

109TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } 109-120

HENRY J. HYDE UNITED NATIONS REFORM ACT OF 2005

JUNE 10, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HYDE, from the Committee on International Relations, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2745]

[Includes cost estimate of the Congressional Budget Office]

The Committee on International Relations, to whom was referred the bill (H.R. 2745) to reform the United Nations, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:
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 “Henry J. Hyde United Nations Reform 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. Budget certification requirements.
Sec. 104. Accountability.
Sec. 105. Terrorism and the United Nations.
Sec. 106. United Nations treaty bodies.
Sec. 107. Equality at the United Nations.
Sec. 108. Report on United Nations reform.
Sec. 109. Report on United Nations personnel.

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

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

TITLE III—INTERNATIONAL ATOMIC ENERGY AGENCY

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

TITLE IV—PEACEKEEPING

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

TITLE V—DEPARTMENT OF STATE AND GOVERNMENT ACCOUNTABILITY OFFICE

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

TITLE VI—CERTIFICATIONS AND WITHHOLDING OF CONTRIBUTIONS

Sec. 601. Certifications and withholding of contributions.

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) **EMPLOYEE.**—The term “employee” means an individual who is employed in the general services, professional staff, or senior management of the United Nations, including contractors and consultants.

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

(4) **MEMBER STATE.**—The term “Member State” means a Member State of the United Nations. Such term is synonymous with the term “country”.

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

(6) **SECRETARY GENERAL.**—The term “Secretary General” means the Secretary General of the United Nations.

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

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

- (A) the Food and Agriculture Organization (FAO);
- (B) the International Atomic Energy Agency (IAEA);
- (C) the International Civil Aviation Organization (ICAO);
- (D) the International Fund for Agricultural Development (IFAD);
- (E) the International Labor Organization (ILO);
- (F) the International Maritime Organization (IMO);
- (G) the International Telecommunication Union (ITU);

- (H) the United Nations Educational, Scientific, and Cultural Organization (UNESCO);
- (I) the United Nations Industrial Development Organization (UNIDO);
- (J) the Universal Postal Union (UPU);
- (K) the World Health Organization (WHO) and its regional agencies;
- (L) the World Meteorological Organization (WMO); and
- (M) the World Intellectual Property Organization (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. To this end, the following Act seeks to reform the United Nations.

TITLE I—MISSION AND BUDGET OF THE UNITED NATIONS

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

(a) STATEMENTS OF POLICY.—

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

- (A) pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations; and
- (B) shift funding mechanisms of certain organizational programs of the United Nations specified under paragraph (4) from the regular assessed budget to voluntarily funded programs.

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

- (A) redirect United States contributions to the United Nations to achieve the policy objectives described in paragraph (1)(B); and
- (B) redirect a portion of funds from the following organizational programs to pursue the policy objectives described in paragraph (1)(A):
 - (i) Public Information.
 - (ii) General Assembly affairs and conference services.

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

(4) CERTAIN ORGANIZATIONAL PROGRAMS.—The organizational programs referred to in paragraph (1)(B) are the following:

- (A) Economic and social affairs.
- (B) Least-developed countries, landlocked developing countries and small island developing States.
- (C) United Nations support for the New Partnership for Africa's Development.
- (D) Trade and development.
- (E) International Trade Center UNCTAD/WTO.
- (F) Environment.
- (G) Human settlements.
- (H) Crime prevention and criminal justice.
- (I) International drug control.
- (J) Economic and social development in Africa.
- (K) Economic and social development in Asia and the Pacific.
- (L) Economic development in Europe.
- (M) Economic and social development in Latin America and the Caribbean.
- (N) Economic and social development in Western Asia.
- (O) Regular program of technical cooperation.
- (P) Development account.
- (Q) Protection of and assistance to refugees.
- (R) Palestine refugees.

(b) AUTHORIZATION WITH RESPECT TO THE REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.—Subject to the amendment made by subsection (c), the Secretary of State 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.

(c) 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 to—

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

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

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

“(A) redirect United States contributions to the United Nations to achieve the policy objectives described in paragraph (1)(B); and

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

“(i) Public Information.

“(ii) General Assembly affairs and conferences services.

“(3) 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 ensure that the shifting of funding mechanisms under paragraph (1)(B) and redirecting of contributions under paragraph (2) be reflected in future resolutions agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium. To achieve the policies described in paragraphs (1) and (2), the United States Permanent Representative to the United Nations shall withhold the support of the United States for a consensus for such budget until such time as such budget is reflective of such policies.

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

“(c) ANNUAL DUES.—

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

“(2) CALCULATION WITH RESPECT TO CERTAIN ORGANIZATIONAL PROGRAMS FOR REDIRECTION.—The percentage specified in subsection (b) shall be multiplied by one-half of the sum of amounts budgeted by resolution of the General Assembly for a current biennial period for the following certain organizational programs:

“(A) Economic and social affairs.

“(B) Least-developed countries, landlocked developing countries and small island developing States.

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

“(D) Trade and development.

“(E) International Trade Center UNCTAD/WTO.

“(F) Environment.

“(G) Human settlements.

“(H) Crime prevention and criminal justice.

“(I) International drug control.

“(J) Economic and social development in Africa.

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

“(L) Economic development in Europe.

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

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

“(O) Regular program of technical cooperation.

“(P) Development account.

“(Q) Protection of and assistance to refugees.

“(R) Palestine refugees.

“(3) REDIRECTION OF FUNDS.—Of amounts appropriated for contributions towards payment of regular assessed dues to the United Nations for 2008 and each subsequent year, if the funding mechanisms of one or more of the organizational programs of the United Nations specified in paragraph (2) have not been shifted from the regular assessed budget to voluntarily funded programs in accordance with subsection (a)(1), the Secretary shall ensure that such amounts in each such fiscal year that are specified for each such organizational program pursuant to the resolution agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium are redirected from payment of the assessed amount for the regular assessed budget as follows:

“(A) Subject to not less than 30 days prior notification to Congress, the Secretary shall expend an amount, not to exceed 40 percent of the amount specified for each such organizational program pursuant to the resolution agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium, as a contribution to an eligible organizational program specified in paragraph (4).

“(B) Subject to not less than 30 days prior notification to Congress, the Secretary shall expend the remaining amounts under this paragraph to voluntarily funded United Nations specialized agencies, funds, or programs.

“(4) ELIGIBLE ORGANIZATIONAL PROGRAMS.—The eligible organizational programs referred to in paragraph (3)(A) for redirection of funds under such paragraph are the following:

“(A) Internal oversight.

“(B) Human rights.

“(C) Humanitarian assistance.

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

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

“(A) VOLUNTARY CONTRIBUTION.—Subject to not less than 30 days prior notification to Congress and the limitation specified under subparagraph (B), the Secretary is authorized to make a voluntary contribution to an organizational program of the United Nations specified in subparagraphs (A) through (P) of paragraph (2) of any amounts not contributed in a fiscal year to an eligible organizational program specified in subparagraphs (A) through (C) of paragraph (4).

“(B) 10 PERCENT LIMITATION.—A voluntary contribution under subparagraph (A) to an organizational program of the United Nations specified in subparagraphs (A) through (P) of paragraph (2) may not exceed 10 percent of the total contribution made under paragraph (3)(A).

“(d) FURTHER CALCULATION WITH RESPECT TO BUDGETS FOR PUBLIC INFORMATION AND GENERAL ASSEMBLY AFFAIRS AND CONFERENCE SERVICES.—

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

“(2) ANNUAL DUES EACH FISCAL YEAR.—

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

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

“(i) Public Information.

“(ii) General Assembly affairs and conferences services.

“(C) REDIRECTION OF FUNDS.—

“(i) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to make every effort, including the withholding of United States support for a consensus budget of the United Nations, to reduce the budgets of the organizational programs specified in subparagraph (B) for 2007 by ten percent against the budgets of such organizational programs for the 2004–2005 biennial period. If the budgets of such organizational programs are not so reduced, 20 percent the amount determined under subparagraph (B) for

contributions towards payment of regular assessed dues for 2007 shall be redirected from payment for the amount assessed for United States annual contributions to the regular assessed budget of the United Nations.

“(ii) SPECIFIC AMOUNTS.—The Secretary shall make the amount determined under clause (i) available as a contribution to an eligible organizational program specified in subparagraphs (A) through (C) of paragraph (4) of subsection (c).

“(3) POLICY WITH RESPECT TO 2008–2009 BIENNIAL PERIOD AND SUBSEQUENT BIENNIAL PERIODS.—

“(A) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to make every effort, including the withholding of United States support for a consensus budget of the United Nations, to reduce the budgets of the organizational programs specified in subparagraph (B) of paragraph (2) for the 2008–2009 biennial period and each subsequent biennial period by 20 percent against the budgets of such organizational programs for the 2004–2005 biennial period.

“(B) CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the reduction in budgets described in subparagraph (A) has been implemented.”.

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall take effect and apply beginning on October 1, 2006.

SEC. 102. WEIGHTED VOTING.

It shall be the policy of the United States to actively pursue weighted voting 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. BUDGET 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; and

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

(2) PROGRAM EVALUATION.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the specialized agencies to conduct evaluations in accordance with the standardized methodology referred to in subparagraph (B) of—

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

(ii) programs of the specialized agencies.

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—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.

(ii) SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each specialized agency 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.

(C) REPORT.—The Secretary General is assessing budget requests and, on the basis of evaluations conducted under subparagraph (B) for the relevant preceding year, submits to the General Assembly a report containing the results of such evaluations, identifying programs that have satisfied the criteria for continuing relevance and effectiveness, and an identification of programs that have not satisfied such criteria and 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 and each specialized agency has established and is implementing procedures to require all new programs approved by the General Assembly to have a specific sunset date.

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 is established from existing United Nations budgetary and personnel resources. Except as provided in this subsection, 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, who shall be nominated by the Secretary General and who shall be subject to Security Council approval by a majority vote. 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 and 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 no more than two board members' terms 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 from existing levels of United Nations budgetary and personnel resources, and shall not be dependent upon any other entity, bureau, division, department, or specialized agency of the United Nations for such funding.

(4) While the IOB shall have the authority to evaluate all operations of the United Nations, the primary mission of the IOB is to oversee the Office of Internal Oversight Services and the Board of External Auditors. The IOB may direct the Office of Internal Oversight Services or the Board of External Auditors to initiate, abandon, or modify the scope of an investigation. 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 investigations by the Office of Internal Oversight Services.

(5) In extraordinary circumstances and with the concurrence of the Secretary General or the 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 or of its specialized agencies 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 investigator and 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 except as provided in this section.

(2) The regular assessed budget of the United Nations shall fully fund the Internal Oversight Budget from existing levels of United Nations budgetary and personnel resources and shall not be dependent upon any other entity, bureau, division, department, or specialized agency of the United Nations for such funding.

(3) All United Nations officials, including officials from any entity, bureau, division, department, or specialized agency 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.

(4) The OIOS may, *sua sponte*, initiate and conduct an investigation or audit of any entity, bureau, division, department, specialized agency, employee (including the Secretary General) of the United Nations, including any employee of the specialized agencies of the United Nations, or contractor or consultant for the United Nations or its specialized agencies.

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

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

(7) 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.

(8) 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 Specialized Agencies and Funds and Programs who shall be responsible for supervising the OIOS liaison or oversight duties for each of the specialized agencies and funds and programs of the United Nations. With the concurrence of the Director, the Associate Director of OIOS for Specialized Agencies and Funds and Programs may, from existing levels of United Nations budgetary and personnel resources, hire and appoint necessary OIOS staff, including staff serving within and located at specialized agencies and funds and programs permanently or as needed to liaison with existing audit functions within each specialized agency and fund and program.

(9) 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, 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 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. The Associate Director of OIOS for Peacekeeping Operations shall be responsible for initiating, conducting, and overseeing investigations within peacekeeping operations.

(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 Procurement and Contract Integrity, who shall be responsible for auditing and inspecting procurement and contracting within the United Nations, including within the specialized agencies. The Associate Director of OIOS for Procurement and Contract Integrity shall 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. The Associate Director of OIOS for Procurement and Contract Integrity shall be responsible for initiating, conducting, and overseeing investigations of procurement and contract activities. 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—

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

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

(C) 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 have been adopted by the United Nations:

(1) A United Nations Office of Ethics (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 UNOE shall be responsible for establishing, managing, and enforcing a code of ethics for all employees of United Nations and its specialized agencies. The UNOE shall also be responsible for providing such employees with annual training related to such code. The head of the UNOE shall be a Director who shall be nominated by the Secretary General and who shall be subject to Security Council approval by majority vote.

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

(3) The Director of the UNOE 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, including by each employee of its specialized agencies, at the P-5 level and above and by all contractors and consultants compensated at any salary level. Such system shall be in place and operational not later than six months after the date of the publication of the report. Such completed forms shall be made available to the Office of Internal Oversight Services 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 UNOE of Annual Financial Disclosure Forms;

(C) proposals for making completed Annual Financial Disclosure Forms available to the public on request through their Member State's mission to the United Nations;

(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 the United Nations, including employees of its specialized agencies, and of consultants;

(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 rates and 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 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 Chief Operating Officer 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.

