

111TH CONGRESS
1ST SESSION

H. R. 557

To promote transparency, accountability, and reform within the United Nations system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2009

Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. COHEN, Mr. PENCE, Mr. McCOTTER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. MANZULLO, Mr. ROYCE, Mr. BLUNT, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, Mr. SHUSTER, Mr. GARRETT of New Jersey, Mr. BUYER, Mr. WOLF, Mr. POE of Texas, Mr. BOOZMAN, Mr. MCCAUL, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mr. LAMBORN, Mrs. BACHMANN, Mr. GRAVES, Mr. MARIO DIAZ-BALART of Florida, Mr. MACK, and Mr. HALL of Texas) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To promote transparency, accountability, and reform within the United Nations system, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “United Nations Transparency, Accountability, and Re-
6 form Act of 2009”.

1 (b) TABLE OF CONTENTS.—The table of contents is
 2 as follows:

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

TITLE I—FUNDING OF THE UNITED NATIONS

- Sec. 101. Findings.
 Sec. 102. Apportionment of the United Nations regular budget on a voluntary basis.
 Sec. 103. Budget justification for United States contributions to the regular budget of the United Nations.

TITLE II—TRANSPARENCY AND ACCOUNTABILITY FOR UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS

- Sec. 201. Findings.
 Sec. 202. Definitions.
 Sec. 203. Establishment and management of the Office of the United States Inspector General for contributions to the United Nations System.
 Sec. 204. Transparency for United States contributions.
 Sec. 205. Authorization of appropriations.

TITLE III—UNITED STATES POLICY AT THE UNITED NATIONS

- Sec. 301. Annual publication.
 Sec. 302. Annual financial disclosure.
 Sec. 303. Policy with respect to expansion of the security council.
 Sec. 304. Access to reports and audits.
 Sec. 305. Waiver of immunity.
 Sec. 306. Terrorism and the United Nations.
 Sec. 307. Report on United Nations reform.
 Sec. 308. Report on United Nations personnel.
 Sec. 309. Withholding of United States contributions to UNRWA.
 Sec. 310. United Nations treaty bodies.
 Sec. 311. Equality at the United Nations.
 Sec. 312. Anti-Semitism and the United Nations.
 Sec. 313. Regional group inclusion of Israel.

TITLE IV—UNITED NATIONS HUMAN RIGHTS COUNCIL

- Sec. 401. Findings.
 Sec. 402. Human Rights Council membership and funding.

TITLE V—INTERNATIONAL ATOMIC ENERGY AGENCY

- Sec. 501. International Atomic Energy Agency.
 Sec. 502. Sense of Congress regarding the Nuclear Security Action Plan of the IAEA.

TITLE VI—PEACEKEEPING

- Sec. 601. Reform of United Nations peacekeeping operations.
 Sec. 602. Policy relating to reform of United Nations peacekeeping operations.
 Sec. 603. Certification.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

8 (2) GENERAL ASSEMBLY.—The term “General
9 Assembly” means the General Assembly of the
10 United Nations.

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

15 (4) SECRETARY.—The term “Secretary” means
16 the Secretary of State.

17 (5) SECRETARY GENERAL.—The term “Sec-
18 retary General” means the Secretary General of the
19 United Nations.

20 (6) SECURITY COUNCIL.—The term “Security
21 Council” means the Security Council of the United
22 Nations.

23 (7) UN.—The term “UN” means the United
24 Nations.

1 (8) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committees on Foreign Affairs,
5 Appropriations, and Oversight and Government
6 Reform of the House; and

7 (B) the Committees on Foreign Relations,
8 Appropriations, and Homeland Security and
9 Governmental Affairs of the Senate.

10 **TITLE I—FUNDING OF THE**
11 **UNITED NATIONS**

12 **SEC. 101. FINDINGS.**

13 The Congress makes the following findings:

14 (1) The United States pays billions of dollars
15 into the United Nations system every year (over
16 5,300,000,000 dollars in 2005, according to the
17 White House Office of Management and Budget),
18 significantly more than any other nation.

19 (2) Under current rules and contribution levels,
20 it is possible to assemble the two-thirds majority
21 needed for important United Nations budget votes
22 with a group of countries that, taken together, pay
23 less than 1 percent of the total United Nations reg-
24 ular budget.

1 (3) The disconnect between contribution levels
2 and management control creates significant perverse
3 incentives in terms of United Nations spending,
4 transparency, and accountability.

5 (4) The United Nations system suffers from
6 unacceptably high levels of waste, fraud, and abuse,
7 which seriously impair its ability to fulfill the lofty
8 ideals of its founding.

9 (5) Amidst the continuing financial, corruption,
10 and sexual abuse scandals of the past several years,
11 American public disapproval of United Nations has
12 reached all-time highs. A 2008 Gallup poll revealed
13 that 65 percent of Americans believe that the United
14 Nations is doing a poor job, a negative assessment
15 shared by a majority of respondents from both polit-
16 ical parties. Research polling by another firm in late
17 2006 found that 71 percent of Americans think that
18 the United Nations is “no longer effective” and
19 needs to be significantly reformed, while 75 percent
20 think that the United Nations “needs to be held
21 more accountable.”

22 (6) Significant improvements in United Nations
23 transparency and accountability are necessary for
24 improving public perceptions of and American sup-
25 port for United Nations operations.

1 (7) Because of their need to justify future con-
2 tributions from donors, voluntarily funded organiza-
3 tions have more incentive to be responsive and effi-
4 cient in their operations than organizations funded
5 by compulsory contributions that are not tied to per-
6 formance.

7 (8) Article XVII of the Charter of the United
8 Nations, which states that “[t]he expenses of the
9 Organization shall be borne by the Members as ap-
10 portioned by the General Assembly,” leaves to the
11 discretion of the General Assembly the basis of ap-
12 portionment, which could be done on the basis of
13 voluntary pledges by Member States.

14 (9) Unlike United States assessed contributions
15 to the United Nations regular budget, which are
16 statutorily capped at 22 percent of the total, there
17 is no cap on voluntary contributions.

18 (10) The United States, which contributes gen-
19 erously to international organizations whose activi-
20 ties it recognizes as credible, worthwhile, and effi-
21 cient, contributes more than 22 percent of the budg-
22 et of certain voluntarily funded United Nations Spe-
23 cialized Agencies.

1 **SEC. 102. APPORTIONMENT OF THE UNITED NATIONS REG-**
2 **ULAR BUDGET ON A VOLUNTARY BASIS.**

3 (a) UNITED STATES POLICY.—

4 (1) It is the policy of the United States to seek
5 to shift the funding mechanism for the regular budg-
6 et of the United Nations from an assessed to a vol-
7 untary basis.

8 (2) The President shall direct the United States
9 Permanent Representative to the United Nations to
10 use the voice, vote, and influence of the United
11 States at the United Nations to shift the funding
12 mechanism for the regular budget of the United Na-
13 tions to a voluntary basis, and to make it a priority
14 to build support for such a transformational change
15 among Member States, particularly key United Na-
16 tions donors.

17 (b) CERTIFICATION OF PREDOMINANTLY VOL-
18 UNTARY UN REGULAR BUDGET FINDING.—A certifi-
19 cation described in this section is a certification by the
20 Secretary of State to the Appropriate Congressional Com-
21 mittees that at least 80 percent of the total regular budget
22 of the United Nations is apportioned on a voluntary basis.
23 Each such certification shall be shall be effective for a pe-
24 riod of no more than 1 year, and shall be promptly revoked
25 by the Secretary, with notice to the Appropriate Congres-

1 sional Committees, if the underlying circumstances change
2 so as not to warrant such certification.

3 (c) WITHHOLDING OF NONVOLUNTARY CONTRIBU-
4 TIONS.—

5 (1) Beginning 2 years after the effective date of
6 this act and notwithstanding any other provision of
7 law, no funds may be obligated or expended for a
8 United States assessed contribution to the regular
9 budget of the United Nations in an amount greater
10 than 50 percent of the United States share of as-
11 sessed contributions for the regular budget of the
12 United Nations unless there is in effect a certifi-
13 cation by the Secretary, as described in subsection
14 (b).

15 (2) For a period of 3 years after appropriation,
16 funds appropriated for use as a United States con-
17 tribution to the regular budget of the United Na-
18 tions but withheld from obligation and expenditure
19 pursuant to paragraph (1) may be obligated and ex-
20 pended for that purpose upon the certification de-
21 scribed in subsection (b). After 3 years, in the ab-
22 sence of such certification, those funds shall revert
23 to the United States Treasury.

