Judge Roll was appointed to the Federal bench in 1991 by President George H.W. Bush and was unanimously confirmed by the Senate. He served as the chief judge of the District of Arizona from 2006 until his tragic death on January 8, 2011. He displayed remarkable fairness and evenhandedness in his rulings, and was often recognized by peers and colleagues for setting aside his personal beliefs in service of the law.

According to multiple witnesses, Judge Roll died protecting Congresswoman GIFFORDS' district office director, Ron Barber, who continues his recovery. His sacrifice will never be forgotten by the Arizona community. I believe many join me in extending heartfelt sympathies to his widow Maureen, his three sons and his five grandchildren.

For many years, Judge Roll pushed for the construction of a new Federal courthouse in Yuma. He worked diligently with my office and Ms. GIFFORDS' office to secure the funding, which finally came through the American Recovery and Reinvestment Act of 2009. His determination and persistence were key factors, and it is fitting that the building will bear his name.

John Roll was a great example to everyone of what a legal career can mean to a nation and a community. His passing was a very sad day for our State, and I can think of no greater tribute than to pass on his name to future generations through the courthouse he fought so hard to bring to Yuma.

Ms. EDWARDS. I yield back the balance of my time.

Mr. DENHAM. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, S. 188.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DENHAM. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

UNITED NATIONS TAX EQUALIZATION REFUND ACT OF 2011

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 519) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United Nations Tax Equalization Refund Act of 2011''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately $180 million in United States taxpayer funds overpaid to the United Nations remain in the hands of the United Nations because the United States has not requested the return of those funds.

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

(3) In recent years, the TEF has taken in considerably more money than it has paid out, with the United States apparently overpaying into the TEF by $52.2 million in the 2008–2009 timeframe alone.

(4) According to the United Nations Financial Report and Audited Financial Statements released on July 29, 2010, ''As of 31 December 2009, an amount of $179.0 million was payable to the United States of America pending instructions as to its disposition.''.

(5) That balance was allowed to accrue notwithstanding United Nations Financial Regulation 4.12, which states that any such surpluses ''shall be credited against the assessed contributions due from that Member State the following year.''.

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

SEC. 3. REFUND OF UNITED STATES TAXPAYER DOLLARS FROM THE UNITED NATIONS TAX EQUALIZATION FUND.

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

(1) to direct the United Nations to return to the United States the $179,010,326 overpaid into the United Nations Tax Equalization Fund (TEF) as of December 31, 2009, which the United Nations itself has identified as ''payable to the United States of America'';

(2) to use the voice and vote of the United States to press the United Nations to reform its TEF assessment procedures to reduce the repeated discrepancies between TEF income and expenditures; and

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

(b) CERTIFICATION AND WITHHOLDING.—Until the Secretary of State submits to the appropriate congressional committees a certification that the United Nations has returned to the United States the $179,010,326 identified by the United Nations in its July 29, 2010 Financial Report as payable to the United States, the United States shall withhold $179,010,326 from the United States contribution to the regularly assessed biennial budget of the United Nations.

SEC. 4. DEFINITIONS.

In this Act—

(1) the term ''appropriate congressional committees'' means—

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

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

□ 1240

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

The American people have spoken. They overwhelmingly voted for today's YouCut proposal calling for U.S. taxpayer funds overpaid to the United Nations to be returned to the United States. The United Nations holds about $179 million overpaid by U.S. taxpayers into the U.N. Tax Equalization Fund. This is not about the U.N. finally doing the right thing by paying for security upgrades at its headquarters in New York. The U.N. is not paying for anything.

After years of avoiding its responsibilities, the U.N., with the support of the Obama administration, is asking the American taxpayer to bail them out once again and pay 100 percent of the proposed construction costs. To make matters worse, allowing the U.N. to take $100 million of the refund owed to U.S. taxpayers would be an increase for the U.N. budget.

This YouCut not only ensures that U.S. taxpayers receive the funds owed to the U.S. Treasury, but it prevents a $100 million increase for the U.N. The U.N. doesn't want the American people to know this; so the U.N. and the State Department are now stating that they should allow this increase because it is for security upgrades. This is not about security. This is the U.N. and the Obama administration looking for another excuse to avoid making the difficult choices and requiring accountability from the United Nations.

This is not like U.S. embassy construction projects where the needs are assessed, where a detailed plan is developed on how the security needs will be addressed, on how the funding request is presented, and how the Congress will then allocate the funds, no. After months of requests, my colleagues on the committee and I are still waiting for the details on this proposed construction project and, more recently, on how the U.N. would fund it.

In news reports, I read that the State Department may have already handed over to the U.N. $100 million of our overpayment into the TEF. The Tax Equalization Fund, TEF, is a roundabout mechanism premised on the U.N. belief that U.N. employee salaries and benefits should be tax free. The TEF has collected much more from the U.S. than it has paid out.

The U.N.'s most recent biennial financial report states that the amount of the U.S.-paid surplus has grown to $179 million. The U.N. readily admits that it does owe the overpaid money to our U.S. taxpayers. According to the U.N.'s official financial report, the TEF surplus is ''payable to the United States of America pending instructions as to its disposition.''

This YouCut proposal declares that it is U.S. policy to seek the return of those funds and the reform of the TEF assessment process. And until the Secretary of State certifies to Congress

that those funds have been returned, the bill withholds from our U.N. dues an amount exactly equal to the overpayment identified by the U.N.