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

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. UNITED NATIONS TREATY BODIES.

The United States shall 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 with respect to a United Nations human rights treaty monitoring body or committee that was established by—

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

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

SEC. 107. 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 next two years, 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, not later than 60 days after the date of the enactment of this Act—

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

(B) submit to the appropriate congressional committees a report containing recommendations for the elimination of such duplicative entities and efforts.

(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.

(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 United States shall 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 of the Government Accountability Office 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 actions and achievements under subsection (c).

SEC. 108. REPORT ON UNITED NATIONS REFORM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year thereafter, 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 such March 2005 report of the Secretary General; 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.

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 and 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.

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

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 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 shall be ineligible for membership on any United Nations human rights body if such Member State is—

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

(B) under a Security Council-mandated investigation for human rights abuses.

(3) A Member State that is currently subject to an adopted country specific resolution, in the principal body in the United Nations for the promotion and protection of human rights, relating to human rights abuses perpetrated by the government of such country in such country, or has been the subject of such an adopted country specific resolution in such principal body within the previous three years, shall be ineligible for membership on any United Nations human rights body. For purposes of this subsection, an adopted 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 relates only to one country or 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 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 by the Economic and Social Council.

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.

(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) shall take into consideration information provided by IAEA Board Members that are one of 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 Nonproliferation 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.

(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 Nonproliferation 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.—

(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 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 such investigation is concluded and such Member State is no longer in such breach or noncompliance.

(b) UNITED STATES CONTRIBUTIONS.—

(1) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions of the United States to the IAEA should primarily 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 prioritized for countries that have newly established nuclear programs or are initiating nuclear programs; 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, 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 the government of which the Secretary has determined has not dismantled and surrendered its weapons of mass destruction programs 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 for a Member State of the IAEA that has not signed and ratified the 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) that 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) **REPORT.**—Not later than six months after the date of the enactment of this Act and annually for two years thereafter, 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 should recommend, and the General Conference 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) Where 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 use of force, civilian protection and field conditions, the Code of Conduct, HIV/AIDS, and human rights 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, including immediate termination of the participation of such personnel in the peacekeeping operation to which such personnel is assigned as a condition of appointment to such operation; and

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

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

(i) should report simultaneously to the Head of Mission, the United Nations Department of Peacekeeping Operations, and the Associate Director of OIOS for Peacekeeping Operations (established under section 104(b)(10)); and

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

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

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

(ii) provisions should be included in a Model Memorandum of Understanding that obligate Member States that contribute troops to a peacekeeping operation to designate a military prosecutor who will par-

ticipate in any investigation into an allegation of misconduct brought against an individual of such Member State, so that evidence is collected and preserved in a manner consistent with the military law of such 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 such individual belongs, and sharing such 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 such individual belonged or to the manager concerned.

(iii) In the case of misconduct by a member of a military contingent, appropriate funds shall 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 shall be garnished from such individual or fines shall 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 managers 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 High Level Panel Report, 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, major troop contributing countries, 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 within 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.—

(A) CERTIFICATION.—Except as provided in subparagraph (B), until the Secretary of State certifies that the requirements described in paragraph (2) have been satisfied, 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 oppose the creation of new, or expansion of existing, United Nations peacekeeping operations.

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

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

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

(B) All personnel, regardless of category or rank, serving in a peacekeeping operation have 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, including the immediate termination of the participation of such personnel in the peacekeeping operation to which such personnel is assigned as a condition of the appointment to such operation.

(D) All peacekeeping operations have designed and implemented educational outreach programs to reach local communities where peacekeeping personnel of such operations are based to explain prohibited acts on the part of United Nations peacekeeping personnel and to identify 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 such 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 such 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 such Member State; and

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

(G) A professional and independent investigative and audit function has been established within the United Nations Department of Peacekeeping Operations and the OIOS to monitor United Nations peacekeeping operations.

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 (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, other than those specified in subparagraphs (A) through (R) of subsection (c)(2) of section 11 of the United Nations Participation Act of 1945, as amended by section 101(c) of this Act.

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 again 12 months thereafter, the Comptroller General of the United States of the Government Accountability Office 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 submitted by the Secretary of State to the appropriate congressional committees under this Act and subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 101(c) of 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) **CERTIFICATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (3), the certifications required under subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 101(c) of this Act) and section 103, sections 104(a) through 104(e), sections 201(c) and 201(e), and section 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.

(2) **ALTERNATE CERTIFICATION MECHANISM.**—

(A) **IN GENERAL.**—Except as provided in paragraph (3), in the event that the Secretary is unable to submit a certification in accordance with paragraph (1), the Secretary may submit to the appropriate congressional committees, in accordance with subparagraph (B), an alternate certification that certifies that the requirements of the section to which the original certification applies have been implemented through reforms that are substantially similar to the requirements of such section or accomplish the same purposes as the requirements of such section.

(B) **EQUIVALENCY.**—Reforms are substantially similar or accomplish the same purposes if—

(i) such reforms are formally adopted in written form by the entity or committee of the United Nations or of its specialized agency that has authority to enact or implement such reforms or are issued by the Secretariat or the appropriate entity or committee in written form; and

(ii) such reforms are not identical to the reforms required by a particular certification but in the determination of the Secretary will have the same, or nearly the same effect, as such reforms.

(C) **WRITTEN JUSTIFICATION AND CONSULTATION.**—

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

(ii) **CONSULTATION.**—After the Secretary has submitted the written justification under clause (i), but no later than 15 days before the Secretary exercises the alternate certification mechanism described under subparagraph (A), the Secretary shall consult with the appropriate congressional committees regarding such exercise.

(3) **LIMITED EXCEPTION FOR SUBSTANTIAL COMPLIANCE.**—

(A) **SUBSTANTIAL COMPLIANCE.**—Subject to subparagraph (B), if at least 32 of the 39 reforms represented by the ten certifications specified under paragraph (1) have been implemented, all such reforms (including the unimplemented reforms) so represented shall be deemed to have been implemented for the year in which the Secretary submits such certifications.

(B) **MANDATORY IMPLEMENTATION OF CERTAIN REFORMS.**—

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

(I) Subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 101(c) of this Act).

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

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

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

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

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

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

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

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

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

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

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

(XIII) Section 202(a)(1).

(XIV) Section 202(a)(2).

(ii) **FULL COMPLIANCE IN SUCCEEDING YEAR.**—If the unimplemented reforms under subparagraph (A) are not implemented in the year succeeding the year to which subparagraph (A) applies, the provisions of subsection (b) shall apply for such succeeding year.

(b) **WITHHOLDING OF UNITED STATES CONTRIBUTIONS TO REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (4) and in accordance with paragraph (2), until such time as all certifications (or alternate certifications) are submitted in accordance with subsection (a), the United States shall appropriate, but withhold from expenditure, 50 percent of the contributions of the United States to the regular assessed budget of the United Nations for a biennial period.

(2) **AVAILABLE UNTIL EXPENDED.**—The contributions appropriated but withheld from expenditure under paragraph (1) are authorized to remain available until expended.

(3) **APPLICATION WITH RESPECT TO SECTION 11(B) OF THE UNITED NATION PARTICIPATION ACT OF 1945.**—Until such time as all certifications (or alternate certifications) are submitted in accordance with subsection (a), subsection (b) of section 11 of the United Nations Participation Act of 1945 (as amended by section 101(c) of this Act) shall be administered as though such section reads as follows: “The Secretary may not make a contribution to a regularly assessed biennial budget of the United Nations in an amount greater than 11 percent of the amount calculable under subsection (c).”

(4) **SECTION 11(D)(3) OF UNITED NATIONS PARTICIPATION ACT OF 1945.**—

(A) **SPECIAL RULE.**—A certification under subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 101(c) of this Act) (relating to the 2008–2009 biennial period and subsequent biennial periods) shall not be required until such time as the United Nations makes its formal budget presentation for the 2008–2009 biennial period.

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

(c) **RELEASE OF FUNDS.**—At such time as all certifications (or alternate certifications) are submitted in accordance with subsection (a), the United States shall transfer to the United Nations amounts appropriated but withheld from expenditure under subsection (b).

(d) **ANNUAL REVIEWS.**—

(1) **IN GENERAL.**—The Secretary shall conduct annual reviews, beginning one year after the date on which the Secretary submits the final certification (or alternate certification) in accordance with subsection (a), to determine if the United Nations continues to remain in compliance with all such certifications (or alternate 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 (or an alternate certification) that was submitted in accordance with subsection (a), the 50 percent withholding described under subsection (b) shall re-apply with respect to United States contributions each fiscal year to the regular assessed budget of the United Nations beginning with the fiscal year immediately following such review and subsequent fiscal years until such time as all certifications (or alternate certifications) under subsection (a) have been submitted.

(e) EFFECTIVE DATE.—The certifications (or alternate certifications) specified under subsection (a) shall be required with respect to United States contributions towards payment of regular assessed dues of the United Nations for 2007 and subsequent years.

BACKGROUND AND PURPOSE

The Henry J. Hyde United Nations Reform Act of 2005 provides a comprehensive framework for implementing crucial reforms in the United Nations. Scandals involving the United Nations Oil-for-Food Program and United Nations specialized agencies such as the World Meteorological Society and the World Intellectual Property Organization, as well as alleged wrongdoing by high-level United Nations staff, have illustrated systemic weaknesses in the United Nations. Despite budgetary reform initiatives by the Secretary-General in 1997 and 2002, the regular assessed budget of the United Nations remains replete with outdated, obsolete programmatic mandates that continue to be funded, with little regard for prioritization of mandated initiatives by the General Assembly. Additionally, many programs currently funded through regular assessed dues would be better suited for voluntary funding, thereby increasing transparency, efficiency, and engendering a more results-oriented approach in implementation. Further, the undisputed deplorable state of the Commission on Human Rights, which allows countries such as Cuba and Sudan to act as arbiters of human rights, must no longer continue unchecked. Moreover, it is undeniable that the record of United Nations peacekeeping since the end of the Cold War has been tainted by disastrous operational failures and unconscionable acts of misconduct. Allegations of sexual exploitation, abuse, and rape by United Nations peacekeepers cannot go unaddressed. The Henry J. Hyde United Nations Reform Act of 2005 seeks to address these and other areas that are long overdue for serious, meaningful and practical reform.

History has evidenced that the United States Congress can prompt meaningful change at the United Nations by applying the power of the purse. Through the Kassebaum-Solomon amendment in 1985, Congress was able to use the power of the purse to promote budget accountability, as evidenced by the eventual implementation of consensus-based budgeting procedures. A Congressional directive in the Foreign Relations Authorization Act, FY94 and FY95, to withhold contributions unless an internal oversight structure was created, loomed when the United Nations established the Office of Internal Oversight Services. The Helms-Biden legislation in 1999 provided for the payment of arrearages to the United Nations if certain conditions, including reforms, were met. Here, once again, the United Nations was prompted into action by the United States Congress, the outstanding conditions were met, and arrearages were paid.

Reform, however, should not be a periodic event undertaken because of the threat of financial penalty. Rather, it should be an integral part of the culture of the United Nations, a body that was founded: “(1) To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; (2) To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; (3) To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and (4) To be a centre for harmonizing the actions of nations in the attainment of these common ends.” (*Excerpt from the United Nations Charter.*) With such crucial and laudable goals, it is incumbent upon the United Nations to continue to raise its own standards of performance and expectations of excellence for the world community that it serves. Yet, as recent history evidences, not only has it failed too often to meet the expectations of the world community, but it also lacks the political will and ability to enact the changes necessary to reform itself from within. When these unfortunate circumstances occur, the United States Congress must act. It must act, not only in the interest of the United States, but also in the interest of the betterment of the United Nations for the world community.

The Henry J. Hyde United Nations Reform Act of 2005 is designed with these goals in mind. The Act contains six titles: Mission and Budget of the United Nations, Human Rights and the Economic and Social Council, International Atomic Energy Agency, Peacekeeping, Department of State and Government Accountability Office, and Certifications and Withholding of Contributions.

SUMMARY

In the first title, the bill highlights the need to pursue a streamlined, efficient, effective and accountable regular assessed budget of the United Nations and to shift the funding mechanisms of certain organizational programs from the regular assessed budget to voluntarily funded programs. It specifies eighteen programs for shifting from assessed to voluntary funding and calls for the budgets of two additional programs, “Public Information” and “General Assembly Affairs and Conference Services,” to be streamlined. It also seeks to implement budget practices that would instill results-oriented methodologies upon which to measure effectiveness and relevance of programs, as well as to call for procedures to provide specific sunset dates for new programs.