1 **SEC. 103. BUDGET JUSTIFICATION FOR UNITED STATES**
2 **CONTRIBUTIONS TO THE REGULAR BUDGET**
3 **OF THE UNITED NATIONS.**

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

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

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

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

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

1 **TITLE II—TRANSPARENCY AND**
2 **ACCOUNTABILITY FOR**
3 **UNITED STATES CONTRIBU-**
4 **TIONS TO THE UNITED NA-**
5 **TIONS**

6 **SEC. 201. FINDINGS.**

7 The Congress makes the following findings:

8 (1) As underscored by continuing revelations of
9 waste, fraud, and abuse, oversight and account-
10 ability mechanisms within the United Nations sys-
11 tem remain significantly deficient, despite decades of
12 reform attempts, including those initiated by Secre-
13 taries-General of the United Nations.

14 (2) Notwithstanding the personal intentions of
15 any Secretary General of the United Nations to pro-
16 mote institutional transparency and accountability
17 within the United Nations System, the Secretary
18 General lacks the power to impose far reaching man-
19 agement reforms without the concurrence of the
20 General Assembly.

21 (3) Groupings of Member States whose voting
22 power in the General Assembly significantly out-
23 paces their proportional contributions to the United
24 Nations system have repeatedly and successfully de-
25 feated, delayed, and diluted various reform proposals

1 that would have enabled more detailed oversight and
2 scrutiny of United Nations system operations and
3 expenditures.

4 (4) To an unacceptable degree, major donor
5 states, including the United States, lack access to
6 reasonably detailed, reliable information that would
7 allow them to determine how their contributions
8 have been spent by various United Nations system
9 entities, further contributing to the lack of account-
10 ability within the United Nations system.

11 **SEC. 202. DEFINITIONS.**

12 In this title:

13 (1) UNITED NATIONS ENTITY.—The term
14 “United Nations Entity” means any United Nations
15 agency, commission, conference, council, court, de-
16 partment, forum, fund, institute, office, organiza-
17 tion, partnership, program, subsidiary body, tri-
18 bunal, trust, university or academic body, related or-
19 ganization or subsidiary body, wherever located, that
20 flies the United Nations flag or is authorized to use
21 the United Nations logo, including but not limited to
22 those United Nations affiliated agencies and bodies
23 identified as recipients of United States contribu-
24 tions under section 1225(b)(3)(E) of the John War-

1 ner National Defense Authorization Act for Fiscal
2 Year 2007 (Public Law 109–364).

3 (2) UNITED NATIONS SYSTEM.—The term
4 “United Nations System” means the aggregation of
5 all United Nations Entities, as defined in paragraph
6 (1).

7 (3) UNITED STATES CONTRIBUTION.—The term
8 “United States Contribution” means an assessed or
9 voluntary contribution, whether financial, in-kind, or
10 otherwise, from the United States Federal Govern-
11 ment to a United Nations Entity, including con-
12 tributions passed through other entities for ultimate
13 use by a United Nations Entity. United States Con-
14 tributions include, but are not limited to, those con-
15 tributions identified pursuant to section
16 1225(b)(3)(E) of the John Warner National Defense
17 Authorization Act for Fiscal Year 2007 (Public Law
18 109–364).

19 (4) TRANSPARENCY CERTIFICATION.—The term
20 “Transparency Certification” means an annual,
21 written affirmation by the head or authorized des-
22 ignee of a United Nations Entity that the Entity will
23 cooperate with the Inspector General, including by
24 providing the Inspector General, upon request, with

1 full access to Oversight Information as defined in
2 this title.

3 (5) OVERSIGHT INFORMATION.—The term
4 “Oversight Information” includes—

5 (A) internally and externally commissioned
6 audits, program reviews, performance reports,
7 and evaluations;

8 (B) financial statements, records, and bill-
9 ing systems;

10 (C) program budgets and program budget
11 implications, including revised estimates and re-
12 ports produced by or provided to the Secretary
13 General and the Secretary General’s agents on
14 budget related matters;

15 (D) operational plans, budgets, and budg-
16 etary analyses for peacekeeping operations;

17 (E) analyses and reports regarding the
18 scale of assessments;

19 (F) databases and other data systems con-
20 taining financial or programmatic information;

21 (G) documents or other records alleging or
22 involving improper use of resources, mis-
23 conduct, mismanagement, or other violations of
24 rules and regulations applicable to the United
25 Nations Entity; and

1 (H) other documentation relevant to the
2 audit and investigative work of the United
3 States Inspector General for Contributions to
4 the United Nations System.

5 **SEC. 203. ESTABLISHMENT AND MANAGEMENT OF THE OF-**
6 **FICE OF THE UNITED STATES INSPECTOR**
7 **GENERAL FOR CONTRIBUTIONS TO THE**
8 **UNITED NATIONS SYSTEM.**

9 (a) PURPOSE.—The purpose of this section is to
10 make possible the independent and objective conduct of
11 audits and investigations relating to United States Con-
12 tributions to the United Nations System and the use of
13 those contributions by United Nations Entities, in an ef-
14 fort to eliminate and deter waste, fraud, and abuse in the
15 use of those contributions, and thereby to contribute to
16 the development of greater transparency, accountability,
17 and internal controls throughout the United Nations Sys-
18 tem.

19 (b) ESTABLISHMENT.—There is hereby established
20 the Office of the United States Inspector General for Con-
21 tributions to the United Nations System.

22 (c) INSPECTOR GENERAL.—

23 (1) APPOINTMENT.—The head of the Office of
24 the United States Inspector General for Contribu-
25 tions to the United Nations System is the Inspector

1 General for Contributions to the United Nations
2 System, who shall be appointed by the President, by
3 and with the advice and consent of the Senate, on
4 the basis of integrity and demonstrated ability in ac-
5 counting, auditing, financial analysis, law, manage-
6 ment analysis, public administration, or investiga-
7 tions.

8 (2) NOMINATION.—The nomination of an indi-
9 vidual as Inspector General shall be made not later
10 than 30 days after the enactment of this Act.

11 (3) REMOVAL.—The Inspector General may be
12 removed from office by the President. The President
13 shall communicate the reasons for any such removal
14 to both Houses of Congress.

15 (4) COMPENSATION.—The annual rate of basic
16 pay of the Inspector General shall be the annual rate
17 of basic pay provided for positions at level IV of the
18 Executive Schedule under section 5315 of title 5,
19 United States Code.

20 (5) RELATIONSHIP TO BOARD.—

21 (A) Except as provided in subparagraph
22 (B), the Inspector General shall report directly
23 to and be under the general supervision of, the
24 Board of Directors created in subsection (d).

1 (B) Neither the Board, any officer of the
2 Board, nor any officer of a federal department
3 or agency shall prevent or prohibit the Inspec-
4 tor General from initiating, carrying out, or
5 completing any audit or investigation.

6 (6) DUTIES.—

7 (A) It shall be the duty of the Inspector
8 General to conduct, supervise, and coordinate
9 audits and investigations of—

10 (i) the treatment, handling, expendi-
11 ture, and use of United States Contribu-
12 tions by and to United Nations Entities;
13 and

14 (ii) the adequacy of accounting, over-
15 sight, and internal control mechanisms at
16 United Nations Entities that receive
17 United States Contributions.

18 (B) The Inspector General shall establish,
19 maintain, and oversee such systems, procedures,
20 and controls as the Inspector General considers
21 appropriate to discharge the duty under sub-
22 paragraph (A).

23 (C) The Inspector General shall carry out
24 the duties specified in subparagraphs (A) and

1 (B) in accordance with section 4(b)(1) of the
2 Inspector General Act of 1978.

3 (D) The Inspector General shall collect
4 and maintain current records regarding Trans-
5 parency Certifications by all United Nations
6 Entities that receive United States Contribu-
7 tions.

8 (E) The Inspector General shall keep the
9 Board of Directors and the Congress fully and
10 promptly informed of how United Nations Enti-
11 ties are spending United States Contributions
12 by means of reports, testimony, and briefings.

13 (F) REFERRALS.—

14 (i) The Inspector General shall
15 promptly report to the United States At-
16 torney General when Inspector General has
17 reasonable grounds to believe a United
18 States Federal criminal law has been vio-
19 lated by a United Nations Entity or one of
20 its employees, contractors, or representa-
21 tives.

22 (ii) The Inspector General shall
23 promptly report, when appropriate, to the
24 Secretary General or the head of the ap-
25 propriate United Nations Entity cases

1 where the Inspector General reasonably be-
2 lieves that mismanagement, misfeasance,
3 or malfeasance is likely to have taken place
4 within a United Nations Entity and dis-
5 ciplinary proceedings are likely justified.