That's the simple question, Madam Speaker, framed by today's vote. Should the 179 million taxpayer dollars, which the U.N., again, admits it has no right to keep, be returned to the United States taxpayers? Should the American people be asked to foot the entire bill for the U.N. construction project?

Since this issue has begun receiving public attention, there has been a great deal of misinformation that I would like to address briefly.

Last week, the Assistant Secretary of State for International Organization Affairs reportedly said that, ''The $179 million in overpayments are in the form of credits, not cash, and thus cannot be refunded per se.'' Madam Speaker, this is simply not true. Not only does the statement by the IO Assistant Secretary conflict with what the State Department budget professionals have most recently told the Congressional Budget Office, but it conflicts with the U.N.'s own position. They can't even get their stories straight.

The U.N.'s most recent financial report makes clear that the $179 million surplus is a distinct account payable to the United States of America. So the question is, should the U.S. pay an additional $100 million to the U.N.?

I first raised the TEF surplus issue in a letter to Secretary Clinton on November 18 of last year. The State Department response since that time has been tardy, incomplete, and evasive. At a November 18 briefing, the State Department mentioned for the first time that it was considering whether to allow the U.N. to spend part of the U.S. surplus on an unrelated construction project at the U.N. headquarters in New York. Nothing certain. The Foreign Affairs Committee requested detailed plans, cost estimates, for the proposed construction project so that we could credibly assess the claimed $100 million pricetag. I repeated that request on December 22, then on December 29, then on January 4, and on January 25. We're still waiting for those details. The only thing that we have gotten, Madam Speaker, other than a few PowerPoint slides, the only figures we have received is this: Less than a single page of summary totals, with no supporting documentation. This is it.

The State Department has admitted that this construction proposal, in the words of the Under Secretary for Management, ''is primarily the responsibility of the United Nations,'' but they want to stick the American taxpayers with the bill.

I disagree with the State Department. And the American people, they know that we should not be penalized because the U.N. failed to adequately plan for its own security needs. If the administration wants to fund this project, the State Department should identify cuts to U.N. programs to offset the cost and then ask Congress to pay for it directly, explicitly, and clearly. Whatever the merits of this proposal, it should not be taken from a refund owed to U.S. taxpayers.

My colleagues, let's join together in support of this week's YouCut.

With that, Madam Speaker, I respectfully reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I rise in strong opposition to this legislation, and I yield myself 2½ minutes.

This is called the YouCut agenda. It's the second bill on the YouCut agenda. If this is the kind of bill that's going to be on the YouCut agenda, I would suggest that we name it the ''YouCut what?'' agenda.

The CBO says, in its official cost estimate, implementing H.R. 519 would have no effect on the Federal budget, no effect. Not $1 is saved by this particular proposal.

So we are faced with a piece of legislation that jeopardizes critical security upgrades at the United Nations headquarters, and let me just point out here, there's a large improvement plan for the U.N. building that's going on now. That is not paid by the U.S. It is paid by the apportioned assessed dues of all the member countries.

This is about a perimeter cost dealing with FDR Drive that our colleagues Mr. THOMPSON and Mr. KING and the other New Yorkers who will speak on this will go into more detail on, that's a host country obligation. There is not $180 million in that fund because $100 million of it has been committed to the request of the New York City Police Department to securitize the perimeter of the U.N. building where FDR Drive goes under the U.N.

Secondly, it puts us back in arrears at the U.N. We tried that once. That doesn't get our agenda through. We have a big agenda and a big reform agenda at the U.N. Failing to pay our obligation is not the answer, and because of the nature of this fund and the commitments already made, I repeat what the CBO says: H.R. 519, this legislation, would have no effect on the Federal budget.

□ 1250

So we are not saving money. We are spurning the important security requests, and we are going back into a pattern of arrearages that undermines our efforts at the U.N. and does not help to achieve those goals.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased to yield 5 minutes to the gentleman from Texas, Judge POE.

Mr. POE of Texas. I thank the gentlelady for yielding and sponsoring this legislation.

Madam Speaker, it seems fairly simple to me: The American taxpayers have overpaid the U.N. The U.N. didn't tell anybody about it. The Heritage Foundation found out about it and published it last year; and all of a sudden, the U.N. admits, Oops, yes. We have $180 million of American money that was overpaid. The State Department has intervened in a letter today by saying that we not only have intervened, but we have kind of told the U.N. to spend $100 million of that money on security in New York.

Now, no question about it, New York probably needs more security around the U.N. That's a different issue. This issue is basic honesty. It's an overpayment by taxpayers. The U.N. got caught, and they should return the money to the United States. And the United States should decide if we want to appropriate more money for security around New York City or the U.N. That is a different issue. But this is an issue of honesty.

First of all, the State Department didn't have the authority to go ahead and say, Keep a little of that money—$100 million of it—and spend it on security. They didn't have that authority. And now there is only $80 million left.

So I submit, we should pass this legislation. We should expect that the U.N., like everybody else, deal in basic honesty. If you make an overpayment in your private personal business, whoever you sent that money to owes you that money. Somebody else can't come in and say, Go ahead and spend it on security or something else because they overpaid the money. The money returns to that individual, just like this taxpayer money should return to the American public, and we should decide whether we want to spend more on the U.N. or not spend it or send that $180 million someplace else.