Accountability is an overriding theme throughout the Act. The bill establishes an Independent Oversight Board and designates the Office of Internal Oversight Services as an independent entity, with a budget isolated from political influence, and robust authority to investigate at its own discretion and to provide whistle-blow-

er protection to United Nations employees offering information of wrongdoing. It also creates a United Nations Office of Ethics, which is responsible for establishing, and enforcing a code of ethics for all United Nations employees, and which requires much greater financial disclosure than that which presently exists. It establishes the position of Chief Operating Officer, and requires that Member States have access to all reports and audits by the Board of External Auditors.

It also addresses the withholding of financial support to those human rights treaty monitoring bodies or committees that the United States is a party to neither the underlying convention or international covenant, nor protocol.

Finally, Title I seeks equality at the United Nations by calling for the expansion of the Western European and Others Group (WEOG) to afford Israel permanent membership in this group with full rights and privileges. It calls for a Department of State review and assessment of the work performed by the various United Nations commissions, committees, and offices focusing exclusively on the Palestinian agenda, followed by the submission of a report to Congress recommending areas for reform, including proposals for the elimination by the United Nations of such duplicative entities and efforts. It also calls for withholding proportional U.S. contributions until such time as the recommendations are implemented.

Title II mandates that the United Nations adopt criteria for membership in current and future human rights bodies. Under these criteria, countries that fail to uphold the Universal Declaration of Human Rights would be ineligible for membership. Likewise, countries that are subject to sanctions by the Security Council, or are under a Security Council-mandated investigation for human rights abuses, or are the subject of country-specific human rights resolutions, would be ineligible for membership. In addition to other criteria, the bill mandates that no human rights body have a standing agenda item that relates only to one country or region. Title II also mandates that the membership criteria be adhered to in the Economic and Social Council, which is the body that selects the Commission on Human Rights' members, and that a recorded transparent vote take place on membership.

Title III seeks to strengthen the International Atomic Energy Agency (IAEA) by calling for the establishment of an Office of Compliance and a Special Committee on Safeguards and Verification. It also directs that U.S. voluntary contributions should primarily be used to fund activities relating to nuclear safety and security, or activities relating to nuclear verification. In addition, it directs the U.S. Permanent Representative to the IAEA to pursue membership reform of the Board of Governors that would bar countries that have not signed and ratified the Additional Protocol, or that are under investigation for a breach of, or noncompliance with, their IAEA obligations, or that are in violation of their IAEA obligations.

Title IV calls for peacekeeping reforms and mandates the withholding of U.S. support for new or expanded peacekeeping missions until the most critical, but immediately achievable, of those reforms are instituted. These reforms include the adoption of and training in a uniform Code of Conduct, and the creation of a database to track cases of misconduct to ensure that violators of the Code are permanently barred from peacekeeping operations. Two

additional reforms, the adoption of a Model Memorandum of Understanding and the establishment of independent investigative and audit functions for peacekeeping, must be certified by January 1, 2007.

Title V sets forth ways to improve budget practices by requiring budget justifications, consultations with Congress on budget changes, a review of new budgeting options and a review by the Government Accountability Office of the progress the United Nations is making on implementing reforms identified in various United Nations management reports.

Title VI provides various levers to encourage the United Nations to enact reforms, including the withholding of 50 percent of U.S. assessed dues if the Secretary of State cannot make certifications that the United Nations has accomplished certain reforms in key areas. The title also mandates annual reviews by the Secretary of State to ensure that the United Nations remains in compliance with the mandated reforms and to require the withholding of 50 percent of U.S. assessed dues if the United Nations fails to maintain compliance with the reform provisions in the Henry J. Hyde United Nations Reform Act of 2005.

HEARINGS

The Committee and its Subcommittees has held numerous hearings on United Nations issues. Last year, the Full Committee held two hearings on the Oil-for-Food Program. The first, on April 28, 2004, "The United Nations Oil-for-Food Program: Issues of Accountability and Transparency," had six private witnesses giving testimony: Howar Zaid, United Nations Liaison Office; Danielle Pletka, American Enterprise Institute; Claudia Rosett, Foundation for the Defense of Democracies; Dr. John G. Ruggie, Harvard University; Michael Soussan, former coordinator of the Oil-for-Food Program; and Joseph A. Christoff, Government Accountability Office. The other hearing, entitled, "The Oil-for-Food Program: Tracking the Funds," was held on November 17, 2004. Testimony was received from: Charles A. Duelfer, Special Advisor to the Director of Central Intelligence on Iraq's Weapons of Mass Destruction, Central Intelligence Agency; and Everett Schenk, Chief Executive Officer, BNP-Paribas, North America.

The Full Committee held two hearings earlier this year. The first was held on March 15, 2005, and was entitled, "U.N. Reform: Challenges and Prospects." Testimony was received from: Richard C. Holbrooke, former U.S. Permanent Representative to the United Nations; Jeane J. Kirkpatrick, former U.S. Permanent Representative to the United Nations; and Richard S. Williamson, former U.S. Alternate Representative for Special Political Affairs in the United Nations. The second hearing, "Reforming the United Nations: Budget and Management Perspectives" was held on May 19, 2005. Testimony was heard from: Dr. Mark Lagon, Deputy Assistant Secretary, Bureau of International Organization Affairs, U.S. Department of State; Catherine Bertini, Former Under-Secretary General for Management, United Nations; and the President of the United Nations Foundation, former Senator Tim Wirth.

The Subcommittee on Africa, Global Human Rights and International Operations held three hearings on issues related to the United Nations Reform Act. The first was held on March 1, 2005,

and entitled, "United Nations Organization Mission in the Democratic Republic of Congo: A Case for Peacekeeping Reform." Testimony was received from: Hon. Kim Holmes, Assistant Secretary, Bureau of International Organization Affairs, U.S. Department of State; Hon. Princeton N. Lyman, Former Assistant Secretary of State for International Organization Affairs; Dr. Nile Gardiner, The Heritage Foundation; and Anneke Van Woudenberg, Human Rights Watch. On April 19, 2005, the Subcommittee held a hearing entitled, "The United Nations Commission on Human Rights: Protector or Accomplice?" with Assistant Secretary-General Danilo Turk of the Department of Political Affairs at the United Nations testifying. On May 18, 2005, the Subcommittee held a hearing entitled, "U.N. Peacekeeping Reform: Seeking Greater Accountability and Integrity." Testimony was received from: Philo L. Dibble, Principal Deputy Assistant Secretary, Bureau of Organization Affairs, U.S. Department of State; Eric Schwartz of the Council on Foreign Relations; and Victoria Holt of the Henry L. Stimson Center.

The Subcommittee on Oversight and Investigations held numerous hearings on United Nations-related issues. The first, on February 9, 2005, was entitled, "The Volcker Interim Report on United Nations Oil-for-Food Program." Testimony was received from: former Secretary of State Henry Kissinger; former Ambassador Dennis Ross; Dr. Zaid Asali, of the American Task Force on Palestine; and Danielle Pletka of the American Enterprise Institute. The second hearing, entitled, "United Nations Operations: Integrity and Accountability," was held on March 2, 2005. Testimony was heard from the following witnesses: Patrick F. Kennedy, Ambassador to the United Nations for Management and Reform, U.S. Mission to the U.N.; and Joseph A. Christoff, Government Accountability Office. The Subcommittee held another U.N.-related hearing, "The United Nations Oil-for-Food Program: The Cotecna and Saybolt Inspection Firms" on March 17, 2005. Testimony was received from three private witnesses: John Denson of the Saybolt Group, Houston Texas; Dr. Rehan Mullick, Former Research Officer for the United Nations Office of the Humanitarian Coordinator in Iraq; and Evelyn Suarez, an attorney representing Cotecna S.A. The final U.N.-related hearing held by the Subcommittee, "The Role of BNP-Paribas SA in the United Nations Oil-for-Food Program," was held on April 28, 2005. Testimony was heard from several officials of BNP-Paribas SA: Everett Schenck, Patricia Herbert, William Vassallo, and Harold Lehmann.

The Subcommittee on International Terrorism and Nonproliferation held a hearing on March 17, 2005, on terrorism issues related to the U.N. Testimony at this hearing, "The United Nations and the Fight Against Terrorism," was heard from the following: Victor Comras, former member of the United Nations al-Qaeda monitoring group; and Anne Bayefsky, The Hudson Institute.

COMMITTEE CONSIDERATION

On June 8, 2005, the International Relations Committee marked up the bill, H.R. 2745, pursuant to notice, in open session. The Committee agreed to a motion offered by Chairman Hyde to favorably report the bill, as amended, to the House of Representatives, by a record vote of 25 ayes to 22 nays, a quorum being present. During the markup, three amendments were offered. The first, of-

ferred by Mr. Lantos, was an amendment in the nature of a substitute. It was defeated by a record vote of 23 ayes to 24 noes. The second amendment, offered by Mr. Leach, regarding expansion of the United Nations Security Council, was withdrawn. The third amendment, offered by Mr. Paul, to terminate U.S. participation in the United Nations, was defeated by a record vote of 3 ayes to 39 nays, with one voting “present.” A unanimous consent request was made to change the title of the bill to “The Henry J. Hyde United Nations Reform Act of 2005.” There was no objection.

ROLL CALL VOTES

Clause (3)(b) of rule XIII of the Rules of the House of Representatives requires that the results of each record vote on an amendment or motion to report, together with the names of those voting for or against, be printed in the committee report. The following record votes occurred during consideration of H.R. 2745:

Vote #1—Lantos Substitute Amendment

Voting aye: Leach, Paul, Lantos, Berman, Ackerman, Faleomavaega, Payne, Brown, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), Chandler, and Cardoza

Voting no: Hyde, Smith (NJ), Gallegly, Ros-Lehtinen, Rohrabacher, Royce, King, Chabot, Tancredo, Issa, Flake, Davis, Green, Weller, Pence, McCotter, Harris, Wilson, Boozman, Barrett, Mack, Fortenberry, McCaul and Poe

Ayes 23. Noes 24.

Vote #2—Paul Amendment—U.S. Out of the United Nations

Voting aye: Paul, Wilson, Barrett

Voting no: Leach, Smith (NJ), Gallegly, Ros-Lehtinen, King, Chabot, Issa, Flake, Davis, Green, Weller, Pence, McCotter, Harris, Boozman, Mack, Fortenberry, McCaul, Poe, Lantos, Berman, Ackerman, Faleomavaega, Payne, Brown, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), Chandler, and Cardoza

Voting “Present”: Rohrabacher

Ayes 3. Noes 39. Present 1.

Vote #3—Report favorably H.R. 2745 to the House, as Amended

Voting aye: Hyde, Smith (NJ), Gallegly, Ros-Lehtinen, Rohrabacher, Royce, King, Chabot, Tancredo, Issa, Flake, Davis, Green, Weller, Pence, McCotter, Harris, Wilson, Boozman, Barrett, Mack, Fortenberry, McCaul, Poe, Berkley

Voting no: Leach, Paul, Lantos, Berman, Ackerman, Faleomavaega, Payne, Brown, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Blumenauer, Napolitano, Schiff, Watson, Smith (WA), Chandler, and Cardoza

Ayes 25. Noes 22.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activi-

ties under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 9, 2005.

Hon. HENRY J. HYDE, *Chairman,*
Committee on International Relations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2745, the Henry J. Hyde United Nations Reform Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte, who can be reached at 226-2840.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable Tom Lantos,
Ranking Member

H.R. 2745—Henry J. Hyde United Nations Reform Act of 2005.

H.R. 2745 would require the Secretary of State to press for many changes at the United Nations. The bill also would require the Secretary to withhold 50 percent of the U.S. assessed contributions to the regular budget of the United Nations, starting in 2007, if the Secretary is unable to certify that certain conditions have been met. The bill would not authorize appropriations for assessed contributions to the United Nations' budget. In 2005, CBO estimates that \$362 million will be spent on such assessments from current appropriations; for 2006, the President has requested that Congress appropriate \$439 million for those costs.

CBO has no basis for predicting whether or when all the necessary certifications would be made. If the Secretary is able to make all certifications in a timely manner, assessments would not be withheld, and implementation of the bill would have no impact on spending subject to appropriation. Alternatively, if certifications cannot be made and 50 percent of assessments are withheld, such discretionary spending would be about \$187 million lower in 2007 and about \$769 million lower over the 2007–2010 period—relative to expected scheduled payments under the current-law baseline. The bill would not affect direct spending or revenues.

Among the many changes specified by the bill, it would require the Secretary of State to press the United Nations to:

- Reduce and streamline its regular budget,

- Increase internal oversight and auditing,
- Establish a position of Chief Operating Officer,
- Create an Office of Ethics,
- Prohibit membership in any United Nations human rights body to countries that violate human rights,
- Adopt a uniform and enforceable code of conduct for United Nations peacekeepers, and
- Strengthen the compliance and enforcement capabilities at the International Atomic Energy Agency.