6 (7) PERSONNEL, FACILITIES, AND OTHER RE-
7 SOURCES.—

8 (A) The Inspector General may select, ap-
9 point, and employ such officers and employees
10 as may be necessary for carrying out the duties
11 of the Inspector General.

12 (B) The inspector general may obtain serv-
13 ices as authorized by section 3109 of title 5,
14 United States Code, at daily rates not to exceed
15 the equivalent rate prescribed for grade GS-15
16 of the General Schedule by section 5332 of such
17 title.

18 (C) The Inspector General may lease, pur-
19 chase, or otherwise acquire, improve, and use
20 such real property wherever situated, as may be
21 necessary for carrying out this section.

22 (D) To the extent and in such amounts as
23 may be provided in advance by appropriations
24 Acts, the Inspector General may enter into con-
25 tracts and other arrangements for audits, stud-

1 ies, analyses, and other services with public
2 agencies and with private persons, and make
3 such payments as may be necessary to carry
4 out the duties of the Inspector General.

5 (E) Upon request by the Inspector Gen-
6 eral, the head of an agency may detail any em-
7 ployee of such agency to the Office of the
8 United States Inspector General for Contribu-
9 tions to the United Nations System on a reim-
10 bursable basis. Any employee so detailed re-
11 mains, for the purpose of preserving such em-
12 ployee's allowances, privileges, rights, seniority,
13 and other benefits, an employee of the agency
14 from which detailed.

15 (8) COOPERATION BY UNITED STATES GOVERN-
16 MENT ENTITIES.—

17 (A) In carrying out the duties, responsibil-
18 ities, and authorities of the Inspector General
19 under this section, the Inspector General shall
20 receive the cooperation of inspectors general of
21 other Federal Government agencies.

22 (B) Upon request of the Inspector General
23 for information or assistance from any depart-
24 ment, agency, or other entity of the Federal
25 Government, the head of such entity shall, inso-

1 far as is practicable and not in contravention of
2 any existing law, furnish such information or
3 assistance to the Inspector General, or an au-
4 thorized designee.

5 (C) Whenever information or assistance re-
6 quested by the Inspector General is, in the
7 judgment of the Inspector General, unreason-
8 ably refused or not provided, the Inspector Gen-
9 eral shall report the circumstances to the Board
10 of Directors and to the Appropriate Congres-
11 sional Committees without delay.

12 (9) CONFIRMATION OF TRANSPARENCY BY
13 UNITED NATIONS ENTITIES.—

14 (A) PROMPT NOTICE BY INSPECTOR GEN-
15 ERAL.—Whenever information or assistance re-
16 quested from a United Nations Entity by the
17 Inspector General pursuant to a Transparency
18 Certification is, in the opinion of the Inspector
19 General, unreasonably refused or not provided
20 in a timely manner, the Inspector General shall
21 notify the Board of Directors, the head of that
22 particular United Nations Entity, and the Sec-
23 retary General of the circumstances in writing,
24 without delay.

1 (B) NOTICE OF COMPLIANCE.—If and
2 when the information or assistance being
3 sought by the Inspector General in connection
4 with a notification pursuant to subparagraph
5 (A) is provided to the satisfaction of the Inspec-
6 tor General, the Inspector General shall so no-
7 tify in writing the United Nations Entity, the
8 Board of Directors, and the Appropriate Con-
9 gressional Committees.

10 (C) NONCOMPLIANCE.—If the information
11 or assistance being sought by the Inspector
12 General in connection with a notification pursu-
13 ant to subparagraph (A) is not provided to the
14 satisfaction of the Inspector General within 90
15 days of that notification, then the United Na-
16 tions Entity that is the subject of the notifica-
17 tion is deemed to be noncompliant with its
18 Transparency Certification, and the Inspector
19 General shall provide prompt, written notifica-
20 tion of that fact to the Board of Directors, Ap-
21 propriate Congressional Committees, the head
22 of that United Nations Entity, the Secretary
23 General, and any office or agency of the Fed-
24 eral Government that has provided that United

1 Nations Entity with any United States Con-
2 tribution during the prior 2 years.

3 (D) RESTORATION OF COMPLIANCE.—

4 After the situation has been resolved to the sat-
5 isfaction of the Board of Directors, a finding of
6 Transparency Certification noncompliance pur-
7 suant to subparagraph (B) may be reversed by
8 an affirmative vote of at least 5 of the 7 mem-
9 bers of the Board of Directors. The Board shall
10 promptly provide notification of such restora-
11 tion, along with a description of the basis for
12 the Board's decision, to the Inspector General,
13 Appropriate Congressional Committees, the
14 head of the affected United Nations Entity, the
15 Secretary General, and the head of any office or
16 agency of the Federal Government that has
17 provided that United Nations Entity with any
18 United States Contribution during the prior 2
19 years.

20 (E) COST REIMBURSEMENT.—The Inspec-
21 tor General may reimburse United Nations En-
22 tities for the reasonable cost of providing to the
23 Inspector General information or assistance
24 sought pursuant to a Transparency Certifi-

1 cation for the purpose of performing the duties
2 described in paragraph (6).

3 (10) REPORTS.—

4 (A) AUDIT AND INVESTIGATION RE-
5 PORTS.—Promptly upon completion, the Inspec-
6 tor General shall provide copies of each audit
7 and investigation report completed pursuant to
8 paragraph (6) to the Board of Directors, the
9 Appropriate Congressional Committees, and, to
10 the extent permissible under United States law,
11 the head of each United Nations Entity that is
12 the subject of that particular report.

13 (B) SEMIANNUAL REPORTS.—Not later
14 than May 30, 2010, and semiannually there-
15 after, the Inspector General shall submit to the
16 Appropriate Congressional Committees a report
17 that, among other things—

18 (i) meets the requirements of section
19 5 of the Inspector General Act of 1978;
20 and

21 (ii) includes a list of and detailed de-
22 scription of the circumstances surrounding
23 any notification of noncompliance issued
24 pursuant to paragraph (9)(C) during the
25 covered timeframe, and whether and when

1 Board of Directors has reversed such find-
2 ing of noncompliance.

3 (C) PROHIBITED DISCLOSURES.—Nothing
4 in this subsection shall be construed to author-
5 ize the public disclosure of information that
6 is—

7 (i) specifically prohibited from disclo-
8 sure by any other provision of law;

9 (ii) specifically required by Executive
10 order to be protected from disclosure in
11 the interest of national defense or national
12 security or in the conduct of foreign af-
13 fairs; or

14 (iii) a part of an ongoing criminal in-
15 vestigation.

16 (D) PRIVACY PROTECTIONS.—The Inspec-
17 tor General shall exempt from public disclosure
18 information received from a United Nations
19 Entity or developed during an audit or inves-
20 tigation that the Inspector General believes—

21 (i) constitutes a trade secret or privi-
22 leged and confidential personal financial
23 information;

24 (ii) accuses a particular person of a
25 crime;

1 (iii) would, if publicly disclosed, con-
2 stitute a clearly unwarranted invasion of
3 personal privacy; and

4 (iv) would compromise an ongoing law
5 enforcement investigation or judicial trial
6 in the United States.

7 (E) PUBLICATION.—Subject only to the
8 exceptions detailed in subparagraphs (C) and
9 (D), the Inspector General shall promptly pub-
10 lish each report under this subsection on a pub-
11 licly available and searchable Internet website.

12 (d) BOARD OF DIRECTORS.—

13 (1) ESTABLISHMENT.—The Office of the
14 United States Inspector General for Contributions to
15 the United Nations System shall have a Board of
16 Directors.

17 (2) DUTIES.—The Board shall receive informa-
18 tion and reports of audits and investigations from
19 the Office and the Inspector General, provide gen-
20 eral direction and supervision to the Office and the
21 Inspector General, and determine the restoration of
22 compliance by any United Nations Entity with its
23 Transparency Certification pursuant to subsection
24 (c)(9)(D).

1 (3) MEMBERSHIP.—The Board shall consist of
2 the Secretary of State (or the Secretary’s designee),
3 the Secretary of Labor (or the Secretary’s designee),
4 the Secretary of Agriculture (or the Secretary’s des-
5 ignee), the Secretary of Defense (or the Secretary’s
6 designee), the Administrator of the Environmental
7 Protection Agency (or the Administrator’s designee),
8 the Secretary of the Treasury (or the Secretary’s
9 designee), and the Director of the Office of Manage-
10 ment and Budget (or the Director’s designee).