So I am somewhat dismayed that the State Department has taken a position against basic honesty in saying that money should go ahead and stay in the U.N. because it's already spent. Somebody needs to return the $180 million.

If the State Department spent part of it without authority by Congress, then they need to fork over another $100 million and we get our $80 million back from the U.N., because it's an issue of basic honesty. Then we will deal with the issue of security. And if we need more security around the U.N., then let's have legislation to deal with that and let Congress pass that legislation or vote on that legislation one way or the other. But it's simply not the U.N.'s money.

Give us back our money. It doesn't belong to the United Nations.

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MADAM CHAIRMAN: I write to express the Department of State's strong opposition to House passage of H.R. 519, the ''United Nations Tax Equalization Refund Act of 2011''.

The Department agrees with the goal of reducing the fiscal burden on Americans during difficult economic times and has been working with the United Nations to ensure that the UN improves its methods for estimating U.S. assessments and that UN credits attributable to U.S. contributions are applied in a fiscally responsible manner. The

approach taken in this bill, however, would undermine those efforts and thus, we oppose passage of the bill.

Contrary to assertions in the bill, the UN Tax Equalization Fund (TEF) balance attributable to U.S. contributions is now approximately $80 million. The Administration believes that these credits should be used as offsets against future assessments for UN activities, thereby reducing the need for appropriated funds to meet vital U.S. foreign policy interests.

As the Department of State notified the Congress in December 2010, the United Nations advised the Department of its intent to apply up to $100 million of previously existing TEF credits attributable to United States assessed contributions to fund critical security enhancements at the UN Headquarters complex in New York. New York City and the New York City Police Department had requested such enhancements given the increasing threats the United Nations has come under globally, and given the obvious potential impact of these threats on the United States, as the UN's host country, and on its citizens. The Department notified Congress of its view that upgrades are the only practical means to mitigate potential threats emanating from the public streets surrounding the UN complex to protect the safety and security of staff, visitors, delegates, and senior U.S. and foreign officials present there every day, and that the United States and the UN have a strong shared interest in having increased security against threats emanating from public rights of way along First Avenue and the FDR Drive.

Additionally, the Department of Justice advises us that subsection 3(b) of the bill, which purports to declare the ''policy'' of the United States with respect to the TEF overpayment, implicates the President's exclusive authority to determine the time, scope, and objectives of international negotiations or discussions and therefore would be construed by the Executive Branch as declaring the sense of Congress but not imposing binding obligations on the conduct of the President's diplomatic efforts.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised that there is no objection to the presentation of this letter from the standpoint of the Administration's legislative program.

Sincerely,

RICHARD R. VERMA,
Assistant Secretary,
Legislative Affairs.

Mr. BERMAN. Madam Speaker, I yield 3½ minutes to the gentleman from New York (Mr. ACKERMAN), the ranking member of the Middle East and South Asia Subcommittee of House Foreign Affairs.

Mr. ACKERMAN. Madam Speaker, I am opposed to this bill for one simple reason: It's not a smart thing to do. It recklessly jeopardizes the security and safety of the people of New York City, and it does so for no reason.

This is a national security issue. It will irresponsibly and indefinitely delay the vital security improvements to the perimeter of the U.N. campus in the city that the State Department wants to undertake and has the resources to commit. Why do this? Only a radical, wild-eyed obsession with taking a pound of flesh out of the U.N., which at times deserves it, and to do so no matter what the cost to our national security.

Where is the common sense in clawing back money that is going to be used for desperately needed, long overdue security upgrades that we have the money for anyway and have the responsibility to do anyway? Where's the benefit to the taxpayer for maintaining the vulnerability of the most prominent international target which happens to be in al Qaeda's most highly targeted city?

I can see how the terrorists benefit from reduced security. But I'm having a terribly hard time seeing how New Yorkers or Americans or the 1 million tourists to the building or even the multitudes of international representatives at the United Nations, whom we have undertaken to keep safe, will benefit. The U.N.'s Capital Master Plan calls for $100 million in security upgrades.

As the host nation, that's something about which we should be proud. We are the guarantors of the U.N.'s physical security. We have the money in the Tax Equalization Fund that we can use for the security upgrades. The State Department has already committed to do it. The U.N. wants us to do it. New York City needs us to do it. The New York City Police Department is literally on its knees begging us to do it. We have the money. We don't need further appropriations. All we need to do is to stop this bizarre and radical effort to derail the whole effort.

And you want to eliminate $100 million in jobs? Why?

Security in New York is something I take very seriously. I think most Members do. But as this bill shows, some clearly don't. They are all too happy to rush to the floor every September 11 and boast about the amazing heroism of our police, our firefighters, our first responders. One day a year, they think New York City is part of America.

The rhetoric is all patriotism and bombast, full of promises to do ''whatever it takes.'' And then comes the time to start paying for it. And then, Madam Speaker, some Members have a change of heart. Proudly remembering 9/11 heroism for some Members was no impediment to telling workers deathly ill from their time on ''the pile'' to go ahead and die. Congress didn't have any money for them—at least not until the story got out.

Those of us from New York haven't forgotten all the so-called ''patriots'' who fought tooth and nail to stop the passage of the James Zadroga 9/11 Health and Compensation Act. So now, instead of fighting to get Congress to do the minimally decent thing, we find ourselves on the floor of the House fighting to prevent Congress from doing the maximally stupid thing. I'm not sure this constitutes progress. Taking money from vital security upgrades is radical, irresponsible, and reckless. It's stupid.

