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(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R. _____

To secure the return to the United States the \$179 million overpaid into the United Nations Tax Equalization Fund as of December 31, 2009, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. ROS-LEHTINEN introduced the following bill; which was referred to the Committee on _____

A BILL

To secure the return to the United States the \$179 million overpaid into the United Nations Tax Equalization Fund as of December 31, 2009, 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.**

4 This Act may be cited as the “United Nations Tax
5 Equalization Refund Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Approximately \$180 million in United
2 States taxpayer funds overpaid to the United Na-
3 tions remain in the hands of the United Nations be-
4 cause the United States has not requested the re-
5 turn of those funds.

6 (2) The funds were paid into the United Na-
7 tions Tax Equalization Fund (TEF), which is used
8 to reimburse United Nations staff members subject
9 to United States income taxes for the cost of those
10 taxes.

11 (3) In recent years, the TEF has taken in con-
12 siderably more money than it has paid out, with the
13 United States apparently overpaying into the TEF
14 by \$52.2 million in the 2008–2009 timeframe alone.

15 (4) According to the United Nations Financial
16 Report and Audited Financial Statements released
17 on July 29, 2010, “As of 31 December 2009, an
18 amount of \$179.0 million was payable to the United
19 States of America pending instructions as to its dis-
20 position.”.

21 (5) That balance was allowed to accrue notwith-
22 standing United Nations Financial Regulation 4.12,
23 which states that any such surpluses “shall be cred-
24 ited against the assessed contributions due from that
25 Member State the following year.”.

1 (6) Allowing the United Nations to regularly
2 overcharge the United States and to retain those
3 overpayments, or to spend them on wholly unrelated
4 activities, is a disservice to American taxpayers and
5 a subversion of the Congressional budget process.

6 **SEC. 3. REFUND OF UNITED STATES TAXPAYER DOLLARS**
7 **FROM THE UNITED NATIONS TAX EQUALI-**
8 **ZATION FUND.**

9 (a) STATEMENT OF POLICY.—It shall be the policy
10 of the United States—

11 (1) to direct the United Nations to return to
12 the United States the \$179,010,326 overpaid into
13 the United Nations Tax Equalization Fund (TEF)
14 as of December 31, 2009, which the United Nations
15 itself has identified as “payable to the United States
16 of America”;

17 (2) to use the voice and vote of the United
18 States to press the United Nations to reform its
19 TEF assessment procedures to reduce the repeated
20 discrepancies between TEF income and expendi-
21 tures; and

22 (3) to annually instruct the United Nations to
23 return to the United States any TEF surplus funds
24 payable to the United States.

1 (b) CERTIFICATION AND WITHHOLDING.—Until the
2 Secretary of State submits to the appropriate congres-
3 sional committees a certification that the United Nations
4 has returned to the United States the \$179,010,326 iden-
5 tified by the United Nations in its July 29, 2010 Financial
6 Report as payable to the United States, the United States
7 shall withhold \$179,010,326 from the United States con-
8 tribution to the regularly assessed biennial budget of the
9 United Nations.

10 **SEC. 4. DEFINITIONS.**

11 In this Act—

12 (1) the term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Foreign Affairs and
15 the Committee on Appropriations of the House
16 of Representatives; and

17 (B) the Committee on Foreign Relations
18 and the Committee on Appropriations of the
19 Senate; and

20 (2) the term “United Nations Tax Equalization
21 Fund” or “TEF” means the fund established under
22 the provisions of United Nations General Assembly
23 Resolution 973 (December 15, 1955) to equalize to
24 net pay of United Nations staff members.