11 (4) CHAIRMANSHIP.—The Board shall be
12 chaired by a board member, and the chairmanship
13 shall rotate among the member departments and
14 agencies on an annual basis. The first chair shall be
15 the Director or designee from the Office of Manage-
16 ment and Budget.

17 **SEC. 204. TRANSPARENCY FOR UNITED STATES CONTRIBU-**
18 **TIONS.**

19 (a) FUNDING PREREQUISITES.—Notwithstanding
20 any other provision of law, no funds made available for
21 use as a United States Contribution to any United Na-
22 tions Entity may be obligated or expended if—

23 (1) the intended United Nations Entity recipi-
24 ent has not provided to the Inspector General within

1 the preceding year a Transparency Certification as
2 defined in section 202(4); or

3 (2) the intended United Nations Entity recipi-
4 ent is noncompliant with its Transparency Certifi-
5 cation as described in section 203(c)(9)(C).

6 (b) TREATMENT OF FUNDS WITHHELD FOR NON-
7 COMPLIANCE.—At the conclusion of each fiscal year, any
8 funds that had been appropriated for use as a United
9 States Contribution to a United Nations Entity during
10 that fiscal year, but could not be obligated or expended
11 because of the restrictions of paragraph (1), shall be re-
12 turned to the United States Treasury, and are not subject
13 to reprogramming for any other use. Any such funds re-
14 turned to the Treasury shall not be considered arrears to
15 be repaid to any United Nations Entity.

16 (c) PRESIDENTIAL WAIVER.—The President may
17 waive the limitations of this subsection with respect to a
18 particular United States Contribution to a particular
19 United Nations Entity within a single fiscal year if the
20 President determines that it is required by the national
21 security interests of the United States and provides notifi-
22 cation and explanation of that determination to the Appro-
23 priate Congressional Committees.

1 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out the activities of this title,
4 provided that such sums be not less than one half of 1
5 percent of the total amount of all assessed and voluntary
6 contributions of the United States Government to the
7 United Nations and United Nations affiliated agencies
8 and related bodies during the prior fiscal year, as identi-
9 fied pursuant to section 1225(b)(3)(E) of the John War-
10 ner National Defense Authorization Act for Fiscal Year
11 2007 (Public Law 109–364).

12 **TITLE III—UNITED STATES POL-**
13 **ICY AT THE UNITED NATIONS**

14 **SEC. 301. ANNUAL PUBLICATION.**

15 The President shall direct the United States Perma-
16 nent Representative to the United Nations to use the
17 voice, vote, and influence of the United States at the
18 United Nations to ensure the United Nations publishes
19 annually, including on a publicly searchable internet
20 website, a list of all United Nations subsidiary bodies and
21 their functions, budgets, staff, and contributions, both vol-
22 untary and assessed, sorted by donor.

23 **SEC. 302. ANNUAL FINANCIAL DISCLOSURE.**

24 The President shall direct the United States Perma-
25 nent Representative to the United Nations to use the
26 voice, vote, and influence of the United States at the

1 United Nations to implement a system for the required
2 filing of individual annual financial disclosure forms by
3 each employee of the United Nations and its specialized
4 agencies, programs, and funds at the P-5 level and above,
5 which shall be made available to the Office of Internal
6 Oversight Services and, upon request, to Member States
7 and their public.

8 **SEC. 303. POLICY WITH RESPECT TO EXPANSION OF THE**
9 **SECURITY COUNCIL.**

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

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

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

18 (3) undermine the effectiveness of the Security
19 Council.

20 **SEC. 304. ACCESS TO REPORTS AND AUDITS.**

21 The President shall direct the United States Perma-
22 nent Representative to the United Nations to use the
23 voice, vote, and influence of the United States at the
24 United Nations to ensure that Member States may, upon

1 request, have access to all reports and audits completed
2 by the Board of External Auditors.

3 **SEC. 305. WAIVER OF IMMUNITY.**

4 The President shall direct the United States Perma-
5 nent Representative to the United Nations to use the
6 voice, vote, and influence of the United States at the
7 United Nations to ensure that the Secretary General exer-
8 cises the right and duty of the Secretary General under
9 section 20 of the Convention on the Privileges and Immu-
10 nities of the United Nations to waive the immunity of any
11 United Nations official in any case in which such immu-
12 nity would impede the course of justice. In exercising such
13 waiver, the Secretary General is urged to interpret the in-
14 terests of the United Nations as favoring the investigation
15 or prosecution of a United Nations official who is credibly
16 under investigation for having committed a serious crimi-
17 nal offense or who is credibly charged with a serious crimi-
18 nal offense.

19 **SEC. 306. TERRORISM AND THE UNITED NATIONS.**

20 The President shall direct the United States Perma-
21 nent Representative to the United Nations to use the
22 voice, vote, and influence of the United States at the
23 United Nations to work toward adoption by the general
24 assembly of—

25 (1) a definition of terrorism that—

1 (A) builds upon the recommendations of
2 the December 2004 report of the High-Level
3 Panel on Threats, Challenges, and Change;

4 (B) includes as an essential component of
5 such definition any action that is intended to
6 cause death or serious bodily harm to civilians
7 with the purpose of intimidating a population
8 or compelling a government or an international
9 organization to do, or abstain from doing, any
10 act; and

11 (C) does not propose a legal or moral
12 equivalence between an action described in
13 paragraph (1)(B) and measures taken by a gov-
14 ernment or international organization in self-de-
15 fense against an action described in paragraph
16 (1)(B); and

17 (2) a comprehensive convention on terrorism
18 that includes the definition described in paragraph
19 (1).

20 **SEC. 307. REPORT ON UNITED NATIONS REFORM.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, and annually for each
23 of the next 3 years, the Secretary shall submit to the ap-
24 propriate congressional committees a report on United
25 Nations reform.

1 (b) CONTENTS.—The report required under sub-
2 section (a) shall describe—

3 (1) progress toward the goal of shifting the
4 funding for the United Nations Regular Budget to
5 a voluntary basis as identified in section 102 above,
6 and a detailed description of efforts and activities by
7 United States diplomats and officials toward that
8 end;

9 (2) progress toward each of the policy goals
10 identified in the prior sections of this title, and a de-
11 tailed, goal-specific description of efforts and activi-
12 ties by United States diplomats and officials toward
13 those ends;

14 (3) the status of the implementation of manage-
15 ment reforms within the United Nations and its spe-
16 cialized agencies;

17 (4) the number of outputs, reports, or other
18 mandates generated by General Assembly resolutions
19 that have been eliminated;

20 (5) the progress of the General Assembly to
21 modernize and streamline the committee structure
22 and its specific recommendations on oversight and
23 committee outputs, consistent with the March 2005
24 report of the Secretary General entitled “In larger

1 freedom: towards development, security and human
2 rights for all”;

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

8 (7) the continued utility and relevance of the
9 Economic and Financial Committee and the Social,
10 Humanitarian, and Cultural Committee, in light of
11 the duplicative agendas of those committees and the
12 Economic and Social Council; and

13 (8) whether the United Nations or any of its
14 specialized agencies has contracted with any party
15 included on the Lists of Parties Excluded from Fed-
16 eral Procurement and Nonprocurement Programs.

17 **SEC. 308. REPORT ON UNITED NATIONS PERSONNEL.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act, the Secretary of State
20 shall submit to the appropriate congressional committees
21 a report—

22 (1) concerning the progress of the General As-
23 sembly to modernize human resource practices, con-
24 sistent with the March 2005 report of the Secretary

1 General entitled “In larger freedom: towards devel-
2 opment, security and human rights for all”; and

3 (2) containing the information described in sub-
4 section (b).

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

6 (1) a comprehensive evaluation of human re-
7 sources reforms at the United Nations, including an
8 evaluation of—

9 (A) tenure;

10 (B) performance reviews;

11 (C) the promotion system;

12 (D) a merit-based hiring system and en-
13 hanced regulations concerning termination of
14 employment of employees; and

15 (E) the implementation of a code of con-
16 duct and ethics training;

17 (2) the implementation of a system of proce-
18 dures for filing complaints and protective measures
19 for work-place harassment, including sexual harass-
20 ment;

21 (3) policy recommendations relating to the es-
22 tablishment of a rotation requirement for non-
23 administrative positions;

24 (4) policy recommendations relating to the es-
25 tablishment of a prohibition preventing personnel

1 and officials assigned to the mission of a member
2 state to the united nations from transferring to a
3 position within the United Nations Secretariat that
4 is compensated at the P-5 level and above;

5 (5) policy recommendations relating to a reduc-
6 tion in travel allowances and attendant oversight
7 with respect to accommodations and airline flights;
8 and

9 (6) an evaluation of the recommendations of the
10 Secretary General relating to greater flexibility for
11 the Secretary General in staffing decisions to accom-
12 modate changing priorities.