Vote ''no'' on stupid.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I wish to rebut some of the arguments. To my colleagues, I ask, if this was so urgent, why didn't the Obama administration request these funds legitimately last year? Why didn't the last Congress fund it? Secondly, the CBO needs to have the actual funds reimbursed so that the savings can be tabulated.

And also, Madam Speaker, I hold out this letter from the Under Secretary of State for Management, which says that this construction is primarily the responsibility of the United Nations. They, themselves, are saying that this is not a U.S. host country responsibility.

And less than 2 hours ago, we received a letter, finally, from the State Department—even though we've asked for it repeatedly—claiming for the first time ever that the current TEF surplus is ''now approximately $80 million.'' It's either the new math or it took the scheduling of the bill on the floor of the House of Representatives to get the administration to effectively admit for the first time that it has already given away $100 million owed back to the U.S. taxpayers.

This is an outrage, Madam Speaker.

Even now, the State Department doesn't have the honesty to admit its decision but tries to hide behind the U.N. In that letter, they write, ''As the State Department notified the Congress in December 2010, the United Nations advised the Department of its intent to apply $100 million of previously existing TEF credits to fund critically important security enhancements at the U.N. Headquarters complex.''

But the U.N. can not and will not do any such thing without express instructions from the U.S. Don't take my word for it. This is what the State Department told Congress when we started asking these tough questions a few months ago. The U.N. ''applies credits consistent with requests from the relevant member states and will not move forward with using them in other ways.''

So the administration owes Congress a long overdue explanation of:

One, who instructed the U.N. to keep and spend $100 million that were payable to the United States?

Two, when did they do it?

Three, on what basis did they make that decision?

□ 1300

After 3 months of repeatedly asking for the detailed plans and the costs and the estimates, we have received only, again, a single piece of cursory figures. This is it.

The U.N. should give U.S. taxpayers back the $179 million that we overpaid, plain and simple. If the State Department gave most of that away to the U.N. in some backroom deal, then we will make sure that we can recoup these funds from the Department.

Madam Speaker, I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 3 minutes to the chairman of the Homeland Security

Committee, the gentleman from New York (Mr. KING).

Mr. KING of New York. Madam Speaker, I rise in opposition to this legislation. And I say that as one who has voted continually for reform at the U.N., has been critical of funding procedures involving the U.N.

But I'm here today to save lives. The fact is, contrary to what has been said, I don't want to get caught in an accounting debate. I don't want to get caught in a fight between Democrats and Republicans, between the Obama administration, the State Department, the U.N., between chairman and ranking members.

I am here because of the fact that this is not something that started 3 months ago or 4 months ago or 5 months ago. This has been an ongoing matter between the New York City Police Department and the U.N. and the State Department.

The results of an attack in this area would be catastrophic. I am not going to go into details. But anyone who wants to check the series of correspondence going back long before this became an issue here in Congress about how vital it was to have this $100 million in construction changes and hardening made, whether we are talking about First Avenue or FDR Drive or the perimeter, the fact is, this is a disaster waiting to happen.

And I would say to Members on both sides, if there is an attack, if there is a vehicle bomb, if there is an attack in these areas that have been designated by Commissioner Kelly, and we see hundreds of lives lost or thousands of lives lost, we're going to come back and say well, that could have been taken care of, but it was in this account rather than that account; it was authorized but not appropriated, or it was spent by the U.N. at the direction of the State Department and Congress didn't have time to act in time.

The fact is, this is a matter of life and death. This is a serious matter. I was on the phone late last night at midnight with the highest-ranking people in the New York City Police Department, and how vital this is to them.

We can have our debate back and forth. We can go back and forth as to when it should have been done, who was hiding what. The fact is, I'm concerned with saving lives, not just for New Yorkers, but all the tourists that visit there, the impact this would have.

And if people are concerned about saving money, put it in very harsh economic terms what this would do to our economy if a car bomb went off in the vicinity specified by Commissioner Kelly and we saw lives being lost, people being burned to death, we saw buildings coming down because we felt the money wasn't done exactly the appropriate way as far as which part of the balance sheet it came off.

So I am urging my colleagues to save lives, to do what has to be done for security, put partisan politics aside. And it's not just important to know the cost of something. It's important to know the value of something and the damage that can be caused if that value is impaired.

So I urge the defeat of this legislation.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), the chairman of the Foreign Affairs Subcommittee on Europe and Eurasia.

Mr. BURTON of Indiana. I thank the gentlelady for yielding, and I want to congratulate her on being the new chair of the Foreign Affairs Committee. I know she is going to do an outstanding job.

Madam Speaker, let me just start off by saying the U.N. has been a scandal-ridden mess for as far back as I can remember. I've been in Congress 28 years, and we've had scandal after scandal after scandal. The people over there that have been overpaid, comparing it to the private sector for accountants, for business, for all kinds of things, and we raise Cain about it on this floor, but nothing ever changes.

Remember the oil scandal involving Iraq? Remember Saddam Hussein and the deals that were cut and how the U.N. was involved in that?