H.R. 2745 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

PERFORMANCE GOALS AND OBJECTIVES

The goals and objectives of this legislation are to provide fundamental reforms for the United Nations across a broad set of issues, including the areas of budget, oversight, accountability and human rights.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article 1, section 8, of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title and Table of Contents

This Act may be cited as the “Henry J. Hyde United Nations Reform Act of 2005.”

Section 2. Definitions

Section 2 defines terms used in the Act.

Section 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. To this end, the following Act seeks to reform the United Nations.

TITLE I—MISSION AND BUDGET OF THE UNITED NATIONS

Section 101. United States Financial Contributions to the United Nations

Section 101 (a) Statements of Policy. This subsection states that it shall be the policy of the United States to use its voice, vote and influence at the United Nations to pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations; and to shift funding mechanisms of eighteen organizational programs of the United Nations from the regular assessed budget to voluntarily funded programs. In order to pursue a more streamlined, efficient accountable regular assessed budget, it also states that it shall be the policy of the United States to redirect contributions to achieve certain policy objectives and to redirect a portion of funds from two United Nations organizational programs: 1) Pub-

lic Information; and 2) General Assembly affairs and conference services. In addition, this provision states that it shall be the policy of the United States to use its voice, vote, and influence at the United Nations to ensure that future biennial budgets of the United Nations reflect the shift in funding mechanisms described above.

The eighteen organizational programs identified for shifting include: (1) Economic and Social Affairs; (2) Least-developed countries, landlocked developing countries and small island developing States; (3) United Nations support for the New Partnership for Africa's Development; (4) Trade and development; (5) International trade Center UNCTAD/WTO; (6) Environment; (7) Human Settlements; (8) Crime prevention and criminal justice; (9) International drug control; (10) Economic and social development in Africa; (11) Economic and social development in Asia and the Pacific; (12) Economic development in Europe; (13) Economic and social development in Latin America and the Caribbean; (14) Economic and social development in Western Asia; (15) Regular program of technical cooperation; (16) Development account; (17) Protection of and assistance to refugees; and (18) Palestine refugees.

It is imperative for the United Nations to produce a streamlined, efficient accountable United Nations regular assessed budget. Steps can and must be taken by the United Nations to achieve such a budget. To assist the United Nations in achieving this goal, the Committee has identified programs to be streamlined (Public Information and General Assembly affairs and conference services) and eighteen programs to be shifted from the regular assessed budget to voluntarily funded programs. Voluntarily funded programs are known to be more results-oriented, efficient, and transparent. Further, by shifting programs from the regular assessed budget to voluntarily funded programs, the United Nations regular assessed budget decreases for all Member States, while allowing Member States more control over where contributions are directed.

Section 101 (b) Authorization with Respect to the Regular Assessed Budget of the United Nations. This subsection authorizes the Secretary of State ("Secretary ") to make contributions toward the amount assessed to the United States by the United Nations for purposes of funding the regular assessed budget subject to the amendment made by subsection (c).

Section 101 (c) United States Financial Contributions to the United Nations. This subsection amends Section 11 of the United Nations Participation Act of 1945 to implement the policies stated in subsection (a). It provides the mechanism to implement the shifting of programs from the assessed budget to voluntarily funded programs; addresses the budget issues of two United Nations organizational programs (Public Information and General Assembly affairs and conference services), and bars the Secretary from contributing to the United Nations regular assessed budget for annual United States assessed contributions an amount greater than 22 percent of the United Nations regular assessed budget.

This subsection restates the eighteen regular assessed programs identified for shifting to voluntarily funded programs. It states that if one or more of these programs have not been shifted by 2008, the amount of funds assessed to the United States for unshifted programs shall be redirected to priority areas as follows: subject to

Congressional notification, not more than 40 percent of the funds shall be redirected to Internal Oversight programs, Human Rights programs (particularly to assist in strengthening field operation activities of the Office of the High Commissioner for Human Rights to enable human rights monitors to have a greater presence in areas such as Darfur and the Democratic Republic of the Congo), and Humanitarian Assistance programs. In addition, the Secretary is afforded the flexibility to make voluntary contributions to sixteen of the eighteen identified programs, not to exceed 10 percent of the 40 percent total. (This exception excludes "Protection of and assistance to refugees," and "Palestine refugees," because funding for refugee programs is drawn from a separate funding account, the Migration and Refugee Assistance account.) The remaining amounts are to be expended as contributions to voluntarily funded United Nations specialized agencies, funds, or programs, such as the United Nations Development Program, refugee programs administered by the United Nations High Commissioner for Refugees, the World Food Programme, and any recently shifted programs.

This subsection allows a reasonable amount of time, more than 2 years, for the United Nations to act on the shifting of programs from regular assessed to voluntarily funded programs. If there are programs that have not been shifted, the remaining programs would be subject to the funding parameters set out in this subsection. It should be noted that, of the identified programs, the Committee believes that certain programs, such as "International Drug Control" should continue to be strongly supported as voluntarily funded programs.

This subsection also mandates that if the budgets for the two United Nations organizational programs (Public Information and General Assembly Affairs and Conference Services) are not each reduced by 10 percent in 2007, the United States shall redirect 20 percent of its assessed contributions for these programs to Internal Oversight programs, Human Rights programs, and Humanitarian Assistance programs. Further, in accordance with section 601, in 2008 a certification is required by the Secretary that the United Nations Public Information and General Assembly Affairs and Conference Services budgets are each reduced by 20 percent.

The Committee notes that General Assembly Affairs and Conference Services accounts for approximately 20 percent of the assessed regular budget (\$280 million per year). Some conferences cost upwards of \$7,000–\$8,000 per hour because of, among other things, interpreter, translation and documentation costs. Calls for streamlining and scaling back conferences have been heard throughout the years, but the United Nations has done little to address this issue. Likewise, the Committee notes that the Department of Public Information could better utilize available technologies and continue to consolidate United Nations Information Centers around the world to achieve greater efficiency and decreased operational costs.

Section 101 (d) Effective Date. This subsection states that the amendment made by subsection (c) shall take effect and apply beginning in October 1, 2006.

The Committee intends that this provision come into effect October 1, 2006. However, per the provision, funding implications do not arise until funding requests are made for payment toward the

United States assessed dues for the 2007 United Nations regular assessed budget.

Section 102. Weighted Voting

This section states that it shall be the policy of the United States to actively pursue weighted voting with respect to all budgetary and financial matters in the Administrative and Budgetary Committee (5th Committee) and in the General Assembly in accordance with the level of financial contributions of Member States to the regular assessed budget of the United Nations.

Section 103. Budget Certifications Requirements

In accordance with section 601, this section requires the Secretary to certify that the United Nation's biennial budget is maintained at the approved level, and should increases be necessary, they may not exceed 10 percent. It also requires the United Nations budget to be more transparent by requiring more details on the budget categories such as travel or equipment. The provision also requires managers to follow rules of performance-based budgeting and program evaluation. This certification also verifies that the Secretary General is assessing budget requests on the basis of evaluations on the programs' relevance and effectiveness and is reporting to the General Assembly programs that meet the criteria for continued support or termination. The final required certification is that the United Nations is following a procedure in which all new programs approved by the General Assembly have a specific sunset date.

While these ideas are not new, they are important and warrant inclusion in this bill. By including this provision, the Committee seeks to strengthen the resolve of the General Assembly and the Secretariat to incorporate modern budget practices and systems that allow for subjective assessments of the organizations' performance. Incorporating such practices will over time, vastly improve the accountability and effectiveness of the United Nations.

Section 104. Accountability

Section 104 (a) Certification of Creation of Independent Oversight Board. In accordance with section 601, certification is required by the Secretary that the United Nations has created an Independent Oversight Board (IOB). The IOB must be an independent entity within the United Nations and not subject to budget or organizational authority of any United Nations entity other than the General Assembly, which will include in its budget all funds for the IOB. The Director of the IOB will be nominated by the Secretary General and approved by a majority vote of the Security Council. The IOB will consist of a total of five members (four others in addition to the Director), and all shall be appointed in the same manner as the Director. The IOB will be responsible for overseeing the audit plans and recommending the annual budgets of the Office of Internal Oversight Services (OIOS) and the Board of External Auditors. In special circumstances, the IOB may appoint a special investigator and staff to investigate matters involving senior United Nations officials.

Section 104 (b) Certification of United Nations Reforms of the OIOS. In accordance with section 601, certification is required by

the Secretary that the United Nations has designated the OIOS as an independent entity within the United Nations, with the exception of the OIOS' relationship with the IOB and the General Assembly. The OIOS will receive all of its operating funds through the United Nations regular budget and shall not be dependent on any other entity within the United Nations for such funding. The OIOS may initiate and conduct an investigation or audit of any entity or employee of the United Nations. OIOS must establish whistle-blower protection for all employees of the United Nations. The Director of the OIOS must establish three Associate Directors of the OIOS: Associate Director for Specialized Agencies; Associate Director for Peacekeeping Operations; and Associate Director for Procurement and Contract Integrity. Each Associate Director will be responsible for specialized review of each of their areas of concern.

As defined in Section 2 (8), for the purposes of the Act, Specialized Agencies of the United Nations shall include the: Food and Agriculture Organization of the United Nations (FAO); International Atomic Energy Agency (IAEA); International Civil Aviation Organization (ICAO); International Fund for Agricultural Development (IFAD); International Labor Organization (ILO); International Maritime Organization (IMO); International Telecommunication Union (ITU); United Nations Educational, Scientific, and Cultural Organization (UNESCO); United Nations Industrial Development Organization (UNIDO); Universal Postal Union (UPU); World Health Organization (WHO); World Meteorological Organization (WMO); and the World Intellectual Property Organization (WIPO).

Section 104 (c) Certification of Establishment of United Nations Office of Ethics. In accordance with section 601, certification is required by the Secretary that the United Nations has created an Office of Ethics (UNEO) which shall be responsible for creating and managing a Code of Ethics for all United Nations employees, including making policy, providing education and annual training, and overseeing and enforcing the implantation of the Code. The UNEO will receive all of its operating funds through appropriations from the General Assembly and shall not be dependent on any other entity within the United Nations for such funding. The Director of the UNEO must report on proposals for implementing a system for the filing and review of annual financial disclosure forms for all United Nations employees at the P-5 level and above, as well as for all consultants compensated at any salary level. This system for filing financial disclosure forms must be in place and operational not later than 6 months after the date of the publication of the report by the Director of the UNEO.

The Director will also include in his report the following proposals for making public: all salaries for, and payments to, United Nations employees—including, but not limited to, pensions and buyouts; annual payments to consultants; and travel and per diem rates and payments for all United Nations employees. The ethics system will also 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.

Section 104 (d) Certification of Establishment of Position of Chief Operating Officer. In accordance with section 601, certification is required by the Secretary that the United Nations has created the

position of Chief Operating Officer (COO). The COO shall report to the Secretary General, and will be responsible for the daily administration, operation and supervision, as well as the direction and control of the business of the United Nations.

Section 104 (e) Certification of Access by Member States to Reports and Audits by Board of External Auditors. In accordance with section 601, certification is required by the Secretary that Member States, upon request, are granted access to all reports and audits of the Board of External Auditors.

The Committee has been investigating the United Nations Oil-for-Food program (OFFP) since March 2004. To date, the Full Committee has held two public hearings, and the Subcommittee on Oversight and Investigations has held four public hearings into the OFFP. The Committee investigations into the OFFP in particular, and United Nations mismanagement in general, are ongoing. During the course of this investigation, it has become apparent that operations at the United Nations were not well-managed, and were subject to serious ethical lapses.

Specifically, the oversight of the OFFP was undercut by weak institutional oversight organization and management structures within the United Nations. The Office of Internal Oversight Services (OIOS) was denied adequate funding, manpower, and access needed to properly audit the OFFP. To be effective, OIOS and auditing functions in general need greater independence within the United Nations management structure. Increased oversight and accountability is needed throughout the United Nations, ranging from contracting to employee financial disclosure statements as part of the establishment of a broader ethics Code of Conduct for United Nations employees and contractors.

Section 105. Terrorism and the United Nations

This section translates into an actionable item based on the recommendations of the Secretary General's High-Level Panel on Threats, Challenges, and Change regarding the need for a comprehensive universal definition of terrorism. It establishes a directive for the U.S. Permanent Representative to the United Nations ("Permanent Representative ") to work toward the adoption by the United Nations General Assembly of: (1) a terrorism definition that includes any action intended to cause death or serious bodily harm to civilians for the purpose of intimidation or coercion of populations, governments, or international organizations; and (2) a convention on terrorism that includes such a definition.

Section 106. United Nations Treaty Bodies

This section states that the United States shall withhold contributions to the regular assessed budget of the United Nations for amounts proportional to the percentage of such budget that are expended for support of United Nations human rights treaty monitoring bodies or committees to which the United States is a party to neither a convention or international covenant nor a subsequent protocol of a particular monitoring body or committee.

The purpose of this section is to withhold financial support to those human rights treaty monitoring bodies or committees that the United States is a party to neither the underlying convention nor international covenant, nor to the protocol. The withholding of

funds is not to be interpreted as barring United States participation in discussions and negotiations in such committees.