13 **SEC. 309. WITHHOLDING OF UNITED STATES CONTRIBU-**
14 **TIONS TO UNRWA.**

15 (a) WITHHOLDING.—Contributions by the United
16 States to the regular budget of the United Nations Relief
17 and Works Agency for Palestine Refugees in the Near
18 East (UNRWA), to any successor or related entity, or to
19 the regular budget of the United Nations for the support
20 of UNRWA or a successor entity (through staff positions
21 provided by the United Nations Secretariat, or otherwise),
22 may be provided only during a period for which a certifi-
23 cation described in subsection (b) is in effect.

24 (b) CERTIFICATION.—A certification described in this
25 paragraph is a written determination by the Secretary,

1 based on all information available after diligent inquiry,
2 and transmitted to the Appropriate Congressional Com-
3 mittees along with a detailed description of the factual
4 basis therefor, that—

5 (1) no official, employee, consultant, contractor,
6 subcontractor, representative, or affiliate of
7 UNRWA—

8 (A) is a member of a foreign terrorist or-
9 ganization;

10 (B) has propagated, disseminated, or in-
11 cited anti-American, anti-Israel, or anti-Semitic
12 rhetoric or propaganda; or

13 (C) has used any UNRWA resources, in-
14 cluding publications or websites, to propagate
15 or disseminate political materials, including po-
16 litical rhetoric regarding the Israeli-Palestinian
17 conflict;

18 (2) no UNRWA school, hospital, clinic, other
19 facility, or other infrastructure or resource is being
20 used by a foreign terrorist organization for oper-
21 ations, planning, training, recruitment, fundraising,
22 indoctrination, communications, sanctuary, storage
23 of weapons or other materials, or any other pur-
24 poses;

1 (3) UNRWA is subject to comprehensive finan-
2 cial audits by an internationally recognized third
3 party independent auditing firm and has imple-
4 mented an effective system of vetting and oversight
5 to prevent the use, receipt, or diversion of any
6 UNRWA resources by any foreign terrorist organiza-
7 tion or members thereof;

8 (4) no UNRWA-funded school or educational
9 institution uses textbooks or other educational mate-
10 rials that propagate or disseminate anti-American,
11 anti-Israel, or anti-Semitic rhetoric, propaganda or
12 incitement; and

13 (5) no recipient of UNRWA funds or loans is
14 a member of a foreign terrorist organization.

15 (c) DEFINITION.—In this section, the term “foreign
16 terrorist organization” means an organization designated
17 as a foreign terrorist organization by the Secretary of
18 State in accordance with section 219(a) of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1189(a)).

20 (d) EFFECTIVE DURATION OF CERTIFICATION.—The
21 certification described in subsection (b) shall be effective
22 for a period of 180 days from the date of transmission
23 to the Appropriate Congressional Committees, or until the
24 Secretary receives information rendering that certification
25 factually inaccurate, whichever is earliest. In the event

1 that a certification becomes ineffective, the Secretary shall
2 promptly transmit to the Appropriate Congressional Com-
3 mittees a description of any information that precludes the
4 renewal or continuation of the certification.

5 (e) LIMITATION.—During a period for which a certifi-
6 cation described in subsection (b) is in effect, the United
7 States may not contribute to the United Nations Relief
8 and Works Agency for Palestine Refugees in the Near
9 East (UNRWA) or a successor entity an annual amount—

10 (1) greater than the highest annual contribu-
11 tion to UNRWA made by a member country of the
12 League of Arab States;

13 (2) that, as a proportion of the total UNRWA
14 budget, exceeds the proportion of the total budget
15 for the United Nations High Commissioner for Ref-
16 ugees (UNHCR) paid by the United States; or

17 (3) that exceeds 22 percent of the total budget
18 of UNRWA.

19 (f) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that, in order to alleviate the suffering of Palestinian
21 refugees, responsibility for those refugees should be fully
22 transferred to the Office of the United Nations High Com-
23 missioner for Refugees.

1 **SEC. 310. UNITED NATIONS TREATY BODIES.**

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

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

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

13 **SEC. 311. EQUALITY AT THE UNITED NATIONS.**

14 (a) DEPARTMENT OF STATE REVIEW AND RE-
15 PORT.—

16 (1) IN GENERAL.—To avoid duplicative efforts
17 and funding with respect to Palestinian interests
18 and to ensure balance in the approach to Israeli-Pal-
19 estinian issues, the Secretary shall, not later than
20 180 days after the date of the enactment of this
21 Act—

22 (A) complete an audit of the functions of
23 the entities listed in paragraph (2); and

24 (B) submit to the appropriate congres-
25 sional committees a report containing audit
26 findings and conclusions, and recommendations

1 for the elimination of such duplicative entities
2 and efforts.

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

5 (A) The United Nations Division for Pales-
6 tinian Rights.

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

9 (C) The United Nations Special Coordi-
10 nator for the Middle East Peace Process and
11 Personal Representative to the Palestine Lib-
12 eration Organization and the Palestinian Au-
13 thority.

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

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

20 (F) Any other entity the Secretary deter-
21 mines results in duplicative efforts or funding
22 or fails to ensure balance in the approach to
23 Israeli-Palestinian issues.

24 (b) IMPLEMENTATION BY PERMANENT REPRESENTA-
25 TIVE.—

1 (1) IN GENERAL.—The President shall direct
2 the United States Permanent Representative to the
3 United Nations to use the voice, vote, and influence
4 of the United States at the United Nations to seek
5 the implementation of the recommendations con-
6 tained in the report required under subsection
7 (a)(1)(B).

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

15 (c) GAO AUDIT.—The Comptroller General of the
16 United States of the Government Accountability Office
17 shall conduct an audit of—

18 (1) the status of the implementation of the rec-
19 ommendations contained in the report required
20 under subsection (a)(1)(B); and

21 (2) United States actions and achievements
22 under subsection (b).

23 **SEC. 312. ANTI-SEMITISM AND THE UNITED NATIONS.**

24 The President shall direct the United States perma-
25 nent representative to the United Nations to use the voice,

1 vote, and influence of the United States at the United Na-
2 tions to make every effort to—

3 (1) ensure the issuance and implementation of
4 a directive by the Secretary General or the Secre-
5 tariat, as appropriate, that—

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

12 (B) requires employees of the United Na-
13 tions and its specialized agencies, programs,
14 and funds to be subject to punitive action, in-
15 cluding immediate dismissal, for making anti-
16 Semitic statements or references;

17 (C) proposes specific recommendations to
18 the General Assembly for the establishment of
19 mechanisms to hold accountable employees and
20 officials of the United Nations and its special-
21 ized agencies, programs, and funds, or Member
22 States, that make such anti-Semitic statements
23 or references in any forum of the United Na-
24 tions or of its specialized agencies;

1 (D) continues to develop and implements
2 education awareness programs about the Holo-
3 caust and anti-Semitism throughout the world,
4 as part of an effort to combat intolerance and
5 hatred; and

6 (E) requires the Office of the United Na-
7 tions High Commissioner for Human Rights
8 (OHCHR) to develop programming and other
9 measures that address anti-Semitism;

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

13 (3) continue working toward further reduction
14 of anti-Semitic language and anti-Israel resolutions
15 in the United Nations and its specialized agencies,
16 programs, and funds.

17 **SEC. 313. REGIONAL GROUP INCLUSION OF ISRAEL.**

18 The President shall direct the United States Perma-
19 nent Representative to the United Nations to use the
20 voice, vote, and influence of the United States at the
21 United Nations to expand the Western European and Oth-
22 ers Group (WEOG) in the United Nations to include
23 Israel as a permanent member with full rights and privi-
24 leges.

1 **TITLE IV—UNITED NATIONS**
2 **HUMAN RIGHTS COUNCIL**

3 **SEC. 401. FINDINGS.**

4 The Congress makes the following findings:

5 (1) Since its establishment in 2006, the United
6 Nations Human Rights Council has failed to mean-
7 ingfully promote the protection of internationally
8 recognized human rights, and has proven to be even
9 more problematic than the United Nations Human
10 Rights Commission that it was created to replace.

11 (2) The United Nations Human Rights Council
12 suffers from significant structural flaws, such as the
13 fact that it draws its members from the General As-
14 sembly without any substantive membership criteria,
15 with the perverse result that a number of the world's
16 worst human rights abusers are members of the
17 council.