Nothing ever changed. We keep throwing the money in the same direction and the same amounts, year after year after year. We give them 22 percent of their budget. Now, if you take all the countries in the world that are involved in the U.N., you'll find that we're sending a real disproportionate amount of money to them. Our share should not be 22 percent. Nevertheless, we do it year after year after year.

And now we find out that the U.N. Tax Equalization Fund, the TEF, was overpaid $179 million. Why in the world should we allow them to keep our money? We're already paying them more than we should, in my opinion.

I heard what my colleague said about the security of the place and all that. We give them more than enough money to take care of the place and to pay the salaries and to do what needs to be done over there. That is, if you support everything the U.N. does.

But to allow them to keep almost $180 million of our money when it's an overpayment makes no sense whatsoever. So what we're saying here today is, you know, we're just going to hold this money back if they don't return what they already owe us.

Now, if we had any other creditor that owes us money, or if you had a creditor in your hometown, you would expect that creditor to pay you back. You'd expect them to pay what they owe.

But the U.N. is a different thing. Why? It makes no sense to me whatsoever.

I've been here long enough to know that there has been problem after problem after problem with the U.N., and we've complained about it. We have done very little to correct that, but we've complained about it time and again.

But at the very, very least, at the very least we should expect them to pay us back the money that they owe us. So I wish my colleagues would think about this from a logical point of view. Why should we let them keep money that they owe the United States, especially at a time when we have a $14 trillion, get that, $14 trillion national debt? We're going to be $1.5 trillion short this year, and the legacy we're going to leave to our kids and grandkids is unbelievably bad. And so this is a drop in the bucket, no question about it. But I think we should get our $170 million back, and I hope my colleagues on the other side of the aisle will concur.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 3 minutes to the ranking member of the Homeland Security Committee, the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Madam Speaker, this is a fundamental principle that we developed in the Homeland Security Committee, where we work with our stakeholders to protect this country. The notion of taking the resources away from the New York City Police Department, a major stakeholder in keeping this country safe, does not make sense.

Representative KING, the new chairman of the committee, outlined in a very passionate statement how this would devastate New York City. That partnership we've created has rendered results. All of the statistics that we have gleaned on this committee indicate that New York City is the number one terrorist target in the United States. This $100 million investment with the New York Police Department is an investment in security.

What we have here is smoke and mirrors that ultimately will render the citizens of New York City vulnerable to any potential attack. So I call upon my colleagues to oppose this unfortunate cut in the name of getting paid back, and look at it in what ultimate damage it will cause.

The New York City Police Department is known worldwide for its security investments and enhancements, but that's because of the partnership it's had with the Federal Government. We shouldn't punish the good people of New York for some ostensive reason with the United Nations.

And let's talk a little bit about the United Nations. We're fortunate to have them on our shores here in the United States. That's worth a lot. We bring a lot of people to this country. Thousands of tourists visit that building every day. And so why all of a sudden do we want to limit the security of those individuals, among others who visit that building, just because we're trying to ''get some money back.''

□ 1310

Well, we are bigger than that. We have to lead by example. The best example we can do here today is to defeat

this unwarranted, mean-spirited deal that does not provide any security for the good people of New York or the people who work in and around the United Nations building.

That building was put here in 1951. It has been here a long time. We have been that beacon of hope for world order. And now, all of a sudden, we jeopardize it in a document that clearly we understand will not really cost any more money. So I ask for a vote in opposition to H.R. 519.

Ms. ROS-LEHTINEN. Madam Speaker, I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY) in whose district these security perimeter improvements are being made.

Mrs. MALONEY. I thank the gentleman for yielding to me and for leading on so many important issues for the safety of our country and world peace.

I rise in strong opposition to this legislation which would, I believe, make New York City more vulnerable to terrorist attacks; and this includes people that I represent who are visiting or live around the U.N. compound.

The bill would divert funds that the U.N. has that the State Department, United Nations, and the New York City Police Department have planned to use for much-needed security enhancements to the U.N. compound and surrounding perimeter in Manhattan.

I just spoke earlier today with Police Commissioner Kelly, who says these funds are absolutely critical to maintain homeland security. Homeland security should be the number one priority for this country, and not having these funds would put at risk the lives of people who work there, people who visit, and people who live in the area.

We know that threats of terrorist attacks are real. New York City has been attacked twice. And the police commissioner told me today that there have been 11 attempted attacks since 9/11, which they have stopped. So it is a real threat. And as a host country, we have a responsibility to protect the diplomats and those who work in and visit the United Nations. And we know that the U.N. is a terrorist attack target across the world, most notably in 2003 the attack in Iraq and in 2007 the attack in Algeria. So this is important. This vote, if you support the funding and the continued homeland security, will save lives.

I would like to point out very importantly and place in the RECORD a statement from the nonpartisan CBO. They have said that this ''will not provide any savings to taxpayers.'' So if we are not providing savings to taxpayers, why are we not willing to speak out and vote for saving lives and security? I urge a strong ''no'' vote on this legislation.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, February 9, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 519, the United Nations Tax Equalization Refund Act of 2011.

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

Sincerely,
DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 519—United Nations Tax Equalization Refund Act of 2011

CBO estimates that implementing H.R. 519 would have no effect on the federal budget. Enacting H.R. 519 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The bill would establish a new policy to direct the United Nations (U.N.) to return $179 million that the United States overpaid to the U.N. as well as any similar over-payments in future years. Under the bill, if the Secretary of State is unable to certify that the U.N. has returned $179 million, the State Department would be required to withhold the same amount from its assessed contributions to the U.N. Those contributions are funded through annual appropriations acts.