Section 107. Equality at the United Nations

This section seeks to end the discrimination of Israel in the United Nations system and ensure fairness and objectivity in the United Nations handling of Israeli-Palestinian issues.

Section 107 (a) Inclusion of Israel in WEOG. This subsection calls for the expansion of the Western European and Others Group (WEOG) to afford Israel permanent membership in this group with full rights and privileges. At the United Nations, regional groups nominate members for election to United Nations bodies. Asian countries have declined to admit Israel into their natural geographic group due to objections by Arab countries, depriving Israel of the possibility of representation in U.N. bodies. In 2000, Israel was admitted to the Western and Others Group in New York, on condition that it not stand for election to the Security Council and continue to seek membership in the Asian group. Israel's membership to the WEOG is severely limited. Every 4 years Israel has to reapply for membership, since its status is only temporary. Israel is not allowed to present candidacies for open seats in any United Nations body and is not able to compete for seats in major U.N. bodies. Israel is only allowed to participate in WEOG activities in the New York office of the United Nations, and is excluded from WEOG discussion and consultations at the United Nations offices in Geneva, Nairobi, Rome and Vienna. Therefore, Israel cannot participate in United Nations conferences on human rights, racism and a number of other issues handled in these offices.

Section 107 (b) Department of State Review and Report. This subsection calls for a Department of State review and assessment of the work performed by the various United Nations commissions, committees, and offices focusing exclusively on the Palestinian agenda, followed by the submission of a report to the appropriate congressional committees recommending areas for reform, including proposals for the elimination by the United Nations of such duplicative entities and efforts. The General Assembly has created two committees which focus negatively on Israeli actions and protectively on the Palestinians: the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, and the Committee on the Exercise of the Inalienable Rights of the Palestinian People. These are in addition to the several organizations within the United Nations framework that deal with the West Bank and Gaza Strip.

Section 107 (c) Implementation by Permanent Representative. This subsection calls for the Permanent Representative to seek the implementation of the recommendations made by the Department of State in subsection (b) and to withhold proportional U.S. contributions to the United Nations until such time as the recommendations are implemented. The objective of this section is to ensure United Nations compliance with U.S. efforts to improve the efficiency of that body.

Section 107 (d) GAO Audit. This subsection calls for a Government Accountability Office (GAO) audit of the implementation of such reform proposals to ensure a third-party audit of these efforts.

In every session, the General Assembly devotes more condemnatory resolutions to Israel than to any other country or issue. Moreover, the Arab-Israeli conflict has been the subject of more Emergency Special Sessions of the Assembly than any other issue, with these often marred by one-sided denunciations of Israel.

Severe limitations have been increasingly placed on Israel's membership at the United Nations. Israel is denied the ability to serve or run for leadership positions in multiple United Nations bodies and affiliated agencies. While Israel was accepted as a temporary member of the Western European and Others Group, it is not allowed to present candidacies for open seats in any United Nations body, or able to compete for major United Nations bodies. Israel is excluded from consultations at United Nations offices in Geneva, Nairobi, Rome and Vienna. As long as the United Nations institutionalized reliance on the regional system continues, its members are obliged—by the principles of its charter—to find a solution to the discrimination against Israel. The WEOG states can do so without sacrificing their vital interests.

There are several United Nations groups devoted to "Palestinian Rights," and there is disproportionate representation of Palestinian issues through committees and commissions such as: the "U.N. Division for Palestinian Rights"; a "Committee on the Exercise of the Inalienable Rights of the Palestinian People"; "U.N. Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority"; and the "NGO Network on the Question of Palestine."

In response to this disparity, this section requires that the Secretary of State report to Congress on the elimination by the United Nations of such duplicative entities and efforts. It also requires that the U.S. Permanent Representative to the United Nations implement the recommendations of that report, and requires the withholding of proportional U.S. contributions to the United Nations until such time as the recommendations are implemented.

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

Section 201. Human Rights

Section 201 (a) Statement of Policy. This subsection states that 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.

Section 201 (b) Human Rights Reforms at the United Nations. This subsection states that the President shall direct the Permanent Representative 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 in any United Nations human rights

body; (3) a Member State that is currently subject to an adopted country-specific resolution relating to human rights abuses perpetrated by the government of such country in such country, or has been the subject of such an adopted country-specific resolution within the past 3 years shall be ineligible for membership in any United Nations human rights body; (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 in such body; and (5) no human rights body has a standing agenda item that relates only to one country or one region.

The purpose of this section is to address the deplorable state of the current Commission on Human Rights. Violator countries such as Cuba and Sudan, who are current members, should not be arbitrators of human rights. This provision addresses minimum standards for membership in any current or future human rights body at the United Nations. Regarding the first criterion, "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," the Committee intends that such statement be adopted by the United Nations, as a foundational principle. The adoption of such a statement allows United States representatives to the United Nations a basis upon which to challenge a proposed candidate for membership on a human rights body that does not uphold the values embodied in the Universal Declaration of Human Rights.

Section 201(c) Certification. In accordance with section 601, a certification is required by the Secretary that the human rights reforms in subsection (b) have been adopted by the United Nations.

Section 201 (d) Prevention of Abuse of "No Action" Motions. This subsection states that the Permanent Representative shall work to prevent abuse of "no action" motions, particularly as such motions relate to country specific resolutions.

The purpose of this provision is to address the rising abuse of "no action" motions in the Commission on Human Rights. A successful no action motion prevents debate on the merits of resolutions, and prevents a vote on a resolution. In 2004, there were successful no action motions on resolutions relating to China and Zimbabwe. In 2004 and 2005 no action motions on the human rights situation in Belarus were considered, but defeated. The Committee maintains that human rights resolutions, particularly country-specific resolutions deserve a full debate on the merits and a vote on final adoption.

Section 201 (e) Office of the United Nations High Commissioner for Human Rights. This subsection states that the United States shall continue to strongly support the Office of the High Commissioner for Human Rights. Additionally, in accordance with section 601, a certification by the Secretary is required 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, and in the Democratic Republic of the Congo.

Section 202. Economic and Social Council (ECOSOC)

Section 202 (a) Statement of Policy. This subsection states that 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; (2) ensure that, until such time as the Commission on Human Rights is abolished, only countries that are not ineligible for membership, per section 201(b), shall be considered for membership; 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.

Section 202 (b) Certification. In accordance with section 601, the Secretary shall certify that the policies described in subsection (a) have been implemented.

ECOSOC is the United Nations body in which members of the Commission on Human Rights are selected. Therefore, condemnable membership selection must be addressed in ECOSOC, long before the Commission on Human Rights convenes for its annual meeting in Geneva, Switzerland. This provision seeks to ensure that membership criteria addressed in the human rights provision (201(b)) are adhered to in the body of selection, and that there is transparency in the selection process.

TITLE III—INTERNATIONAL ATOMIC ENERGY AGENCY

Section 301. International Atomic Energy Agency

Section 301 (a) Enforcement and Compliance. This subsection establishes a directive for the U.S. to seek the establishment of: (1) an Office of Compliance and Enforcement within the Secretariat of the IAEA to function as an independent body of technical experts that will assess the activities of Member States and recommend specific penalties for those that are in breach or violation of their obligations; and (2) a Special Committee on Safeguards and Verification to advise the IAEA Board of Governors on additional measures necessary to enhance the agency's ability to detect undeclared activities by Member States. Consideration should be given to the creation of individual enforcement mechanisms within the IAEA. This subsection also calls on the U.S. Permanent Representative to the IAEA to seek the suspension of privileges for Member States that are under investigation, or are in breach or non-compliance of their obligations. The IAEA must prevent countries that are in noncompliance from serving on the Board.

Section 301 (b) United States Contributions. This subsection reinforces U.S. priorities concerning the safety of nuclear materials and counterproliferation by: (1) calling for U.S. voluntary contributions to the IAEA to exclusively fund activities relating to Nuclear Security or Nuclear Verification; (2) directing the U.S. Permanent Representative to the IAEA to ensure that funds for safeguards inspections are prioritized to focus on countries of proliferation concern, and to prevent state sponsors of terrorism, proliferators, and countries under IAEA investigation from benefiting from certain IAEA assistance programs; and (3) ensuring transparency in the IAEA budget process by calling for a detailed breakdown of expenditures for safeguards inspections and nuclear security activities. U.S. contributions to the IAEA should focus on enhancing safeguards and inspections, as well as efforts relating to nuclear safety and security, rather than providing technical assistance in the agricultural, medical, and other sectors.

Section 301 (c) Membership. This subsection calls on the U.S. Permanent Representative to the IAEA to: (1) block membership on the Board of Governors to countries that are under investigation or in violation of their obligations and have not signed or ratified the Additional Protocol; and (2) work toward the establishment of Board membership criteria that reflect such priorities. Countries that are in non-compliance of their obligations under international agreements and in violation of the rules that serve as the basis for individual United Nations bodies cannot and must not be entrusted with the enforcement of those very rules and obligations. They should be held accountable through suspension of privileges and denial of certain assistance.

Section 301 (d) Report. This subsection calls for a report on the status of implementation of this section 6 months after enactment and annually for 2 years thereafter.

Section 302. Sense of Congress Regarding the Nuclear Security Action Plan of the IAEA

This section expresses 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 should recommend, and the General Conference should adopt, a resolution incorporating the Nuclear Security Action Plan into the regular budget of the IAEA.

In recent years, several developments have highlighted the dual dangers posed by terrorism and proliferation of deadly unconventional weapons and the confluence of the two. This has been articulated in the National Security Strategy of the United States (2002), in which President Bush summarized: “The gravest danger our Nation faces lies at the crossroads of radicalism and technology. Our enemies have openly declared that they are seeking weapons of mass destruction, and evidence indicates that they are doing so with determination. The United States will not allow these efforts to succeed.”

In addition, the discovery of the A.Q. Khan nuclear black market network, Iran’s unreported nuclear activities (including secret uranium enrichment facilities), the withdrawal of North Korea from the nuclear nonproliferation treaty in April 2003, and the discovery of Libya’s covert nuclear weapons program, renounced in December 2003, have heightened concerns. These concerns focus on the propensity for rogue states to develop a nuclear weapons capability and the potential for non-state actors participating in the global terrorism network to attain technology, expertise, and nuclear materials that could be used for nuclear-related terrorism.

The United States has repeatedly viewed the IAEA as a vital component of U.S. strategies to address these threats. This title translates policy recommendations into concrete actions to achieve U.S. proliferation and terrorism goals.

TITLE IV—PEACEKEEPING

Section 401. Sense of Congress Regarding Reform of United Nations Peacekeeping Operations

This section expresses the Sense of Congress that although United Nations peacekeeping operations have contributed greatly

toward the promotion of peace and stability, the credibility of United Nations peacekeeping has been severely tarnished by operational failures and unconscionable acts of misconduct. To restore that credibility, fundamental and far-reaching reforms must be implemented without delay.

Section 402. Statement of Policy Relating to Reform of United Nations Peacekeeping Operations

This section states that 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; (2) conduct and discipline; and (3) peacebuilding.

Subsection (1)(A) recognizes that the size, cost and number of United Nations peacekeeping missions have increased substantially over the past decade and calls for a global audit of such missions with a view toward “right-sizing” and ensuring that they are cost effective. The Committee recommends that this audit should be conducted in conjunction with a comprehensive review of all mandates, as described in subsection (B).

Subsection (1)(B) calls for a comprehensive review of all mandates to identify objectives which are practical and achievable. Duties which fall beyond the scope of traditional peacekeeping, including the conduct of elections and post-conflict reconstruction, should be tasked to a new Peacebuilding Commission. Long-standing missions which are static and cannot fulfill their mandate, such as the United Nations Mission for the Referendum in Western Sahara (MINURSO), should be closed. Where the complete withdrawal of peacekeepers is likely to result in the resumption of major conflict, the budgeting principle utilized by the United Nations Peacekeeping Force in Cyprus (UNFICYP)—which draws, in part, upon voluntary contributions—should be applied.

Subsection (1)(C) calls for the adoption of a minimum standard of qualifications for senior leaders and managers, with a particular emphasis on specific skills and experience. In response to the August 2000 “Report of the Panel on United Nations Peace Operations,” also known as the “Brahimi Report,” the Secretary General formed a Senior Appointments Group to establish a leadership profile and generate a list of “eminent persons” and senior United Nations personnel available for rapid deployment. The Special Committee on Peacekeeping, however, rejected Brahimi’s emphasis on managerial skills and experience, alternatively favoring “political considerations.” The Committee finds that as missions become larger and increasingly complex, the need for real talent in management positions becomes critical. A minimum standard of qualifications, including diplomatic, managerial, and decision-making skill in complex emergencies, should be established, and Special Representatives, Senior Managers, and Force Commanders who do not meet those standards should be removed.

