A) ESTABLISHMENT.—Consistent with the recommendations of the Report of the Secretary General's High Level Panel on Threats, Challenges, and Change, the United Nations should establish a Peacebuilding Commission, supported by a Peacebuilding Support Office, to marshal the efforts of the United Nations, international financial institutions, donors, and non-governmental organizations to assist countries in transition from war to peace.

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

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

(ii) include members of the United Nations Security Council, major donors, and Member States that contribute troops, appropriate United Nations organizations, the World Bank, and the International Monetary Fund; and

(iii) invite the President of ECOSOC, regional actors, Member States that contribute troops, regional development banks, and other concerned parties that are not already members, as determined appropriate, to consult or participate in meetings as observers.

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

(i) developing and integrating country-specific and system-wide conflict prevention, post-conflict reconstruction, and long-term development policies and strategies; and

(ii) serving as the key coordinating body for the design and implementation of military, humanitarian, and civil administration aspects of complex missions.

(D) RESOURCES.—The establishment of the Peacebuilding Commission and the related Peacebuilding Support Office should be staffed with existing resources.

SEC. 403. CERTIFICATION.

(a) NEW OR EXPANDED PEACEKEEPING OPERATIONS CONTINGENT UPON PRESIDENTIAL CERTIFICATION OF PEACEKEEPING OPERATIONS REFORMS.—

(1) NO NEW OR EXPANDED PEACEKEEPING OPERATIONS.—Beginning on January 1, 2007, and until the Secretary certifies that the requirements described in paragraph (2) have been satisfied, the President shall direct the United States Permanent Representative to the United Nations use the voice, vote, and influence of the United States at the United Nations to oppose the creation of new, or expansion of existing, United Nations peacekeeping operations unless the Secretary certifies to the appropriate congressional committees that such creation or expansion is in the national interest of the United States, and includes with the certification a written justification therefor.

(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 been trained concerning the requirements of the Code of Conduct and each has been given a personal copy of the Code, translated into the national language of such personnel.

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

(D) All peacekeeping operations have designed and implemented educational outreach programs that reach local communities where peacekeeping personnel of such operations are based for a significant period of time, 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.

(E) A centralized data base has been created and is being maintained in the United Nations Department of

Peacekeeping Operations that tracks cases of misconduct, including the outcomes of investigations and subsequent prosecutions, to ensure that personnel, regardless of category or rank, who have engaged in misconduct or other criminal activities are permanently barred from participation in future peacekeeping operations.

(F) A Model Memorandum of Understanding between the United Nations and each Member State that contributes troops to a peacekeeping operation has been adopted by the United Nations Department of Peacekeeping Operations that specifically obligates each such Member State to—

(i) designate a competent legal authority, preferably a prosecutor with expertise in the area of sexual exploitation and abuse, to participate in any investigation into an allegation of misconduct brought against an individual of the Member State;

(ii) refer to its competent national or military authority for possible prosecution, if warranted, any investigation of a violation of the Code of Conduct or other criminal activity by an individual of the Member State;

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

(iv) undertake to conduct on-site court martial proceedings relating to allegations of misconduct alleged against an individual of the Member State;

(v) assume responsibility for the provision of appropriate assistance to a victim of misconduct committed by an individual of the Member State; and

(vi) establish a professional and independent investigative and audit function within the United Nations Department of Peacekeeping Operations and the OIOS to monitor United Nations peacekeeping operations.

SEC. 404. UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) 25 PERCENT LIMITATION.—Section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note; Public Law 103–236) is amended to read as follows:

"(2) FISCAL YEAR 2006 AND SUBSEQUENT FISCAL YEARS.—Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for fiscal years 2006 and 2007 shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 27.1 percent of the total of all assessed contributions for that operation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect and apply beginning on October 1, 2005.

SEC. 405. GENOCIDE AND THE UNITED NATIONS.