Based on information from the Administration, CBO expects that the State Department would not seek the return of those funds and that the Secretary would thus be unable to make the necessary certification. CBO estimates that amounts appropriated in 2011 for assessed contributions to the U.N. will be obligated and expended before this bill would be enacted; therefore, there would be no funds available this year to withhold pursuant to the bill's requirement. Under current law, there are no appropriations authorized or provided for 2012 or future years for assessed contributions to the U.N.; therefore, CBO also would not attribute savings to H.R. 519 in future years. Thus, CBO estimates that implementing the bill would have no effect on the federal budget. If future appropriations are reduced by $179 million, CBO estimates that discretionary outlays would be reduced by a corresponding amount.

H.R. 519 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Sunita D'Monte. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Ms. ROS-LEHTINEN. I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 1½ minutes to the gentleman from Minnesota, a former member of the Foreign Affairs Committee, Mr. ELLISON.

Mr. ELLISON. Madam Speaker, H.R. 519 is wrongheaded and should be defeated. This bill cuts the United Nations Tax Equalization Refund Act as part of a gimmicky House Republican YouCut proposal.

According to the CBO, our nonpartisan official scorekeeper, H.R. 519 has absolutely no effect on the Federal budget. It saves nothing. Not a penny.

So what would this bill do if enacted? It would put urgently needed security upgrades to the United Nations headquarters at risk. This bill would undermine the protection that we are trying to provide to the people who live in New York. Haven't they suffered enough already?

In fact, the State Department has already committed $100 million from this fund to help the New York Police Department, which requests the support to secure the perimeter against terrorist threats. And these threats are serious, Madam Speaker. U.N. facilities in Iraq and Algeria have already been attacked. And I must say, Madam Speaker, this is part of an extreme agenda that is anti-United Nations from the start.

So let me just say in conclusion, often my colleague Mr. KING and I don't agree, but we agree on this one 100 percent. Mr. KING said, and I quite agree with him, that this bill would undermine security in New York City; it is wrong and indefensible. And I would say that I think he is absolutely right.

Ms. ROS-LEHTINEN. Madam Speaker, I yield for the purpose of making a unanimous-consent request to the gentleman from Florida (Mr. MACK), a gentleman you may be familiar with, who is the chairman of our Western Hemisphere Subcommittee.

(Mr. MACK asked and was given permission to revise and extend his remarks.)

Mr. MACK. Madam Speaker, I rise in support of what the chairwoman is doing on the U.N.

I think it is a disgrace that we continue to fund an organization like the U.N. when in fact they tend to hinder progress instead of help it.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 1½ minutes to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE of New York. Madam Speaker, as a New Yorker and a member of the Homeland Security Committee, I rise in strong opposition to this misguided, ill-advised legislation which would limit the New York Police Department's ability to protect American citizens in the Nation's most at-risk city.

According to the State Department, up to $100 million of the $179 million that the other side is seeking to cut from the U.N. Tax Equalization Fund has been reprogrammed to help enhance security around the U.N. complex in New York City.

As the only member of the Committee of Homeland Security from New York City, I know firsthand the vital role that the NYPD plays in protecting not only U.N. workers but city residents and millions of tourists that visit each year. I have a particular concern to ensure that the NYPD is adequately funded to meet the challenges of defending the U.N. and New York City.

With the broad array of threats that New York City faces, it is unfathomable that we would consider hindering the NYPD's ability to protect one of the most important areas of

the city. The NYPD has protected visiting dignities and the city during the United Nations General Assembly for decades, and we must support our public safety officials and invest in the training and equipment to prevent and respond to emergencies. We should not take away the resources needed for the NYPD to protect citizens, and prevent and mitigate terrorist threats.

As we near the 10th anniversary of 9/11, we are reminded that New York City has been the target of multiple significant terrorist plots. United Nations facilities located around the globe have been targeted by terrorists. A vote for this legislation is a vote to expose New York to extreme risk and recklessness at best.

I urge my colleagues to vote against this misguided and potentially harmful legislation.

Ms. ROS-LEHTINEN. I continue to reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

You need to look more carefully at the YouCut program. You know, the U.S. can't withdraw from the world, nor can we be the policemen of the world; but we can protect the people who work at the U.N. in New York. Is this a YouCut for sovereignty? Will you seek to cut funds for the WTO which doesn't allow Buy America?

Let's talk real sovereignty. Will you withdraw from China trade? No. Will you withdraw from NAFTA and GATT? No. Reduce the power of the Fed? No.

Let's talk real savings. Will you cut funds from the Pentagon? No. Will you cut money for the war in Iraq? No. Will you cut funds for the war in Afghanistan? No. Will you cut money for U.S. bases around the world? No. But you are going to cut funds for the New York City Police to protect citizens. When you do that, you cut off your nose to spite your face.

□ 1320

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to direct their remarks to the Chair.

Ms. ROS-LEHTINEN. I continue to reserve.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Madam Speaker, as we meet here this afternoon, there are 15 million Americans unemployed, and yet we are passing up yet another opportunity to work together to try to create jobs in our country. And what are we doing? We are passing a spending reduction bill that the Congressional Budget Office says doesn't have any impact on the budget at all, so we are not saving any money.