18 (3) The structure and composition of the
19 United Nations Human Rights Council have made it
20 subject to gross political manipulation, with the re-
21 sult that, during its two and one-half years of oper-
22 ation, the Council has passed 20 resolutions cen-
23 suring the democratic state of Israel, as compared to
24 only 4 censuring the dictatorship in Burma, just one
25 censuring the North Korean regime, and none con-

1 demning the severe, ongoing human rights abuses in
2 Sudan, China, Cuba, Zimbabwe, Belarus, and else-
3 where.

4 **SEC. 402. HUMAN RIGHTS COUNCIL MEMBERSHIP AND**
5 **FUNDING.**

6 (a) IN GENERAL.—For each and every fiscal year
7 subsequent to the effective date of this Act, until the Sec-
8 retary of State submits to Congress a certification that
9 the requirements described in subsection (b) have been
10 satisfied—

11 (1) the Secretary of State shall withhold from
12 a United States contribution each fiscal year to a
13 regularly assessed biennial budget of the United Na-
14 tions an amount that is equal to the percentage of
15 such contribution that the Secretary determines
16 would be allocated by the United Nations to support
17 the United Nations Human Rights Council;

18 (2) the Secretary of State shall not make a vol-
19 untary contribution to the United Nations Human
20 Rights Council; and

21 (3) the United States shall not run for a seat
22 on the United Nations Human Rights Council.

23 (b) CERTIFICATION.—The annual certification re-
24 ferred to in subsection (a) is a certification made by the

1 Secretary to Congress that the United Nations Human
2 Rights Council does not include a Member State—

3 (1) subject to sanctions by the Security Council;

4 (2) under a Security Council-mandated inves-
5 tigation for human rights abuses;

6 (3) subject, within the prior 5 years, to a coun-
7 try-specific resolution passed under Agenda Item 9
8 by the former United Nations Human Rights Com-
9 mission;

10 (4) which the Secretary of State has deter-
11 mined, for purposes of section 6(j) of the Export Ad-
12 ministration Act of 1979 (as continued in effect pur-
13 suant to the International Emergency Economic
14 Powers Act), section 40 of the Arms Export Control
15 Act, section 620A of the Foreign Assistance Act of
16 1961, or other provision of law, is a government that
17 has repeatedly provided support for acts of inter-
18 national terrorism; or

19 (5) which the President has designated as a
20 country of particular concern for religious freedom
21 under section 402(b) of the International Religious
22 Freedom Act of 1998.

1 **TITLE V—INTERNATIONAL**
2 **ATOMIC ENERGY AGENCY**

3 **SEC. 501. INTERNATIONAL ATOMIC ENERGY AGENCY.**

4 (a) ENFORCEMENT AND COMPLIANCE.—

5 (1) OFFICE OF COMPLIANCE.—

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

13 (B) OPERATION.—The Office of Compli-
14 ance shall—

15 (i) function as an independent body
16 composed of technical experts who shall
17 work in consultation with IAEA inspectors
18 to assess compliance by IAEA Member
19 States and provide recommendations to the
20 IAEA Board of Governors concerning pen-
21 alties to be imposed on IAEA Member
22 States that fail to fulfill their obligations
23 under IAEA Board resolutions;

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

4 (iii) take into consideration informa-
5 tion provided by IAEA Board Members
6 that are 1 of the 5 nuclear weapons states
7 as recognized by the Treaty on the Non-
8 Proliferation of Nuclear Weapons (21 UST
9 483) (commonly referred to as the “Nu-
10 clear Nonproliferation Treaty” or the
11 “NPT”).

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

17 (2) COMMITTEE ON SAFEGUARDS AND
18 VERIFICATION.—The President shall direct the
19 United States Permanent Representative to the
20 IAEA to use the voice, vote, and influence of the
21 United States at the IAEA to ensure that the Com-
22 mittee on Safeguards and Verification established in
23 2005 shall develop and seek to put into force a
24 workplan of concrete measures that will—

1 (A) improve the ability of the IAEA to
2 monitor and enforce compliance by Member
3 States of the IAEA with the Nuclear Non-
4 proliferation Treaty and the Statute of the
5 International Atomic Energy Agency; and

6 (B) enhance the ability of the IAEA, be-
7 yond the verification mechanisms and authori-
8 ties contained in the Additional Protocol to the
9 Safeguards Agreements between the IAEA and
10 Member States of the IAEA, to detect with a
11 high degree of confidence undeclared nuclear
12 activities by a Member State.

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

14 (A) IN GENERAL.—The President shall di-
15 rect the United States Permanent Representa-
16 tive to the IAEA to use the voice, vote, and in-
17 fluence of the United States at the IAEA to en-
18 sure that a Member State of the IAEA that is
19 under investigation for a breach of or non-
20 compliance with its IAEA obligations or the
21 purposes and principles of the Charter of the
22 United Nations has its privileges suspended, in-
23 cluding—

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

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

3 (iii) being prevented from hosting
4 meetings.

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

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

22 (b) UNITED STATES CONTRIBUTIONS.—

23 (1) VOLUNTARY CONTRIBUTIONS.—Voluntary
24 contributions of the United States to the IAEA
25 should primarily be used to fund activities relating

1 to Nuclear Safety and Security or activities relating
2 to Nuclear Verification.

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

7 (A) ensure that funds for safeguards in-
8 spections are prioritized for countries that have
9 newly established nuclear programs or are initi-
10 ating nuclear programs; and

11 (B) block the allocation of funds for any
12 other IAEA development, environmental, or nu-
13 clear science assistance or activity to a coun-
14 try—

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

1 ons of mass destruction programs under
2 international verification;

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

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

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

19 (c) **MEMBERSHIP.**—

20 (1) **IN GENERAL.**—The President shall direct
21 the United States Permanent Representative to the
22 IAEA to use the voice, vote, and influence of the
23 United States at the IAEA to block the membership
24 on the Board of Governors of the IAEA for a Mem-

1 ber State of the IAEA that has not signed and rati-
2 fied the Additional Protocol and—

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

7 (B) that is in violation of its IAEA obliga-
8 tions or the purposes and principles of the
9 Charter of the United Nations.

10 (2) CRITERIA.—The United States Permanent
11 Representative to the IAEA shall make every effort
12 to modify the criteria for Board membership to re-
13 flect the principles described in paragraph (1).

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

20 (1) rescind and eliminate the Small Quantities
21 Protocol;

22 (2) require that any IAEA Member State that
23 has previously signed a Small Quantities Protocol to
24 sign, ratify, and implement the Additional Protocol,
25 provide immediate access for IAEA inspectors to its

1 nuclear-related facilities, and agree to the strongest
2 inspections regime of its nuclear efforts; and

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

9 (e) NUCLEAR PROGRAM OF IRAN.—

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

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

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

3 (C) has permanently ceased and disman-
4 tled all activities and programs related to nu-
5 clear-enrichment and reprocessing.

6 (2) PENALTIES.—If an IAEA Member State is
7 determined to have violated the prohibition on as-
8 sistance to Iran described in paragraph (1) before
9 the IAEA Board of Governors determines that Iran
10 has satisfied the conditions described in subpara-
11 graphs (A) through (C) of such paragraph, such
12 Member State shall be subject to the penalties de-
13 scribed in subsection (a)(3), shall be ineligible to re-
14 ceive nuclear material, technology, equipment, or as-
15 sistance from any IAEA Member State, and shall be
16 ineligible to receive any IAEA assistance not related
17 to safeguards inspections or nuclear security until
18 such time as the IAEA Board of Governors makes
19 such determination with respect to Iran.

20 (f) REPORT.—Not later than 6 months after the date
21 of the enactment of this Act and annually for 2 years
22 thereafter, the President shall submit to the appropriate
23 congressional committees a report on the implementation
24 of this section.

1 **SEC. 502. SENSE OF CONGRESS REGARDING THE NUCLEAR**
2 **SECURITY ACTION PLAN OF THE IAEA.**

3 It is the sense of Congress that the national security
4 interests of the United States are enhanced by the Nuclear
5 Security Action Plan of the IAEA and the Board of Gov-
6 ernors should recommend, and the General Conference
7 should adopt, a resolution incorporating the Nuclear Secu-
8 rity Action Plan into the regular budget of the IAEA.