Subsection (1)(D) calls for mandatory pre-deployment training on interpretation of the mandate of an operation—particularly in the areas of use of force, civilian protection and field conditions—the Code of Conduct, HIV/AIDS and human rights. It also stipulates that all personnel should be required to sign an oath that they have received such training and understand that violating the Code of Conduct may result in immediate termination of their United

Nations assignment. The Committee acknowledges that the conduct of “pre-deployment training” for peacekeepers already serving in the field clearly would not be possible. To this end, such training should be conducted prior to any new deployments or redeployments. Further, training should be conducted for those who already have been deployed but not trained. Both current and future peacekeeping personnel should sign the oath required under this subsection.

Subsection (2)(A) calls for the adoption of a single uniform Code of Conduct that has the status of a binding rule and applies equally to all personnel regardless of category or rank. The Committee recognizes that a major contributing factor to the problem in addressing misconduct is compounded by the fact that it currently is governed by 14 different bulletins, directives, guidelines, and undertakings which apply to up to five distinct categories of personnel. To this end, and consistent with the recommendations contained in the “Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations” (A/59/710, hereinafter cited the Prince Zeid Report), the Committee asserts that the General Assembly should formally adopt a single, uniform Code of Conduct, based on the principles contained in the Secretary General’s bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13), “Ten Rules: Code of Personal Conduct for Blue Helmets,” and “We Are United Nations Peacekeepers,” which applies to all categories of personnel. The Committee recommends that this Code of Conduct serve as a baseline, or a minimum standard of conduct, while recognizing that such rules may be augmented to meet the needs of particular missions.

Section 2(B) asserts that all personnel, regardless of category or rank, should receive pre-deployment and periodic follow-on training on the Code of Conduct, be provided with a personal copy of the Code of Conduct translated into their national language, and sign an oath that they will abide by the Code of Conduct. The Committee notes the recommendation in the Prince Zeid report that translations could be provided by Member States. This subsection also calls for the conduct of educational outreach programs such that local communities may understand prohibited acts on the part of peacekeepers and identify the individual to whom they may direct complaints or allegations.

Section (2)(C) calls for the presence of dedicated monitoring mechanisms, such as the Personnel Conduct Units (PCUs) currently deployed in Haiti, Liberia, Burundi, and the Democratic Republic of Congo, in each peacekeeping mission to monitor compliance with the Code of Conduct. Such units should report simultaneously to the Head of Mission, the Department of Peacekeeping Operations, and the Associate Director of OIOS for Peacekeeping Operations (established under section 104(b)(10)), to ensure that their reports are not effectively obstructed.

Section (2)(D) calls for the establishment of a permanent, professional and investigative body under OIOS dedicated to United Nations peacekeeping, which would include professionals with experience in investigating sex crimes. Though OIOS should maintain responsibility for the conduct of transparent and impartial investigations, the Committee recognizes that ultimate responsibility for

pursuing justice lies with Member States. To this end, provisions should be included in a Model Memorandum of Understanding that obligate troop contributing countries to designate professional prosecutors, who will be available on short notice, to participate in any investigation into the conduct of one of their nationals and provide guidance on standards of proof and evidentiary requirements for subsequent legal action. The Personnel Conduct Units deployed in the field, as discussed in Section (2)(C), may also provide support to any OIOS investigation, as deemed appropriate.

Section (2)(E) calls for the establishment of a dedicated unit within the Department of Peacekeeping Operations, staffed and funded through existing resources, to compile and coordinate reports of misconduct, outcomes of investigations, and subsequent legal actions taken. The Committee recommends that such a unit function as the coordinating body of the Personnel Conduct Units deployed in the field, and that it be tasked with following up on completed investigations, particularly focusing on disciplinary actions taken by troop contributing countries. Information on subsequent actions should be shared with the Head of Mission concerned. The Committee believes that demonstrating that there are consequences for misconduct will promote confidence in peacekeeping missions and act as a deterrent to other potential violators. The Committee notes that substantial progress on this recommendation already has been made, and encourages the Department of Peacekeeping Operations to provide this unit with appropriate staff and funding through existing resources.

Section (2)(F) states that while peacekeeping operations should provide immediate medical assistance to victims of sexual abuse or exploitation, the responsibility for providing long-term treatment, care or restitution lies solely with the individual guilty of misconduct. The Committee rejects proposals for the creation of a Victim's Trust Fund, or any similar fund, financed through assessed contributions. Such funds would only shield individuals from personal liability and reinforce an atmosphere of impunity. Alternatively, personal liability may act as a deterrent to misconduct. In the event that an individual responsible for misconduct has been repatriated, reassigned, redeployed, or is otherwise unable to provide restitution, responsibility for providing victims' assistance should be assigned to the troop contributing country or the manager concerned. In the case of misconduct by a member of a military contingent, funds must be withheld from the payments made by the United Nations to the troop-contributing country concerned. (The Committee notes that each troop-contributing country receives a payment of \$1080 per peacekeeper per month). In the case of misconduct by a civilian employee or contractor, the United Nations must garnish wages and/or impose appropriate fines.

Section (2)(G) recognizes the role which Managers and Commanders play in creating an atmosphere of either compliance or impunity, and suggests that such information be included in their personal performance evaluations. To this end, Managers and Commanders who take decisive action to deter and address misconduct should be commended and rewarded, while those who create a permissive environment or impede investigations into misconduct should be relieved of duty.

Section (2)(H) calls for the establishment of a centralized database within the Department of Peacekeeping Operations to track the cases of misconduct, particularly to ensure that those guilty of violations are permanently barred from participation in future missions. The Committee notes that such a data base already is being created, and urges the Department of Peacekeeping Operations to move quickly and decisively to ensure this undertaking is completed without delay and the data base is used as an effective management tool.

Section (2)(I) calls for the adjustment of discretionary "welfare payments" currently provided to troop-contributing countries to offset the cost of operation-provided recreational facilities. The Committee recognizes that conditions in a peacekeeping mission undoubtedly are difficult for military contingents and civilians alike, and it is incumbent upon the United Nations to take effective measures to ameliorate conditions of service. The Committee notes that troop contributing countries currently are provided with \$1080 per month per peacekeeper to maintain their contingents. Of that \$1080, eight dollars has been designated for recreational funds. Unfortunately, the manner in which troop contributing countries disburse these funds is not transparent. This seems to be particularly true of the funds designated for recreational purposes. To this end, the Committee finds that funds designated for recreation should be deducted from the standard allowance disbursed to troop contributing countries and, alternatively, redirected toward the mission itself. The Head of Mission would then assume responsibility for ensuring that recreational dollars are spent in a manner consistent with their purpose.

Section (3) calls for the creation of a Peacebuilding Commission, and a related Peace Support Office, to ease the demands placed upon the Department of Peacekeeping Operations and marshal the efforts of the United Nations, international financial institutions, donors and nongovernmental organizations to assist countries in transition from war to peace. The Committee notes that this proposal was included in the U.N.'s High-Level Panel Report, although details about the Commission's membership and areas of specific areas of responsibility were not provided. The Committee asserts that the Commission should be a subsidiary body of the United Nations Security Council, limited in membership to ensure efficiency, and staffed through existing resources.

Section 403. Certification

This section requires the President to direct the U.S. Permanent Representative to the United Nations to oppose the creation of any new, or expansion of any existing, United Nations peacekeeping operation until the Secretary can certify to the Congress that the most immediate reforms outlined in Section 402 above have been implemented, including: (1) the adoption of a single, uniform Code of Conduct and establishment of training mechanisms to educate personnel on requirements and enforcement of the Code; (2) the provision to all personnel of a personal copy of the Code, translated into their national language; (3) the signature of an oath that they will abide by the Code and understand the consequences of violating the Code as a condition of their appointment; (4) the design and conduct of educational outreach programs within local commu-

nities to explain prohibited acts and identify the individual to whom the local population may direct complaints or allegations of exploitation, abuse, or other acts of misconduct; (5) the creation of a centralized database to track cases of misconduct; (6) the establishment of an independent investigative and audit function within DPKO and OIOS; and (7) the adoption of a Model Memorandum of Understanding (MOU), which obligates troop contributing countries to: (a) designate legal authorities to participate in any investigation into allegations of misconduct by an individual of such Member State; (b) refer investigations into violations of the Code of Conduct by an individual of such Member State to its competent national or military authority for possible prosecution; (c) report to DPKO on the outcome of any such investigations; (d) undertake to conduct on-site court martial proceedings where appropriate; and (e) assume responsibility for the provision of assistance to a victim of misconduct committed by an individual of such Member State.

As the last two reforms (the establishment of an independent investigative and audit function and the adoption of a Model MOU) may not be immediately achievable, the respective certifications on implementation are required no later than January 1, 2007. The preceding five reforms, however, must be certified immediately.

The Committee determines that such a withholding should not affect the United Nations' ability to take decisive action in Darfur, Sudan. Pursuant to United Nations Security Council Resolution 1590 (March 24, 2005), 10,000 peacekeepers already have been authorized to be deployed to support implementation of the peace agreement between the Government of Sudan and the Sudan People's Liberation Movement (SPLM) in southern Sudan. This resolution also authorizes the United Nations Mission in Sudan (UNMIS) to "closely and continuously liaise and coordinate at all levels with the African Union Mission in Sudan (AMIS) with a view toward expeditiously reinforcing the effort to foster peace in Darfur," and to reinforce AMIS by providing logistical support, technical assistance, and reserve capacity. The deployment plan for UNMIS includes a presence in Darfur toward this end.

When the State Department notified the Congress of the Administration's intent to support UNMIS, it stated that the troop ceiling of 10,000 assumed a "re-hatting" of AMIS, such that it eventually would be folded into the United Nations mission. The Committee supports a stronger United Nations role in Darfur and, therefore, does not interpret the withholding of support for an expanded mission to include that re-hatting of AMIS under the current troop ceiling of 10,000. The Committee thus finds that the resources and personnel required to support, or even immediately take over, the AMIS mission already exist.

The Committee further notes that all but one of the reforms linked to the certification required under this section already have been endorsed by the United Nations Special Committee on Peacekeeping. The Committee commends the Department of Peacekeeping Operations' and the Special Committee on Peacekeeping's prompt response to the recommendations contained in the Prince Zeid report, but urges the United Nations to move expeditiously to ensure that these reforms are not merely endorsed, but immediately implemented.

TITLE V—DEPARTMENT OF STATE AND GOVERNMENT ACCOUNTABILITY OFFICE.

Section 501. Positions for United States Citizens at International Organizations

This section requires the Secretary to make every effort to recruit U.S. citizens for positions within international organizations. Historically, the U.S. has been underserved in international organizations. In general, there has not been growth in the number of Americans taking positions in international organizations. The Committee encourages the Department to continue efforts to attract Americans to such jobs by utilizing all available means to do so.

Section 502. Budget Justification for Regular Assessed Budget of the United Nations

This section requires that the annual budget for assessed contributions to the United Nations include an itemization of the budget. It also requires that, at the earliest possible time, Congress is consulted about any changes under consideration to the regular assessed budget. The United Nations adopts a 2-year budget. In recent years, for the second year of the budget, the General Assembly has approved increases to cover new activities, such as coordinating the elections in Iraq, or to properly improve security of United Nations facilities. In 2005, the United Nations budget increased by \$447 million. The increase was for: security of United Nations premises and personnel (\$118 million); special political missions (\$192 million); exchange rate losses (\$79 million); inflation and salary-related adjustments (\$45 million); and other miscellaneous increases (\$13 million). However, there is little effort to offset increases.

With respect to budget adjustments, Committees of Congress are unaware of considerations of budget increases until such time as the U.S. has already made a commitment. The consequence is an increase in the U.S. assessment that Congress is obligated to fund. Congressional participation at an earlier stage is important in order to control unjustified budgetary commitments of the United Nations and to provide the U.S. Permanent Representative to the United Nations with a better understanding of Congressional expectations.

Section 503. Review and Report

This section requires the Secretary to conduct a review of programs of the United Nations that are funded through the assessed budget and provide recommendations to the Congress on the continuation of such programs and which programs should no longer be part of the assessed budget, but should be voluntarily funded.

This report should serve as an important baseline for pursuit of a more rational approach to United Nations budgeting. Furthermore, such an effort to identify core programs and those that truly should be supported by the interested countries will restore and refocus the United Nations with regard to its core mandate.

Section 504. Government Accountability Office

This section requires the GAO to report on the status of the management reforms recommended by the Secretary General in 1997, 2002 and 2005. As an oversight tool for Congress, this section also requires the GAO to report on each certification issued by the Secretary.

TITLE VI—CERTIFICATIONS AND WITHOLDINGS OF CONTRIBUTIONS

Section 601. Certifications and Withholding of Contributions

Section 601 (a) Certifications. The Secretary must certify to appropriate congressional committees that the United Nations has made certain reforms included in this Act. In the event the Secretary is unable to make such certifications, and only after providing the Congress with written justification and consultation, the Secretary may certify that the United Nations has made reforms that are substantially similar to the requirements or accomplish the same purposes as the requirements in this Act. In addition, if at least 32 of the 39 reforms mandated under the Act are in fact accomplished in this manner, all 39 certifiable reforms shall be deemed to have been implemented for the year in which the Secretary submits such certifications. However, the remaining seven reforms must be certified the following year.