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

(1) suspend the membership of a Member State in the United Nations if genocide, ethnic cleansing, or crimes against humanity are determined to be occurring in such Member State, regardless of whether such acts are being committed by the government of such Member State or by a third party;

(2) impose an arms and trade embargo and travel restrictions on, and freeze the assets of, all groups and individuals responsible for committing or allowing such acts to occur;

(3) deploy a United Nations peacekeeping operation or authorize and support the deployment of a peacekeeping operation from an international organization to the Member State with a mandate to stop such acts;

(4) deploy monitors from the United Nations High Commissioner for Refugees to the area where such acts are occurring in the Member State; and

(5) authorize the establishment of an international commission of inquiry into such acts.

(b) CERTIFICATION.—Unless the Secretary certifies that the mechanisms described in subsection (a) have been adopted and implemented, the Secretary is authorized to withhold up to ten percent of United States contributions to the peacekeeping budget of the United Nations.

SEC. 406. RULE OF CONSTRUCTION RELATING TO PROTECTION OF UNITED STATES OFFICIALS AND MEMBERS OF THE ARMED FORCES.

Nothing in this title shall be construed as superceding the Uniform Code of Military Justice or operating to effect the surrender of United States officials or members of the Armed Forces to a foreign country or international tribunal for prosecutions arising from peacekeeping operations or other similar United Nations related activity.

TITLE V—DEPARTMENT OF STATE AND GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 501. POSITIONS FOR UNITED STATES CITIZENS AT INTERNATIONAL ORGANIZATIONS.

The Secretary of State shall make every effort to recruit United States citizens for positions within international organizations.

SEC. 502. BUDGET JUSTIFICATION FOR REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.

(a) DETAILED ITEMIZATION.—The annual congressional budget justification shall include a detailed itemized request in support of the assessed contribution of the United States to the regular assessed budget of the United Nations.

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

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

(2) compare the amounts requested for the current year with the actual or estimated amounts contributed by the United States in previous fiscal years for the same sections and titles.

(c) ADJUSTMENTS AND NOTIFICATION.—If the United Nations proposes an adjustment to its regular assessed budget, the Secretary of State shall, at the time such adjustment is presented to the Advisory Committee on Administrative and Budgetary Questions of the United Nations (ACABQ), notify and consult with the appropriate congressional committees.

SEC. 503. REVIEW AND REPORT.

Not later than six months after the date of the enactment of this Act, the Secretary of State shall conduct a review of programs of the United Nations that are funded through assessed contributions and submit to the appropriate congressional committees a report containing—

(1) the findings of such review; and

(2) recommendations relating to—

(A) the continuation of such programs; and

(B) which of such programs should be voluntarily funded.

SEC. 504. GOVERNMENT ACCOUNTABILITY OFFICE.

(a) REPORT ON UNITED NATIONS REFORMS.—Not later than 12 months after the date of the enactment of this Act and 12 months thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the status of the 1997, 2002, and 2005 management reforms initiated by the Secretary General and on the reforms mandated by this Act.

(b) REPORT ON DEPARTMENT OF STATE CERTIFICATIONS.—Not later than six months after each certification is submitted by the Secretary of State to the appropriate congressional committees under this Act, the Comptroller General shall submit to the appropriate congressional committees a report on each such certification. The Secretary shall provide the Comptroller General with any information required by the Comptroller General to submit any such report.

TITLE VI—CERTIFICATIONS AND WITHHOLDING OF CONTRIBUTIONS

SEC. 601. CERTIFICATIONS AND WITHHOLDING OF CONTRIBUTIONS.

(a) IN GENERAL.—The certifications required under sections 103, 104(a) through 104(d), 110, 201(c), 201(e), and 202 of this Act are certifications submitted to the appropriate congressional committees by the Secretary of State that the requirements of each such section have been satisfied with respect to reform of the United Nations.