We are passing a bill, or some of us are going to pass a bill, that the New York City Police Commissioner, who is entrusted with defending people around the U.N., says is dangerous because it impairs his ability to do that. And at a time when the most dangerous area of the world is literally in flames and calling out for cooperation between our country and other countries around the world to try to calm things down, we are sending a signal to the most important international institution that our participation is somehow contingent upon domestic politics.

We should be doing a jobs bill, not putting our imprimatur today on a bill that is yet another exercise in politics. The right vote for the country is ''no.''

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 519.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 2¼ minutes to the gentleman from California (Mr. ROYCE), the chairman of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade.

Mr. ROYCE. Madam Speaker, we do get $179 million back into the Treasury, which the CBO does not count as a savings, but if we pass this, we do get the money back. It is obvious that these security upgrades should be funded through the U.N. capital master plan, that is, the $2 billion 5-year effort to renovate the U.N. headquarters in New York. We do know that by raiding the TEF overpayments owed to American taxpayers, rather than funding the construction properly through the capital master plan, we do know that the State Department and the U.N. will stick American taxpayers with 100 percent of the bill rather than the 22 percent we would owe if it was funded through proper channels.

That is what this debate is about. It is not about whether U.N. headquarters in New York should have adequate security. It is about how the costs of that security should be apportioned and whether the funding process can bear even minimal scrutiny. U.S. overpayments into the tax equalization fund are owed to the United States and the State Department should instruct the U.N. to return that money.

Now, when the U.N. is sitting on hundreds of millions of dollars—in this case the U.N. actually told us about it. That is good to know. But one thing has kept it from being returned to the Treasury, and that is the U.S. hasn't asked for its money back. When we Americans are overassessed or overpay the IRS, we get a refund. Well, when the Obama administration overpays the United Nations, they say, keep the check.

We had a Foreign Affairs meeting the other week. We were told the U.N. can't really give us an honest accounting of their annual budget. The budget is somewhere between $5 billion and $6 billion annually. Hundreds of millions is literally considered a rounding error there. But this is no rounding error to U.S. taxpayers. It is $179 million.

We carry 22 percent of that budget over there. China carries less than 3 percent. They should at least be asked to carry their 3 percent of the costs going forward.

So let's take this step. Let's ask for the money back that they have told us at the U.N. that we have overpaid, and let's put it into Treasury at a time when we are running a $1.5 trillion budget deficit.

Mr. BERMAN. Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 45 seconds to my colleague, the gentleman from Florida (Mr. RIVERA).

Mr. RIVERA. I thank the chairman.

Madam Speaker, I rise today in support of making it policy that the U.N. return the $179 million. The U.S. is the United Nation's largest financial supporter. We pay most of the costs of U.N. peacekeeping operations, we pay for most of its security costs, and now the Obama administration refuses to let the United Nations pay us back.

Just one example: in 2005, then-U.N. Secretary General Kofi Annan acknowledged the core failings of the U.N. Human Rights Council by stating that the countries who sought membership on the Human Rights Council did so not to strengthen human rights, but to protect themselves against criticism. This is still the case today as some of the world's worst terrorist regimes and enemies of freedom and individual liberty, including Cuba and China, hold powerful seats on the Human Rights Commission.

The U.N. needs to reform. It is time to end their dependency on the U.S. They should be an organization for peace, human rights, and freedom across the world.

Mr. BERMAN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, let's go through some of the issues and sort of disaggregate all of this.

We have a bill that seeks to withhold funds unless the Secretary of State certifies she has gotten back $179 million from the fund. The fund doesn't have $179 million, because $100 million has been designated to this perimeter security on FDR Drive at the request of the New York Police Department. Why did they do it that way? Because to do it now in the context of the overall U.N. reconstruction will save at least $100 million over doing it when we finish appropriating.

Well, why didn't we do an appropriation? Well, if anyone has noticed, the Congress didn't exactly do appropriations this fiscal year. So we are left in a situation where the administration

makes a decision to designate $100 million from the fund to do something that if they don't do it now will cost twice as much to do it later through the appropriations process and to take the rest of that fund and offset it against our fiscal year 2012 dues.

But the strangest part of this bill, in addition to all the arguments that have been made, it seeks to withhold the payment of dues that the CBO says will have already been paid and there will be nothing to withhold. Fiscal year 2011 dues will be paid before this bill is ever law. You can ask the Secretary and require the Secretary to withhold a certain amount of dues, but once you have paid it all, there is nothing to withhold.

It is really a poorly crafted bill, not contemporaneous with the situation that exists now that seeks to jeopardize an important security project and start us going down the road towards simply trying to not pay; but it won't even work to not pay the dues that we owe through our assessed contributions.

I urge a ''no'' vote.

I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. DUNCAN).

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 30 seconds.

Mr. DUNCAN of South Carolina. Only in Washington can we have the debate over how desperately New York and the U.N. needs $100 million, while simultaneously arguing that not giving that money to the U.N. would not result in any savings for the U.S. taxpayer. If money is vital in one account, how can it be worthless in another?

The truth is that CBO is restrained in its analysis; and because of those rules it is forced to observe, it reached the conclusion that having the U.N. repay the U.S. $179 million would have no impact on our balance book. How can getting $179 million from the U.N. not be counted as savings? Does any person who has ever balanced a checkbook believe this to be true? Of course not.