Additionally, 14 of the 32 certifications which the Secretary makes must include the following certifications: Subsection (d)(3) of Section 11 of the United Nations Participation Act of 1945, as amended by Section 101(c) of this Act, requiring the United Nations regular assessed 2008–2009 biennium budget for Public Information and General Assembly Affairs and Conference Services be reduced by 20 percent against the budgets of such organizational programs for the 2004–2005 biennial period; Section 103(b)(1)(A), requiring 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 10 percent; Section 103(b)(2)(D), the United Nations and each specialized agency has reestablished and are implementing sunset provisions for all new programs; Section 104(a)(1), establishing an Independent Oversight Board (IOB); Section 104(a)(6), requiring the IOB to recommend annual budgets for the Office of Internal Oversight Services (OIOS) and the Board of External Auditors; Section 104(b)(1), designating the OIOS as an independent entity within the United Nations; Section 104(b)(2), making the OIOS's budget more independent and less subject to manipulation by including the OIOS in the General Assembly's budget process; Section 104(c)(1), establishing a United Nations Office of Ethics; Section 201(b)(1), adopting measures to ensure that if a Member State fails to uphold the values embodied in the Universal Declaration of Human Rights, it shall be ineligible for membership on any United Nations human rights body; Section 201(b)(2), adopting measures preventing Member States that are subject to sanctions by the Security Council, or under a Security Council-mandated investigation for human rights abuses, be eligible for membership on any United Nations human rights body; Section 201(b)(3), adopting measures prohibiting Member States that are currently, or within the past 3 years, subject to an adopted

country-specific resolution relating to human rights abuses in the principal body within the United Nations, for the promotion and protection of human rights relating to human rights abuses perpetrated by a government of such country in such country, are ineligible for membership on any United Nations human rights body; Section 201(b)(5), barring any United Nations human rights body from having a standing agenda item that relates only to one country or region; Section 202(a)(1), abolishing secret voting in the Economic and Social Council (ECOSOC); and Section 202(a)(2), adopting measures to ensure that until the Commission on Human Rights of the United Nations is abolished, only countries that are eligible for membership on a United Nations human rights body under this Act can be considered for membership on the Commission on Human Rights.

The Committee intends to effect the 2007 United Nations regular assessed budget through this provision. Accordingly, certifications would implicate those contributions which the United States makes toward the United Nations 2007 budget, and subsequent budgets.

Section 601 (b) Withholding of United States Contributions to the Regular Assessed Budget of the United Nations. Until the Secretary certifies to the Congress that the United Nations has made the reforms mandated by this Act, the United States shall appropriate, but withhold from expenditure, 50 percent of the contributions of the United States to the regular assessed budget of the United Nations for a biennial period, which shall be authorized to remain available until expended.

Section 601 (c) Release of Funds. This subsection states that when all certifications (or alternative certifications) are submitted, the U.S. shall transfer to the United Nations amounts appropriated but withheld from expenditure under subsection (b).

Section 601 (d) Annual Reviews. The Secretary is required to: (1) conduct annual reviews of compliance, beginning 1 year after the date on which the Secretary submits the final certification; and (2) forward a report to the appropriate congressional committees of the findings of such review. If the Secretary determines that the United Nations has failed to remain in compliance with a certification (or an alternate certification), the 50 percent withholdings described in subsection (b) shall re-apply and take effect in the subsequent fiscal year(s) until all certifications (or alternative certifications) under subsection (a) have been submitted.

Section 601 (e) Effective Date. This section states that the certifications (or alternate certifications) specified under subsection (a) shall be required with respect to U.S. contributions towards payment of regular assessed dues of the United Nations for 2007 and subsequent years. Accordingly, certifications would implicate those contributions which the United States makes toward the United Nations 2007 budget and subsequent budgets.

The Henry J. Hyde United Nations Reform Act of 2005 provides strong but necessary measures to prompt the United Nations to undertake such fundamental reforms.

This bill provides the new U.S. Permanent Representative to the United Nations with a reasonable amount of time to work through diplomatic channels with other countries which also want to see the United Nations reform and restore its credibility. It gives the United Nations until 2007 to adopt the bulk of these reforms and

until 2008 for the remainder. However, if the United Nations fails to implement what are widely seen as reasonable reforms, financial penalties will ensue. Should withholdings occur, the United States will appropriate the 50 percent of contributions but withhold them from expenditure until such time as the certifications are made.

As explained above in detail, the Act mandates that 39 reforms be tied to certifications in the areas of budgeting, oversight and accountability, and human rights. It also provides the United Nations flexibility for implementation by requiring only 32 of 39 reforms be enacted no later than 2007, with the remaining seven to be acted upon within the next year.

It should be noted that if the United Nations makes the necessary reforms promptly, no arrearages will result from this Act. If the United Nations fails to act, however, the US taxpayers should not be expected to continue to pay for programs that operate with essentially a blank check—with no accountability for producing results, no check on outdated, inefficient, duplicative initiatives, no effective oversight of management of programs, and a human rights body that allows violator countries to sit as arbiters of human rights.

Some have asked whether the United States has a legal obligation to pay its United Nations dues even in the event the United Nations continues to resist fundamental reform as set forth in this Act. In the 1980s, the Reagan Administration and some Members of Congress came to the conclusion that the U.S. obligation to pay assessed U.N. payments as limited and not absolute. Jeane Kirkpatrick, while serving as the U.S. Ambassador to the United Nations stated: “It is sometimes argued that as signatories to the treaty, we assume an absolute legal obligation to pay the assessed share of the budget, it seems to me, after consultation and reflection, that this obligations is real, substantial, and serious, but also that it is not absolute. . . I do not suggest the United States should take lightly the obligation to pay its assessed share of the budget. This is a serious, but not, in my opinion, an absolute obligation. To be sure, article 17 of the U.N. Charter requires Member States to pay their share of the U.N. budget as assessed by the General Assembly. We should not assume, however, that any expense apportioned by the General Assembly is absolutely valid.”

The United States was the originator of the concept of having a United Nations organization. Americans have invested heavily in the principles and ideals that form the foundation of the United Nations—this Committee intends to, once again, look to history as a guide, and by providing constructive direction, commitment, and leverage of the power of the purse, the U.S. can remain part of the process to work toward meaningful reform. These actions will ultimately revitalize and strengthen the U.N.

FEDERAL MANDATES

H.R. 2745 provides no Federal mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**SECTION 11 OF THE UNITED NATIONS PARTICIPATION
ACT OF 1945**

[SEC. 11. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS REGULAR BUDGET.

[None of the funds available to the Department of State shall be used to pay the United States share of assessed contributions for the regular budget of the United Nations in an amount greater than 22 percent of the total of all assessed contributions for that budget.]

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 to—

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

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

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

(A) redirect United States contributions to the United Nations to achieve the policy objectives described in paragraph (1)(B); and

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

(i) Public Information.

(ii) General Assembly affairs and conferences services.

(3) 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 ensure that the shifting of funding mechanisms under paragraph (1)(B) and redirecting of contributions under paragraph (2) be reflected in future resolutions agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium. To achieve the policies described in paragraphs (1) and (2), the United States Permanent Representative to the United Nations shall withhold the support of the United States for a consensus for such budget until such time as such budget is reflective of such policies.

(b) 22 PERCENT LIMITATION.—In accordance with section 601 of the Henry J. Hyde United Nations Reform Act of 2005, the Secretary may not make a contribution to a regularly assessed biennial

budget of the United Nations in an amount greater than 22 percent of the amount calculable under subsection (c).

(c) ANNUAL DUES.—

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

(2) CALCULATION WITH RESPECT TO CERTAIN ORGANIZATIONAL PROGRAMS FOR REDIRECTION.—The percentage specified in subsection (b) shall be multiplied by one-half of the sum of amounts budgeted by resolution of the General Assembly for a current biennial period for the following certain organizational programs:

(A) Economic and social affairs.

(B) Least-developed countries, landlocked developing countries and small island developing States.

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

(D) Trade and development.

(E) International Trade Center UNCTAD/WTO.

(F) Environment.

(G) Human settlements.

(H) Crime prevention and criminal justice.

(I) International drug control.

(J) Economic and social development in Africa.

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

(L) Economic development in Europe.

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

(N) Economic and social development in Western Asia.

(O) Regular program of technical cooperation.

(P) Development account.

(Q) Protection of and assistance to refugees.

(R) Palestine refugees.

(3) REDIRECTION OF FUNDS.—Of amounts appropriated for contributions towards payment of regular assessed dues to the United Nations for 2008 and each subsequent year, if the funding mechanisms of one or more of the organizational programs of the United Nations specified in paragraph (2) have not been shifted from the regular assessed budget to voluntarily funded programs in accordance with subsection (a)(1), the Secretary shall ensure that such amounts in each such fiscal year that are specified for each such organizational program pursuant to the resolution agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium are redirected from payment of the assessed amount for the regular assessed budget as follows:

(A) Subject to not less than 30 days prior notification to Congress, the Secretary shall expend an amount, not to exceed 40 percent of the amount specified for each such organizational program pursuant to the resolution agreed to by the General Assembly for the regular assessed budget of

the United Nations for the period of a current biennium, as a contribution to an eligible organizational program specified in paragraph (4).

(B) Subject to not less than 30 days prior notification to Congress, the Secretary shall expend the remaining amounts under this paragraph to voluntarily funded United Nations specialized agencies, funds, or programs.

(4) *ELIGIBLE ORGANIZATIONAL PROGRAMS.*—The eligible organizational programs referred to in paragraph (3)(A) for redirection of funds under such paragraph are the following:

(A) Internal oversight.

(B) Human rights.

(C) Humanitarian assistance.

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

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

(A) *VOLUNTARY CONTRIBUTION.*—Subject to not less than 30 days prior notification to Congress and the limitation specified under subparagraph (B), the Secretary is authorized to make a voluntary contribution to an organizational program of the United Nations specified in subparagraphs (A) through (P) of paragraph (2) of any amounts not contributed in a fiscal year to an eligible organizational program specified in subparagraphs (A) through (C) of paragraph (4).

(B) *10 PERCENT LIMITATION.*—A voluntary contribution under subparagraph (A) to an organizational program of the United Nations specified in subparagraphs (A) through (P) of paragraph (2) may not exceed 10 percent of the total contribution made under paragraph (3)(A).

(d) *FURTHER CALCULATION WITH RESPECT TO BUDGETS FOR PUBLIC INFORMATION AND GENERAL ASSEMBLY AFFAIRS AND CONFERENCE SERVICES.*—

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

(2) *ANNUAL DUES EACH FISCAL YEAR.*—

(A) *IN GENERAL.*—For annual dues paid by the United States to the United Nations each fiscal year, the percentage specified in paragraph (1) shall be multiplied by one-half of the amount of the regularly assessed budget of the United Nations for a current biennial period, as agreed to by resolution of the General Assembly.

(B) *CALCULATION WITH RESPECT TO PUBLIC INFORMATION AND GENERAL ASSEMBLY AFFAIRS AND CONFERENCE SERVICES.*—With respect to such United States annual dues, the percentage specified in paragraph (1) shall be multiplied by one-half of the sum of amounts budgeted by resolution of the General Assembly for the 2004–2005 biennial period for the following organizational programs:

(i) Public Information.

(ii) *General Assembly affairs and conferences services.*

(C) *REDIRECTION OF FUNDS.—*

(i) *IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to make every effort, including the withholding of United States support for a consensus budget of the United Nations, to reduce the budgets of the organizational programs specified in subparagraph (B) for 2007 by ten percent against the budgets of such organizational programs for the 2004–2005 biennial period. If the budgets of such organizational programs are not so reduced, 20 percent the amount determined under subparagraph (B) for contributions towards payment of regular assessed dues for 2007 shall be redirected from payment for the amount assessed for United States annual contributions to the regular assessed budget of the United Nations.*

(ii) *SPECIFIC AMOUNTS.—The Secretary shall make the amount determined under clause (i) available as a contribution to an eligible organizational program specified in subparagraphs (A) through (C) of paragraph (4) of subsection (c).*

(3) *POLICY WITH RESPECT TO 2008–2009 BIENNIAL PERIOD AND SUBSEQUENT BIENNIAL PERIODS.—*

(A) *IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to make every effort, including the withholding of United States support for a consensus budget of the United Nations, to reduce the budgets of the organizational programs specified in subparagraph (B) of paragraph (2) for the 2008–2009 biennial period and each subsequent biennial period by 20 percent against the budgets of such organizational programs for the 2004–2005 biennial period.*

(B) *CERTIFICATION.—In accordance with section 601, a certification shall be required that certifies that the reduction in budgets described in subparagraph (A) has been implemented.*

DISSENTING VIEWS

SUMMARY

We express our profound disagreement with the Republican members of the Committee who are sending this deeply flawed legislation to the whole House. While we share their commitment to meaningful and thorough reforms at the United Nations, this legislation may do more to undermine the current efforts at reform underway in New York rather than bolster them. By declaring our unilateral intention to withhold 50% of the dues we owe to the U.N. in a automatic and mechanical way, by mandating withholding of dues from programs that do not get moved from the U.N.'s assessed budget to a system of voluntary contribution and by requiring that the President immediately start vetoing U.N. security Council Resolutions establishing new or expanded peacekeeping missions if certain reforms are not met, this legislation will undermine our efforts at cooperation with like minded countries in New York, will lead to isolating us on the U.N. and budgetary reforms in a way that will undermine our own efforts to focus the U.N. on real transnational threats, and will hamper our ability to foster greater stability in the world, including even requiring more deployments of U.S. troops at a time when we are so fully committed in Iraq, Afghanistan and around the world. We need reforms at the U.N., but this legislation represents a bludgeon that could well undermine both it and our influence there. The Democratic alternative provides for comprehensive reforms at the U.N. similar to those in the Republican bill but provides sufficient flexibility to allow the United States to cooperate with like-minded countries at the U.N. to achieve the reforms we all seek.