(b) ALTERNATIVE CERTIFICATION MECHANISM.—

(1) IN GENERAL.—In the event that the Secretary is unable to make any certification described in subsection (a), the Secretary may nonetheless satisfy the requirements referred to in such certification by certifying that—

(A) the United Nations has implemented reforms that are either substantially similar to or accomplish the same purposes as the requirements referred to in any such certification; or

(B) in the case of the policies described in subsections (a) and (c) of section 11 the United Nations Participation Act of 1945 (as amended by section 101 of this Act) or the requirements of sections 201(c) and 202(b) of this Act, substantial progress has been made in implementing such policies or requirements.

(2) DEFINITIONS.—For the purposes of this subsection, reforms are "substantially similar to or accomplish the same purposes as" if the reforms are—

(A) formally adopted by the organ or committee of the United Nations that has authority to take such action or are issued by the Secretariat or the appropriate entity or committee in written form; and

(B) are not identical to the measures required by a particular certification but in the judgment of the Secretary will have the same or nearly the same effect as such measures.

(3) WRITTEN JUSTIFICATION AND CONSULTATION.—

(A) WRITTEN JUSTIFICATION.—Not later than 30 days before submitting an alternate certification in accordance with paragraph (1), the Secretary shall submit to the appropriate congressional committees a written justification explaining in detail the basis for such alternate certification.

(B) CONSULTATION.—After the Secretary has submitted the written justification under subparagraph (A), but not later than 15 days before the Secretary exercises the alternate certification mechanism described in clause (i), the Secretary shall consult with the appropriate congressional committees regarding such exercise.

(c) WITHHOLDING OF UNITED STATES CONTRIBUTIONS TO REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.—If the Secretary is unable to make one or more of the certifications described in subsection (a) or (b), the Secretary is authorized to withhold from expenditure until such time as the Secretary deems appropriate up to 50 percent of the contribution of the United States to the regular assessed budget of the United Nations for a biennial period, beginning with funds appropriated for the United States Assessed contribution for fiscal year 2008.

(d) CONSULTATION ON PROGRESS OF REFORMS.—Beginning six months after the date of the enactment of this Act, and every three months thereafter until all the certifications under subsection (a) and (b) are made, the Secretary shall consult with the appropriate congressional committees regarding the progress in adoption and implementation of the reforms described in this Act.

(e) DURATION OF FUNDS.—

(1) ASSESSED CONTRIBUTIONS TO THE U.N.—Any amounts of funds appropriated for the United States assessed contribution to the United Nations that are withheld under subsection (c) are authorized to remain available until expended in fiscal years after the fiscal year in which all certifications are made under subsections (a) and (b).

(2) ASSESSED CONTRIBUTIONS TO SPECIALIZED AGENCIES.—Any amounts of funds appropriated for the United States assessed contribution to a specialized agency that are withheld

under section 107(d) are authorized to remain available until expended in fiscal years after the fiscal year in which the Secretary makes the certification with respect to the policy or policies described in section 107 by reason of which the funds were withheld.

(f) BIENNIAL REVIEWS.—

(1) IN GENERAL.—The Secretary shall conduct biennial reviews, beginning two years after the date on which the Secretary submits the last of the certifications under subsections (a) and (b), to determine if the United Nations continues to remain in compliance with all such certifications. Not later than 30 days after the completion of each such review, the Secretary shall submit to the appropriate congressional committees a report containing the findings of each such review.

(2) ACTION.—If during the course of any such review the Secretary determines that the United Nations has failed to remain in compliance with a certification that was submitted in accordance with subsection (a), the Secretary is authorized to exercise the authority described in subsection (c) with respect to the biennial period immediately following such review and subsequent biennial periods until such time as all certifications under subsection (a) or (b) have been submitted.

SEC. 602. DIPLOMATIC CAMPAIGN TO ACHIEVE REFORM.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that in order to achieve the reforms required by this Act, the President must undertake an extensive diplomatic campaign, in combination with like-minded countries at the United Nations to achieve those reforms, including acting through the United States Permanent Representative to the United Nations to use its voice, vote and influence at the United Nations and direct diplomatic intervention at the highest levels of government in Member States.