9 **TITLE VI—PEACEKEEPING**

10 **SEC. 601. REFORM OF UNITED NATIONS PEACEKEEPING**
11 **OPERATIONS.**

12 It is the sense of Congress that—

13 (1) although United Nations peacekeeping oper-
14 ations have contributed greatly toward the pro-
15 motion of peace and stability for nearly 6 decades
16 and the majority of peacekeeping personnel who
17 have served under the United Nations flag have
18 done so with honor and courage, the record of
19 United Nations peacekeeping has been severely tar-
20 nished by operational failures and unconscionable
21 acts of misconduct;

22 (2) in response to such failures, in 2000 and
23 2005, respectively, the Secretary General charged
24 the high-level Panel on United Nations Peace Oper-
25 ations, led by former Foreign Minister of Algeria
26 Lakhdar Brahimi, and his Special Advisor on the

1 Prevention of Sexual Exploitation and Abuse, His
2 Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein
3 of Jordan, to provide honest assessments of the
4 United Nations' shortcomings and make rec-
5 ommendations that would help restore the con-
6 fidence of the international community in United
7 Nations peacekeeping operations;

8 (3) audits of procurement practices in the De-
9 partment of Peacekeeping Operations, conducted by
10 the Office of Internal Oversight Services, also have
11 uncovered "significant" corruption schemes, includ-
12 ing a 2007 audit of peacekeeping contracts valued at
13 \$1.4 billion, of which more than \$614 million, or
14 44%, were subject to corruption;

15 (4) despite the fact that the United Nations has
16 had more than eight years to implement the reforms
17 contained in the Brahimi Report, nearly four years
18 to implement the reforms in the Zeid Report, and
19 the fact that Secretary General Ban Ki-Moon, his
20 predecessor Kofi Annan, and the Special Committee
21 on Peacekeeping Operations repeatedly have ex-
22 pressed their commitment "to implementing funda-
23 mental, systematic changes as a matter of urgency,"
24 a number of critical reforms continue to be blocked

1 or delayed by Members States who arguably benefit
2 from maintenance of the status quo; and

3 (5) if the reputation of and confidence in
4 United Nations peacekeeping operations is to be re-
5 stored, fundamental and far-reaching reforms, par-
6 ticularly in the areas of planning, management, pro-
7 curement, training, conduct, and discipline, must be
8 implemented without further delay.

9 **SEC. 602. POLICY RELATING TO REFORM OF UNITED NA-**
10 **TIONS PEACEKEEPING OPERATIONS.**

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

14 (1) **PLANNING AND MANAGEMENT.**—

15 (A) **GLOBAL AUDIT.**—As the size, cost,
16 and number of United Nations peacekeeping
17 operations have increased substantially over the
18 past decade, an independent audit of each such
19 operation, with a view toward “right-sizing” op-
20 erations and ensuring that such operations are
21 cost effective, should be conducted and its find-
22 ings reported to the Security Council.

23 (B) **PROCUREMENT AND TRANS-**
24 **PARENCY.**—A modern logistics system and
25 transparent, streamlined procurement proce-

1 dures should be established within the United
2 Nations Department of Field Support to ensure
3 that all peacekeeping missions are resourced ap-
4 propriately and in a timely fashion while indi-
5 vidual accountability for waste, fraud and abuse
6 within United Nations peacekeeping missions is
7 established and uniformly enforced.

8 (C) REVIEW OF MANDATES AND CLOSING
9 OPERATIONS.—In conjunction with the audit
10 described in subparagraph (A), the United Na-
11 tions Department of Peacekeeping Operations
12 should conduct a comprehensive review of all
13 United Nations peacekeeping operation man-
14 dates, with a view toward identifying objectives
15 that are practical and achievable, and report its
16 findings to the Security Council. In particular,
17 the review should consider the following:

18 (i) Except in extraordinary cases, in-
19 cluding genocide, the United Nations De-
20 partment of Peacekeeping Operations
21 should not be tasked with activities that
22 are impractical or unachievable without the
23 cooperation of the Member State(s)
24 hosting a United Nations peacekeeping op-
25 eration, or which amount to de-facto

1 Trusteeship outside of the procedures es-
2 tablished for such under Chapter XII of
3 the United Nations Charter, thereby cre-
4 ating unrealistic expectations and obfus-
5 cating the primary responsibility of the
6 Member States themselves in creating and
7 maintaining conditions for peace.

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

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

21 (D) LEADERSHIP.—As peacekeeping oper-
22 ations become larger and increasingly complex,
23 the Secretariat should adopt a minimum stand-
24 ard of qualifications for senior leaders and
25 managers, with particular emphasis on specific

1 skills and experience, and current senior leaders
2 and managers who do not meet those standards
3 should be removed.

4 (E) PRE-DEPLOYMENT TRAINING.—Pre-de-
5 ployment training on interpretation of the man-
6 date of the operation, specifically in the areas
7 of use of force, civilian protection and field con-
8 ditions, the Code of Conduct, HIV/AIDS, and
9 human rights should be mandatory, and all per-
10 sonnel, regardless of category or rank, should
11 be required to sign an oath that each has re-
12 ceived and understands such training as a con-
13 dition of participation in the operation.

14 (F) GRATIS MILITARY PERSONNEL.—The
15 General Assembly should seek to strengthen the
16 capacity the United Nations Department of
17 Peacekeeping Operations and ease the extraor-
18 dinary burden currently placed upon the limited
19 number of headquarters staff by lifting restric-
20 tions on the utilization of gratis military per-
21 sonnel by the Department so that the Depart-
22 ment may accept secondments from Member
23 States of military personnel with expertise in
24 mission planning, logistics, and other oper-
25 ational specialties.

1 (2) CONDUCT AND DISCIPLINE.—

2 (A) ADOPTION OF A UNIFORM CODE OF
3 CONDUCT.—A single, uniform Code of Conduct
4 that has the status of a binding rule and ap-
5 plies equally to all personnel serving in United
6 Nations peacekeeping operations, regardless of
7 category or rank, including military personnel,
8 should be adopted and incorporated into legal
9 documents governing participation in such an
10 operation, including all contracts and Memoran-
11 dums of Understanding, promulgated and effec-
12 tively enforced.

13 (B) UNDERSTANDING THE CODE OF CON-
14 DUCT.—All personnel, regardless of category or
15 rank, should receive training on the Code of
16 Conduct prior to deployment with a peace-
17 keeping operation, in addition to periodic fol-
18 low-on training. In particular—

19 (i) all personnel, regardless of cat-
20 egory or rank, should be provided with a
21 personal copy of the Code of Conduct that
22 has been translated into the national lan-
23 guage of such personnel, regardless of
24 whether such language is an official lan-
25 guage of the United Nations;

1 (ii) all personnel, regardless of cat-
2 egory or rank, should sign an oath that
3 each has received a copy of the Code of
4 Conduct, that each pledges to abide by the
5 Code of Conduct, and that each under-
6 stands the consequences of violating the
7 Code of Conduct, including immediate ter-
8 mination of participation in and permanent
9 exclusion from all current and future
10 peacekeeping operations, as well as the as-
11 sumption of personal liability for victims
12 compensation, as a condition of appoint-
13 ment to any such operation; and

14 (iii) peacekeeping operations should
15 conduct educational outreach programs to
16 reach local communities where peace-
17 keeping personnel of such operations are
18 based, including explaining prohibited acts
19 on the part of United Nations peace-
20 keeping personnel and identifying the indi-
21 vidual to whom the local population may
22 direct complaints or file allegations of ex-
23 ploitation, abuse, or other acts of mis-
24 conduct.

1 (C) MONITORING MECHANISMS.—Dedi-
2 cated monitoring mechanisms, such as the Con-
3 duct and Discipline Units already deployed to
4 support United Nations peacekeeping oper-
5 ations in Haiti, Sudan, Kosovo, Burundi, Libe-
6 ria, Lebanon, Timor Leste, Cote d'Ivoire, West-
7 ern Sahara, and the Democratic Republic of
8 Congo, should be present in each operation to
9 monitor compliance with the Code of Conduct,
10 and—

11 (i) should report simultaneously to the
12 Head of Mission, the United Nations De-
13 partment of Peacekeeping Operations, and
14 the Associate Director of OIOS for Peace-
15 keeping Operations (established under sec-
16 tion 1114(b)(9)); and

17 (ii) should be tasked with designing
18 and implementing mission-specific meas-
19 ures to prevent misconduct, conduct follow-
20 on training for personnel, coordinate com-
21 munity outreach programs, and assist in
22 investigations, as OIOS determines nec-
23 essary and appropriate.

