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SENATE

{ REPORT
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THE HUMAN RIGHTS COUNCIL FUNDING
REFORM ACT OF 2007

JULY 25, 2007.—Ordered to be printed

Mr. BIDEN, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany S. 1698]

The Committee on Foreign Relations, having had under consideration the bill (S. 1698) to provide that no funds appropriated or otherwise made available by any Act for contributions for international organizations may be made available to support the United Nations Human Rights Council, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

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I. PURPOSE

This legislation would prohibit the United States from funding the UN Human Rights Council unless the President of the United States certifies that it is in the national interest to fund the Council, or the United States becomes a member of the Council.

II. LEGISLATIVE HISTORY AND COMMITTEE ACTION

S. 1698 was introduced by Senator Coleman on June 26, 2007. On June 27, 2007, the committee ordered the bill reported favorably by voice vote, after approving one amendment sponsored by Senators Biden and Lugar.

III. DISCUSSION

In fall 2005, during the UN General Assembly, member states endorsed the creation of a Human Rights Council to replace the Commission on Human Rights. The Commission had become wide-

ly criticized, particularly due to the fact that many human rights abusers had been elected to the body over a period of several years.

In March 2006, the General Assembly passed a resolution to establish the Council, outlining its framework and laying the foundation for its procedures. With the intent of making more difficult the possibility of human rights abusers being elected to the Council, and increasing the ability of the Council to address human rights abuses globally, the resolution increased the Council's number of meetings annually, reduced the number of Council seats from 53 to 47 and established a "universal periodic review": a procedure by which members of the Council will assess one another's fulfillment of their human rights obligations and commitments.

During its first year of work, the Council focused on both procedural and substantive issues, holding five regular sessions and four special sessions. During the regular sessions, members of the Council established the majority of its working methods, and addressed thematic issues such as country reports on Cuba, Belarus, Cambodia, Haiti, and Somalia. However, three of the four special sessions focused on Israeli human rights abuses in the Occupied Arab Territories and in Lebanon. (Under the procedural rules of the Council, a special session may be called by a vote of 16 members.) In addition, during the first year, 75 percent of country-specific resolutions passed by the Council condemned Israel for human rights abuses, while no other country was directly condemned by the Council.

The committee is concerned by this disproportionate attention to Israel. So, too, are some UN member states, as well as international human rights organizations, who have concluded that the Council has unfairly targeted Israel, while not paying adequate attention to human rights abuses in other parts of the world. Additionally, during its Fifth regular session in June 2007, the Council decided to terminate the mandates for the special rapporteurs to Cuba and Belarus, a decision which has also been criticized by human rights organizations and some member states. Finally, although the Council has adopted some measures to reform its election process, human rights abusers such as Cuba, Saudi Arabia, Angola, and Russia were elected as members during the last round, held in May 2007.

The Bush administration has decided twice not to seek a seat on the Council, stating that the Council has "not proved itself to be a credible body." The United States attends the Council, continues to work in its capacity as an observer with other like-minded countries, and funds the Council through its contribution to the United Nations' regular budget. Nonetheless, the committee believes that legislation in response to the poor performance of the Council to date is in order.

S. 1698, as introduced by Senator Coleman, is designed to prohibit the United States from contributing to the UN Human Rights Council. An amendment offered by Senators Biden and Lugar, and adopted by voice vote, limits the prohibition on funding to fiscal years 2008 and 2009, and provides a waiver to the prohibition if the President certifies that funding the Council is in the national interest, or if the United States becomes a member of the Council.

Funding for the Council comes from the U.S. contribution to the United Nations' regular budget, which will be an estimated \$1.5

billion in 2008 and 2009. Because there is no specific line item for the U.S. contribution to the Human Rights Council, S. 1698 would effectively withhold an amount equivalent to the U.S. contribution to the Council, approximately \$3 million, from its payment to the UN regular budget.

IV. COST ESTIMATE

In accordance with Rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the committee provides this estimate of the costs of this legislation prepared by the Congressional Budget Office.

UNITED STATES CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 16, 2007.

Hon. JOSEPH R. BIDEN, JR.,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1698, The Human Rights Council Funding Reform Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

PETER R. ORSZAG.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

July 16, 2007.

S. 1698

The Human Rights Council Funding Reform Act of 2007

AS ORDERED REPORTED BY THE SENATE COMMITTEE ON FOREIGN
RELATIONS ON JUNE 27, 2007

S. 1698 would prohibit the United States from making any contributions to the United Nations Human Rights Council (HRC) in fiscal years 2008 or 2009 unless the United States becomes a member of the organization or the President certifies that such contributions are in the national interest. The council was formed in 2006 and the United States is not currently a member.

Based on information from the Department of State, CBO estimates that, under current law, U.S. contributions to the HRC will be about \$1.5 million a year for 2008 and 2009. Therefore, unless the United States joins the HRC or the President certifies that withholding the contribution would be contrary to the national interest, implementing the bill would reduce U.S. contributions to the HRC by a total of \$3 million. Enacting the bill would not affect direct spending or receipts.

S. 1698 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Sunita D'Monte. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to Rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the committee has determined that there is no regulatory impact as a result of this legislation.

VI. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by this bill.