(b) REPORT TO CONGRESS.—Sixty days before exercising the authority to withhold funds under section 601(c), the Secretary shall consult with the appropriate congressional committees and submit a report on how the exercise of such authority will further the purposes of this Act.

(c) CONTENT OF REPORT.—The report required by subsection (b) shall include—

(1) a description of efforts by the United States to achieve the reforms required by this Act to date;

(2) an analysis of why reforms sought by the United States have not been achieved; and

(3) an explanation of how United States policy will be furthered by conditioning or withholding funds for assessed contributions to the United Nations, as well as an analysis of how withholding such funds are expected to affect programs, operations, staff, and reforms of the United Nations and United States interests.

TITLE VII—UNITED NATIONS RENEWAL AND TOOLS TO FULLY IMPLEMENT UNITED NATIONS REFORM

SEC. 701. SYNCHRONIZATION OF U.S. ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) In the early 1980s, the United States Government began to pay United States assessments to certain international organizations in the last quarter of the calendar year in which they were due. This practice allowed the United States to pay its annual assessment to the United Nations and other international organizations with the next fiscal year's appropriations, taking advantage of the fact that international organizations operate on calendar years. It also allowed the United States to reduce budgetary outlays, making the United States budget deficit appear smaller.

(2) The United States, which is assessed 22 percent of the United Nations regular budget, now pays its dues at least 10 months late, and often later depending on when the relevant appropriation is enacted.

(3) This practice causes the United Nations to operate throughout much of the year without a significant portion of its operating budget. By midyear, the budget is usually depleted, forcing the United Nations to borrow from its peacekeeping budget, since the organization is prohibited from borrowing externally. As a result, countries that contribute to United Nations peacekeeping missions are not reimbursed on a timely basis.

(4) For years, continuing this practice is inconsistent with the purposes of this Act to encourage the United Nations to engage in sound, fiscally responsible budgetary practices.

(b) AUTHORIZATION OF APPROPRIATIONS.—Beginning in the fiscal year in which all certifications under subsection (a) and (b) of section 601 have been made, the following amounts are authorized to be appropriated to a process to synchronize the payment of its assessments to the United Nations and other international organizations over a multiyear period so that the United States can resume paying its dues to such international organizations at the beginning of each calendar year:

(1) For the fiscal year after all such certifications have been made, $150,000,000.

(2) For the second year after all such certifications have been made, $150,000,000.,

(3) For the third year after all such certifications have been made, $150,000,000.

SEC. 702. INCREASED FUNDING FOR UNITED STATES ASSESSED CONTRIBUTION TO THE UNITED NATIONS TO SUPPORT REFORM EFFORTS.

It is the sense of the Congress that the United States should support an increase in the 2006–2007 United Nations biennium budget and future United Nations budgets to support the creation of new offices or institutions and the strengthening of existing offices in order to fully implement the reforms required by this Act.

SEC. 703. BUYOUT OF UNITED NATIONS PERSONNEL.

It is the sense of the Congress that the United States should support an increase in the appropriate United Nations biennium budget to fund a buyout of United Nations personnel to the extent that the buyout is a targeted buyout of personnel that do not have the skills necessary for the United Nations in the 21st century.

SEC. 704. UNITED NATIONS DEMOCRACY FUND.

There is authorized for fiscal year 2006 for a voluntary contribution to the United Nations International Democracy Fund $10,000,000.

SEC. 705. UNITED STATES PERSONNEL TO INTERNATIONAL ORGANIZATIONS.

The President is authorized to detail any United States Government officer or employee to the United Nations on a nonreimbursable basis for up to three years to assist in the implementation of the reforms described in this Act, including providing for any necessary housing, education, cost-of-living allowances, or other allowances authorized under the Foreign Service Act the United Nations Participation Act of 1945.

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