24 (D) INVESTIGATIONS.—A permanent, pro-
25 fessional, and independent investigative body

1 should be established and introduced into
2 United Nations peacekeeping operations. In
3 particular—

4 (i) the investigative body should in-
5 clude professionals with experience in in-
6 vestigating sex crimes and the illegal ex-
7 ploitation of resources, as appropriate, as
8 well as experts who can provide guidance
9 on standards of proof and evidentiary re-
10 quirements necessary for any subsequent
11 legal action;

12 (ii) provisions should be included in
13 all Memorandums of Understanding, in-
14 cluding a Model Memorandum of Under-
15 standing, that obligate Member States that
16 contribute troops to a peacekeeping oper-
17 ation to designate a military prosecutor
18 who will participate in any investigation
19 into credible allegations of misconduct
20 brought against an individual of such
21 Member State, so that evidence is collected
22 and preserved in a manner consistent with
23 the military law of such Member State;

24 (iii) the investigative body should be
25 regionally based to ensure rapid deploy-

1 ment and should be equipped with modern
2 forensics equipment for the purpose of
3 positively identifying perpetrators and,
4 where necessary, for determining paternity;
5 and

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

13 (E) FOLLOW-UP.—The Conduct and Dis-
14 cipline Team in the headquarters of the United
15 Nations Department of Peacekeeping Oper-
16 ations should be appropriately staffed,
17 resourced, and tasked with—

18 (i) promulgating measures to prevent
19 misconduct;

20 (ii) receiving reports by field per-
21 sonnel and coordinating the Department’s
22 response to allegations of misconduct;

23 (iii) gathering follow-up information
24 on completed investigations, particularly by
25 focusing on disciplinary actions against the

1 individual concerned taken by the United
2 Nations or by the Member State that is
3 contributing troops to which such indi-
4 vidual belongs, and sharing such informa-
5 tion with the Security Council, the Head of
6 Mission, and the community hosting the
7 peacekeeping operation; and

8 (iv) contributing pertinent data on
9 conduct and discipline to the data base re-
10 quired pursuant to subparagraph (H).

11 (F) FINANCIAL LIABILITY AND VICTIMS
12 ASSISTANCE.—Although peacekeeping oper-
13 ations should provide immediate medical assist-
14 ance to victims of sexual abuse or exploitation,
15 the responsibility for providing longer-term
16 treatment, care, or restitution lies solely with
17 the individual found guilty of the misconduct.
18 In particular, the following reforms should be
19 implemented:

20 (i) The United Nations should not as-
21 sume responsibility for providing long-term
22 treatment or compensation by creating a
23 “Victims Trust Fund”, or any other such
24 similar fund, financed through assessed
25 contributions to United Nations peace-

1 keeping operations, thereby shielding indi-
2 viduals from personal liability and rein-
3 forcing an atmosphere of impunity.

4 (ii) If an individual responsible for
5 misconduct has been repatriated, reas-
6 signed, redeployed, or is otherwise unable
7 to provide assistance, responsibility for
8 providing assistance to a victim should be
9 assigned to the Member State that contrib-
10 uted the contingent to which such indi-
11 vidual belonged or to the manager con-
12 cerned.

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

17 (iv) In the case of misconduct by a ci-
18 vilian employee or contractor of the United
19 Nations, appropriate wages shall be gar-
20 nished from such individual or fines shall
21 be imposed against such individual, con-
22 sistent with existing United Nations Staff
23 Rules, and retirement funds shall not be
24 shielded from liability.

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

11 (H) DATA BASE.—A centralized data base,
12 including personnel photos and fingerprints,
13 should be created and maintained within the
14 United Nations Department of Peacekeeping
15 Operations, the Office of Field Support, and
16 other relevant United Nations bodies without
17 further delay to track cases of misconduct, in-
18 cluding the outcome of investigations and sub-
19 sequent prosecutions, to ensure that personnel
20 who have engaged in misconduct or other crimi-
21 nal activities, regardless of category or rank,
22 are permanently barred from participation in
23 future peacekeeping operations.

24 (I) COOPERATION OF MEMBER STATES.—
25 If a Member State routinely refuses to cooper-

1 ate with the directives contained herein or acts
2 to shield its nationals from personal liability,
3 that Member State should be barred from con-
4 tributing troops or personnel to future peace-
5 keeping operations.

6 (J) WELFARE.—Peacekeeping operations
7 should continue to seek to maintain a minimum
8 standard of welfare for mission personnel to
9 ameliorate conditions of service, while adjust-
10 ments are made to the discretionary welfare
11 payments currently provided to Member States
12 that contribute troops to offset the cost of oper-
13 ation-provided recreational facilities, as nec-
14 essary and appropriate.

15 **SEC. 603. CERTIFICATION.**

16 (a) NEW OR EXPANDED PEACEKEEPING OPER-
17 ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-
18 CATION OF PEACEKEEPING OPERATIONS REFORMS.—

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

21 (A) CERTIFICATION.—Except as provided
22 in subparagraph (B), until the Secretary of
23 State certifies that the requirements described
24 in paragraph (2) have been satisfied, the Presi-
25 dent shall direct the United States Permanent

1 Representative to the United Nations to use the
2 voice, vote, and influence of the United States
3 at the United Nations to oppose the creation of
4 new, or expansion of existing, United Nations
5 peacekeeping operations.

6 (B) EXCEPTION AND NOTIFICATION.—The
7 requirements described under paragraph (2)
8 may be waived with respect to a particular
9 peacekeeping operation if the President deter-
10 mines that failure to deploy new or additional
11 peacekeepers in such situation will significantly
12 contribute to the widespread loss of human life,
13 genocide, or the endangerment of a vital na-
14 tional security interest of the United States. If
15 the President makes such a determination, the
16 President shall, not later than 15 days before
17 the exercise of such waiver, notify the appro-
18 priate congressional committees of such deter-
19 mination and resulting waiver.

20 (2) CERTIFICATION OF PEACEKEEPING OPER-
21 ATIONS REFORMS.—The certification referred to in
22 paragraph (1) is a certification made by the Sec-
23 retary to the appropriate congressional committees
24 that the following reforms, or an equivalent set of
25 reforms, related to peacekeeping operations have

1 been adopted by the United Nations Department of
2 Peacekeeping Operations or the General Assembly,
3 as appropriate:

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

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

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

1 the Code, including immediate termination of
2 participation in and permanent exclusion from
3 all current and future peacekeeping operations,
4 as well as the assumption of personal liability
5 for victims compensation as a condition of the
6 appointment to such operation.

7 (D) All peacekeeping operations have de-
8 signed and implemented educational outreach
9 programs to reach local communities where
10 peacekeeping personnel of such operations are
11 based to explain prohibited acts on the part of
12 United Nations peacekeeping personnel and to
13 identify the individual to whom the local popu-
14 lation may direct complaints or file allegations
15 of exploitation, abuse, or other acts of mis-
16 conduct.

17 (E) The creation of a centralized data
18 base, including personnel photos and finger-
19 prints, has been completed and is being main-
20 tained in the United Nations Department of
21 Peacekeeping Operations that tracks cases of
22 misconduct, including the outcomes of inves-
23 tigations and subsequent prosecutions, to en-
24 sure that personnel, regardless of category or
25 rank, who have engaged in misconduct or other

1 criminal activities are permanently barred from
2 participation in future peacekeeping operations.

3 (F) A Model Memorandum of Under-
4 standing between the United Nations and each
5 Member State that contributes troops to a
6 peacekeeping operation has been adopted by the
7 United Nations Department of Peacekeeping
8 Operations that specifically obligates each such
9 Member State to—

10 (i) uphold the uniform Code of Con-
11 duct which shall apply equally to all per-
12 sonnel serving in United Nations peace-
13 keeping operations, regardless of category
14 or rank;

15 (ii) designate a competent legal au-
16 thority, preferably a prosecutor with exper-
17 tise in the area of sexual exploitation and
18 abuse where appropriate, to participate in
19 any investigation into an allegation of mis-
20 conduct brought against an individual of
21 such Member State;

22 (iii) refer to its competent national or
23 military authority for possible prosecution,
24 if warranted, any investigation of a viola-
25 tion of the Code of Conduct or other crimi-

1 nal activity by an individual of such Mem-
2 ber State;

3 (iv) report to the Department of
4 Peacekeeping Operations on the outcome
5 of any such investigation;

6 (v) undertake to conduct on-site court
7 martial proceedings, where practical and
8 appropriate, relating to allegations of mis-
9 conduct alleged against an individual of
10 such Member State; and

11 (vi) assume responsibility for the pro-
12 vision of appropriate assistance to a victim
13 of misconduct committed by an individual
14 of such Member State.

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

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