THE U.N. TODAY

The U.N. system composed of the U.N. itself and its specialized agencies, such as the United Nations Development Program, the World Health Organization, and the World Food Program, are a remarkable set of institutions that would need to be invented if they did not exist. Through actions and programs of these institutions, we have eliminated the scourge of deadly infectious diseases, responded to famines of huge proportions, and settled international disputes of extraordinary scope.

And the U.N. frequently serves critical U.S. interests. Just to point out some recent cases, U.N. officials helped organize the successful Presidential elections in Afghanistan, trained thousands of workers for the critical Iraqi Parliamentary elections earlier this year, and helped mediate the withdrawal of Syrian armed forces from Lebanon. Often the U.N. can take action that would not be acceptable if proposed by another country, particularly in an environment of hostility and suspicion that can often exist in the devel-

oping world towards former colonial powers or countries that are perceived as a threat.

However, the U.N. has faults as well as virtues. It is not a fully independent actor with its own separate personality. Rather, it reflects less-than-perfect member states in a deeply flawed world. The U.N. is an organization composed of 191 member states that, in varying degrees, have their own shortcomings, injustices, flaws and hypocrisies of all types which are reflected, to some degree, in the institution itself. Any organization that has as its Board of Directors, which is in effect what the U.N. General Assembly is, so many disparate and numerous members will inevitably show dysfunction.

The abuses of the Oil-For-Food scandal and the repeated transgressions of U.N. peacekeeping forces, so fundamentally inconsistent with the basic tenets of the U.N. itself, demonstrate that there is much wrong with the U.N.. This global institution must become more transparent and open, its employees must be held to the highest ethical and moral standards, and new structures must be created to prevent U.N. peacekeepers from exploiting their station and punishing those who do.

And the United Nations must put an end to its persecution of the democratic state of Israel, which has become the whipping boy for totalitarian regimes around the globe. Serial human rights abusers must also be kept off the U.N. institutions explicitly designed to speak for the cause of human rights and democracy globally.

These scandals and self-evident problems have created a crisis at the U.N. and have created a unique moment for reform. The Secretary General's High Level Advisory Panel Report, the Secretary General's own report "In Larger Freedom" and the Volker Commission's investigation of the Oil-For-Food scandal have all created a consensus for profound change at the organization, much of which may culminate in a new vision for the U.N. to come out of the Millennium Summit scheduled for September 2005.

It is in this context that the Committee considered U.N. reform legislation. Indeed, it is ironic that just when there is more momentum for reform than ever before, the legislation that has been approved by this Committee may undercut the U.S. ability to press effectively for the very reforms we all seek.

THE HYDE LEGISLATION

Over the past several weeks, we have attempted to work with our Republican colleagues on the Committee to work out a compromise agreement on U.N. reform legislation. Despite our best efforts, we have been unable to reach an agreement. Given the normally bipartisan work of this committee, this is truly unfortunate.

The legislation before us has features are very troubling. While we agree with the goal of the legislation and believe that many of the specific provisions are essentially correct, we believe the legislation itself is flawed.

First, the Republican bill would require the U.S. to go into arrears with the U.N. by withholding its proportionate share of U.N. dues for nearly 20 organizational programs, including crime control, environment and refugees if the U.N. does not agree to allow

us to opt-out of our obligation to fund them as part of the U.N. regular budget.

Second Republican bill would require even larger arrears by requiring the withholding of 50 percent of U.N. dues if two relatively small programs, public information and conferences, are not cut by 20% in the next 2 years.

Third, the Republican bill would require the same 50 percent withholding of our U.N. dues if any one of some 15 affiliated agencies, which are wholly outside of the U.N.'s direct management authority, do not implement difficult reforms.

Fourth, the Republican bill has a number of very detailed management benchmarks which must be fulfilled in order to avoid the same automatic 50 percent withholding. Of the 39 such benchmarks, 14 have to be met without change. Thus, if the U.N. were to carry out 38 of 39 reforms, but failed to implement one of the mandatory reforms in the exact form conceptualized by Republican majority, the United States would STILL need to withhold 50 percent of its annual dues.

Fifth, the Republican bill would require the United States to veto any new or expanded U.N. peacekeeping mission, even if such a mission supported vital U.S. interests, until certain peacekeeping reforms are implemented.

Sixth, the Republican bill has only sticks, and no carrots. There are no incentives to convince Member States that we want to strengthen the institution. Indeed, the bill is full of unfunded mandates for new offices, positions and mechanisms. Indeed, some would argue that this is more bureaucracy to cure too much bureaucracy.

Finally, the Republican bill would put us into peacekeeping arrears. Current law left over from the 1990s forces the U.S. contribution to the U.N. for peacekeeping operations to be capped at 25 percent. When, in accordance with the Helm-Biden legislation, former U.S. Ambassador to the U.N. Richard Holbrooke obtained agreement to reduce the U.S. contribution to 27.1 percent from slightly over 30 percent, Congress agreed on a bipartisan basis to increase the cap from 25 percent to 27.1 percent on a temporary basis. The failure to extend this authority to pay at 27.1 percent will cause us to immediately go into arrears for operations that are designed to help those in conflict-ridden areas.

The automatic nature of these cutoffs is troubling. Three weeks ago, Deputy Assistant Secretary of State Mark Lagon told this Committee that our annual dues to the United Nations is "an obligation we have signed onto" and that the Executive Branch "stands by . . . its request for appropriations for our dues for both the regular budget and the peacekeeping budget."

High-ranking officials at the State Department later conveyed to us the Department's strong opposition to the legislation currently before the Committee. State Department officials told us that the legislation would undoubtedly create new arrears at the United Nations because the U.N. reform benchmarks contained in the bill are not achievable. While many of the U.N. reforms being sought in this legislation are worthy goals, many of them, particularly in the budget area, require unanimous agreement by all 191 U.N. member states, including the likes of Iran and Syria. We believe

that this legislation, as crafted, is akin to threatening to blow up the universe because we find that the planets have refused to align. Planets are stubborn. Once in a while, they WILL line up—but not on demand, and certainly not under an imminent threat.

On one of the bill's central proposals to move some programs from the "assessed" budget to the "voluntary" budget—these same senior officials said that they "can't possibly see a way" to accomplish this task, and that even our closest reform-minded allies at the U.N. would also oppose this initiative. This approach may lead to the adoption of a U.N. budget over our objections; to the detriment of financial support for initiatives that are in our interest, such as support for elections in Afghanistan and Iraq or the disruption of terrorism financing.

We also note that another provision of the bill would require the United States to withhold its proportionate share of its contribution to the U.N. assessed budget for the costs of any treaty-based commission if the United States is not a party to the treaty. This provision is clearly aimed at the commission that reviews implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Although the views of the majority on this treaty are well known, trying to prevent other countries from discussing the crucial issue of discrimination against women around the world simply weakens human rights mechanisms instead of strengthening them.

In addition, the restrictions on new and expanded peacekeeping missions are particularly troubling. As mentioned, under the legislation, if five conditions are not met, upon enactment of the legislation, the President would be required to veto new or expanded peacekeeping missions, including missions that are critical to U.S. interests. These reforms include adopting a code of conduct and then training 68,000 military personnel and 10,000 civilian personnel on this code. Given the U.N.'s small training staff, this will take months if not years. Thus, the President would be forced to veto peacekeeping missions, even if they were to stop the genocide in Darfur or take over our mission in Afghanistan. Such a requirement with no flexibility is simply not in our national interest. Indeed, by forcing the veto of needed U.N. peacekeeping missions, this legislation may well force the United States to take on greater global responsibilities at a moment when our troops and our diplomats are already spread thin.

In addition, this provision may raise serious constitutional concerns. The decision to vote for a new or expanded peacekeeping mission at the U.N. is a decision of the President that ultimately may rest fully within his constitutional responsibilities. Not giving him a waiver is inviting a Presidential veto of this legislation that will suggest to those who do not know better that our government is divided on U.N. reform, which is not the case.

In short, while the majority's U.N. reform bill may have been written with the best of intentions, it will immediately cause our nation to go back into arrears at the United Nations without achieving the desired outcomes. It is simply incomprehensible that the Republican majority is prepared to tie the hands of our distinguished Secretary of State Condoleezza Rice as she pursues reform at the United Nations. The legislation before the Committee micro-

manages every possible reform at the United Nations, creates mechanical and automatic withholdings, and gives Secretary Rice no flexibility to get the job done.

THE DEMOCRATIC ALTERNATIVE

For these reasons, we offered a substitute amendment to bring about U.N. reform but which is a modulated and carefully crafted, flexible tool rather than a massive bludgeon and which gives Secretary of State Rice the flexibility she needs and deserves from Congress.

With this substitute amendment, the Democrats on the Committee align ourselves strongly with those, including those in our Administration, who are fighting to ensure that the United States is better armed to promote serious U.N. reform, and not forced to cut off funds to the United Nations in a manner that is counter-productive to our national interest.

The substitute amendment addresses all of the primary deficiencies with the majority bill before the committee.

First, the substitute does not sever the link between achieving U.N. reform benchmarks and the possibility of withholding half of our U.N. dues. Rather, the tough benchmarks are largely the same as in the majority's bill. But our substitute would give Secretary Rice the authority to withhold up to 50% of our U.N. dues, but would not mandate such a cut. While it is possible that the threat of withholding funds may help Secretary Rice achieve reforms at the U.N., the United States must not be forced to cut off funds according to some mechanical withholding formula.

Second, the substitute changes the provision in the majority's bill under which the United States would unilaterally withhold a portion of our dues to the U.N. if its member states refuse to change certain programs from the "assessed" to the "voluntary" budget. The amendment keeps this reform as a goal, but does not link it to a mandatory \$100 million deduction in U.S. contributions. It is clear that this reform is largely unachievable in the foreseeable future, and Secretary Rice should not be forced to withhold U.S. dues from the U.N. for this reason. As a budgetary matter, this proposal would have to be agreed to by consensus at the U.N., giving the likes of Syria, Iran, Sudan and Burma a veto over this proposal. Indeed, this amendment hands a weapon to those who want to embarrass the United States and who do not really care about reform efforts there.

Third, the substitute addresses the inflexibility of the majority's bill on peacekeeping. The substitute keeps the far-reaching peacekeeping reforms, but provides Secretary Rice with a waiver in the event that a new mission is essential to America's national interest.

Fourth, the Democratic substitute also ensures that we do not withhold funds from the U.N. when it is separate specialized agencies, such as the World Health Organization or the World Intellectual Property Organization, that have failed to make necessary reforms. It is fundamentally flawed reasoning to hold the U.N. accountable for the mistakes of U.N. affiliated organizations that do not operate under the authority of U.N. management. Rather than let these organizations proceed without any reform, the substitute

would give the Secretary the flexibility to target the withholding of U.S. funds from each specialized agency that fails to undertake reforms, instead of automatically withholding money from the U.N..

Fifth, the substitute provides for an extension of the authority to pay our peacekeeping dues at 27.1 percent for the next 2 years.

Finally, 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.

We believe the amendment demonstrates the need for U.N. reform, lays out benchmarks that are at least as tough as those of the majority bill, provides for a flexible tool to carry out these reforms, and protects our national interest. We believe it is a superior approach and we are gratified that it engendered bipartisan support.

TOM LANTOS.
 HOWARD L. BERMAN.
 GARY L. ACKERMAN.
 ENI F. H. FALEOMAVAEGA.
 ROBERT MENENDEZ.
 SHERROD BROWN.
 BRAD SHERMAN.
 ROBERT WEXLER.
 ELIOT L. ENGEL.
 WILLIAM D. DELAHUNT.
 JOSEPH CROWLEY.
 EARL BLUMENAUER.
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