Mr. McDERMOTT. Madam Speaker, the legislation introduced by House Republicans to return $179 million from the United Nations Tax Equalization Fund, TEF, is both factually inaccurate and diverts Congress' attention from far more pressing national security considerations facing the 112th Congress, such as Afghanistan.

The bill incorrectly states that there is $179 million in the TEF to date, when in fact there is $79 million. The legislation fails to take into account the $100 million that United States has already committed to support critical security upgrades at the U.N. Headquarters, as requested by the City of New York. Forcefully transferring $179 million to Treasury—as this bill dictates—would make it impossible for the U.S. to follow through on our commitment to fund necessary security enhancements that we as the host nation are responsible for, not to mention place U.N. personnel at risk.

At a time when U.S. taxpayers are spending a staggering $100 billion per year in Afghanistan, it seems odd that the Republicans would choose this as a top priority.

I do not support this bill and urge my colleagues to vote against it. I also urge my Republican colleagues to follow through on their number 1 campaign promise and focus on creating jobs and growing our economy—something they have yet to do in any meaningful way since assuming control of the House.

Mr. BLUMENAUER. Madam Speaker, today I will vote against H.R. 519. This bill would direct the United Nations to return $180 million of previously allocated credits to the United States.

U.S. citizens who work at the U.N. pay taxes on their salaries—unlike other nations. To offset this difference in pay and put American employees on an equal level with their foreign counterparts, we pay money into the United Nations Tax Equalization Fund. Over the years, the U.S. has overpaid by $180 million in credits. Since the TEF funds are in the form of credits, not cash, they cannot simply be refunded as H.R. 519 proposes.

As a result, the State Department—in consultation with both Democratic and Republican members of Congress—has offset future appropriations by shifting the funds towards areas of spending that ought to be a high priority for everyone: American security and peace keeping operations abroad. $100 million will be directed towards enhanced security at the U.N. Headquarters in New York to better protect the men and women who work there. The remaining $80 million will reduce future spending on U.S. peacekeeping dues, a policy supported by the current and previous administrations.

The nonpartisan Congressional Budget Office (CBO) states that this bill will not save taxpayers one dime. The money has long been allocated for other purposes and should not be taken away. In this protracted recession, Congress should spend its time on legislation creating jobs and strengthening our economy.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 519.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1330

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 188, by the yeas and nays;

H.R. 519, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

JOHN M. ROLL UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 188) to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the ''John M. Roll United States Courthouse'', on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 429, nays 0, not voting 5, as follows:

[Roll No. 27]

YEAS—429

Ackerman	Castor (FL)	Fitzpatrick
Adams	Chabot	Flake
Aderholt	Chaffetz	Fleischmann
Akin	Chandler	Fleming
Alexander	Chu	Flores
Altmire	Cicilline	Forbes
Amash	Clarke (MI)	Fortenberry
Andrews	Clarke (NY)	Foxx
Austria	Clay	Frank (MA)
Baca	Cleaver	Franks (AZ)
Bachmann	Clyburn	Frelinghuysen
Baldwin	Coble	Fudge
Barletta	Coffman (CO)	Gallegly
Barrow	Cohen	Garamendi
Bartlett	Cole	Gardner
Barton (TX)	Conaway	Garrett
Bass (CA)	Connolly (VA)	Gerlach
Bass (NH)	Conyers	Gibbs
Becerra	Cooper	Gibson
Benishek	Costa	Gingrey (GA)
Berg	Costello	Gohmert
Berkley	Courtney	Gonzalez
Berman	Cravaack	Goodlatte
Biggert	Crawford	Gosar
Bilirakis	Crenshaw	Gowdy
Bishop (GA)	Critz	Granger
Bishop (NY)	Crowley	Graves (GA)
Bishop (UT)	Cuellar	Graves (MO)
Black	Culberson	Green, Al
Blackburn	Cummings	Green, Gene
Blumenauer	Davis (CA)	Griffin (AR)
Bonner	Davis (IL)	Griffith (VA)
Bono Mack	Davis (KY)	Grijalva
Boren	DeFazio	Grimm
Boswell	DeGette	Guinta
Boustany	DeLauro	Guthrie
Brady (PA)	Denham	Gutierrez
Brady (TX)	Dent	Hall
Braley (IA)	DesJarlais	Hanabusa
Brooks	Deutch	Hanna
Broun (GA)	Diaz-Balart	Harper
Brown (FL)	Dicks	Harris
Buchanan	Dingell	Hartzler
Bucshon	Doggett	Hastings (FL)
Buerkle	Dold	Hastings (WA)
Burgess	Donnelly (IN)	Hayworth
Burton (IN)	Doyle	Heck
Butterfield	Dreier	Heinrich
Calvert	Duffy	Heller
Camp	Duncan (SC)	Hensarling
Campbell	Duncan (TN)	Herger
Canseco	Edwards	Herrera Beutler
Cantor	Ellison	Higgins
Capito	Ellmers	Himes
Capps	Emerson	Hinchey
Capuano	Engel	Hinojosa
Cardoza	Eshoo	Hirono
Carnahan	Farenthold	Holden
Carney	Farr	Holt
Carson (IN)	Fattah	Honda
Carter	Filner	Hoyer
Cassidy	Fincher	Huelskamp