

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO S. 1635
OFFERED BY MR. SMITH OF NEW JERSEY**

Amend section 307 to read as follows:

1 **SEC. 307. WHISTLEBLOWER PROTECTIONS FOR UNITED NA-**
2 **TIONS PERSONNEL.**

3 The President shall direct the United States Perma-
4 nent Representative to the United Nations to use the
5 voice, vote, and influence of the United States at the
6 United Nations to—

7 (1) call for the removal of any official of the
8 United Nations or of any United Nations agency,
9 program, commission, or fund who the Secretary has
10 determined has failed to uphold the highest stand-
11 ards of ethics and integrity established by the
12 United Nations, including such standards specified
13 in United Nations Codes of Conduct and Codes of
14 Ethics, or whose conduct, with respect to preventing
15 sexual exploitation and abuse by United Nations
16 peacekeepers, has resulted in the erosion of public
17 confidence in the United Nations;

18 (2) ensure that best practices with regard to
19 whistleblower protections are extended to all per-

1 sonnel serving the United Nations or serving any
2 United Nations agency, program, commission, or
3 fund, especially personnel participating in United
4 Nations peacekeeping operations, United Nations
5 police officers, United Nations staff, contractors,
6 and victims of misconduct, wrongdoing, or criminal
7 behavior involving United Nations personnel;

8 (3) ensure that the United Nations implements
9 protective measures for whistleblowers who report
10 significant allegations of misconduct, wrongdoing, or
11 criminal behavior by personnel serving the United
12 Nations or serving any United Nations agency, pro-
13 gram, commission, or fund, especially personnel par-
14 ticipating in United Nations peacekeeping oper-
15 ations, United Nations staff, or contractors, specifi-
16 cally by implementing best practices for the protec-
17 tion of such whistleblowers from retaliation, includ-
18 ing—

19 (A) protection against retaliation for inter-
20 nal and lawful public disclosures;

21 (B) legal burdens of proof;

22 (C) statutes of limitation for reporting re-
23 taliation;

24 (D) access to independent adjudicative
25 bodies, including external arbitration; and

1 (E) results that eliminate the effects of
2 proven retaliation;

3 (4) insist that the United Nations provides ade-
4 quate redress to any whistleblower who has suffered
5 from retribution in violation of the protective meas-
6 ures specified in paragraph (3), including reinstatement
7 to any position from which such whistleblower
8 was wrongfully removed, or reassignment to a com-
9 parable position at the same level of pay, plus any
10 compensation for any arrearage in salary to which
11 such whistleblower would have otherwise been enti-
12 tled but for the wrongful retribution;

13 (5) call for public disclosure of the number and
14 general description of—

15 (A) complaints submitted to the United
16 Nations' Ethics Office, local Conduct and Dis-
17 cipline teams, or other entity designated to re-
18 ceive complaints from whistleblowers;

19 (B) determinations that probable cause ex-
20 ists to conduct an investigation, and specifica-
21 tion of the entity conducting such investigation,
22 including the Office of Internal Oversight Serv-
23 ices, the Office of Audit and Investigations (for
24 UNDP), the Office of Internal Audit (for

1 UNICEF), and the Inspector General's Office
2 (for UNHCR);

3 (C) dispositions of such investigations, in-
4 cluding dismissal and referral for adjudication,
5 specifying the adjudicating entity, such as the
6 United Nations Dispute Tribunal; and

7 (D) results of adjudication, including dis-
8 ciplinary measures proscribed and whether such
9 measures were effected, including information
10 with respect to complaints regarding allegations
11 of sexual exploitation and abuse by United Na-
12 tions peacekeepers, allegations of fraud in pro-
13 curement and contracting, and all other allega-
14 tions of misconduct, wrongdoing, or criminal
15 behavior;

16 (6) insist that the full, unredacted text of any
17 investigation or adjudication referred to in para-
18 graph (5) are made available to Member States upon
19 request; and

20 (7) call for an examination of the feasibility of
21 establishing a stand-alone agency at the United Na-
22 tions, independent of the Secretary General, to in-
23 vestigate all allegations of misconduct, wrongdoing,
24 or criminal behavior, reporting to the Member States
25 of the General Assembly, paid for from the United

1 Nations regular budget, to replace existing investiga-
2 tive bodies, including the Office of Internal Over-
3 sight Services, the Office of Audit and Investiga-
4 tions, the Office of Internal Audit, and the Inspector
5 General's Office.

