

116TH CONGRESS
2D SESSION

H. R. 7939

To counter malign influence, require transparency, and promote accountability within the United Nations system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2020

Mr. McCAUL introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To counter malign influence, require transparency, and promote accountability 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.**

4 This Act may be cited as the “United Nations Trans-
5 parency and Accountability Act of 2020”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

4 (B) the Committee on Foreign Relations
5 and the Committee on Appropriations of the
6 Senate.

7 (2) EMPLOYEE.—The term “employee” means
8 staff who are compensated in any form in the gen-
9 eral services, professional staff, or senior manage-
10 ment of the United Nations system, including con-
11 sultants, contractors, and subcontractors.

12 (3) MALIGN INFLUENCE OPERATIONS.—The
13 term “malign influence operations” means a coordi-
14 nated, integrated, and synchronized application by a
15 Member State of national diplomatic, informational,
16 military, economic, or other capabilities, to foster at-
17 titudes, behaviors, or decisions by a United Nations
18 Entity, or within the United Nations system, that
19 furthers the national interests and objectives of a
20 Member State, in a manner inconsistent with the
21 United Nations Charter.

22 (4) MEMBER STATE.—The term “Member
23 State” means a country that is a Member State of
24 the United Nations.

1 (5) SENIOR LEVEL EMPLOYEE OF THE UNITED
2 NATIONS.—The term “senior level employee of the
3 United Nations” means an individual who is em-
4 ployed in the professional staff or senior manage-
5 ment of the United Nations system, serving at the
6 level of D–1 or higher.

7 (6) UNITED NATIONS ENTITY.—The term
8 “United Nations entity” means the United Nations
9 General Assembly, the Economic and Social Council,
10 the Security Council, the Secretariat, the related or-
11 ganizations, the specialized agencies, or subsidiary
12 body.

13 (7) UNITED NATIONS SYSTEM.—The term
14 “United Nations system” means an aggregation of
15 all United Nations entities.

16 (8) UNITED STATES CONTRIBUTION.—The term
17 “United States contribution” means an assessed or
18 voluntary contribution, whether financial, in-kind, or
19 otherwise, from the United States Government to a
20 United Nations entity.

1 **TITLE I—COUNTERING MALIGN**
2 **INFLUENCE OPERATIONS**
3 **WITHIN THE UNITED NA-**
4 **TIONS SYSTEM**

5 **SEC. 101. FINDINGS.**

6 Congress finds the following:

7 (1) Article 100 of the United Nations Charter
8 provides that United Nations Secretariat staff “shall
9 not seek or receive instructions from any govern-
10 ment or from any authority external to the Organi-
11 zation”.

12 (2) Furthermore, it requires Member States to
13 “respect the exclusively international character of
14 the responsibilities of the Secretary-General and the
15 staff and not to seek to influence them in the dis-
16 charge of their responsibilities”.

17 (3) For decades, Russia has manipulated the
18 United Nations procurement process to its own ben-
19 efit, especially in air assets. Russian nationals in key
20 procurement and personnel positions inside the
21 United Nations have repeatedly drafted procurement
22 contracts designed to ensure that Russian airframes
23 and pilots have an unfair advantage when bidding
24 for these contracts.

1 (4) According to Human Rights Watch, the
2 People's Republic of China (PRC) has used its lead-
3 ership roles within the United Nations to block non-
4 governmental organizations critical of the PRC from
5 being accredited to the U.N. PRC diplomats have
6 violated U.N. rules by harassing activists by
7 photographing and filming them on U.N. property,
8 as well as contacting U.N. employees in efforts to in-
9 timidate and harass them.

10 (5) In 2013, PRC authorities detained Cao
11 Shunli after she tried to attend trainings in Geneva
12 on the Human Rights Council. She was arrested at
13 Beijing Airport and disappeared for several weeks.
14 She had previously called on the Chinese Communist
15 Party to work with civil society during the drafting
16 of the PRC's second Universal Periodic Review, a
17 mechanism by which the U.N. Human Rights Coun-
18 cil reviews the human rights record of Member
19 States. After five and a half months in detention,
20 she died in a military hospital in Beijing. When
21 NGOs at the Human Rights Council called for a mo-
22 ment of silence in memory of Cao, the PRC delega-
23 tion blocked the request.

24 (6) In a 2019 interview with China Central Tel-
25 evision, Wu Hongbo, the former Under-Secretary-

1 General of the United Nations and head of the
2 United Nations Department of Economic and Social
3 Affairs (UNDESA), stated publicly that as a United
4 Nations Employee, he prioritized the PRC's inter-
5 ests above the impartiality of the United Nations
6 system. When discussing how he demanded the
7 United Nations police expel Dolkun Isa, an accred-
8 ited nongovernmental organization (NGO) partici-
9 pant, from the United Nations headquarters, Wu
10 Hongbo described him as a "Xinjiang separatist"
11 and bragged about intimidating an Assistant Sec-
12 retary-General who complained. He went on to say
13 "I think being a Chinese diplomat means one can't
14 be careless, when it is about protecting China's na-
15 tional interest and safety. We have to strongly de-
16 fend the motherland's interests."

17 (7) Despite this action, Wu Hongbo was suc-
18 ceeded as Under-Secretary-General and head of
19 UNDESA by Liu Zhenmin, another PRC national.
20 Under-Secretary-General Liu continues to prioritize
21 PRC national interests above the impartiality re-
22 quired in his role.

23 (8) On September 19, 2019, the United States
24 Department of State expelled two members of the
25 Permanent Mission of Cuba to the United Nations

1 for “attempts to conduct influence operations
2 against the United States”.

3 **SEC. 102. STATEMENT OF POLICY.**

4 It is the policy of the United States to—

5 (1) identify, report, and hold accountable Mem-
6 ber States who engage in malign influence oper-
7 ations and United Nations employees who act incon-
8 sistently with the principals of impartiality enshrined
9 in the United Nations Charter;

10 (2) oppose the election as the head of any
11 United Nations entity of nationals from Member
12 States conducting malign influence operations; and

13 (3) support Taiwan’s membership or meaning-
14 ful participation, as appropriate, in relevant United
15 Nations entities in which Taiwan has expressed an
16 interest in participating.

17 **SEC. 103. DESIGNATION OF SENIOR OFFICIAL.**

18 The Secretary of State shall designate a Senate-con-
19 firmed senior level official of the United States Mission
20 to the United Nations (US-UN) to provide guidance re-
21 garding implementation of the policies specified in section
22 102, fulfill the reporting requirements of section 104, and
23 coordinate the implementation of this title within the
24 United States Government.

1 **SEC. 104. REPORT.**

2 (a) IN GENERAL.—Not later than August 1, 2020,
3 and annually thereafter for four years, the Secretary of
4 State shall submit to the appropriate congressional com-
5 mittees an unclassified report, which may include a classi-
6 fied annex, regarding malign influence operations within
7 the United Nations system.

8 (b) CONTENTS.— Each report under subsection (a)
9 shall include the following:

10 (1) A list of Member States determined to be
11 engaged in malign influence operations within the
12 United Nations system.

13 (2) Actions inconsistent with the principle of
14 impartiality enshrined in the United Nations Char-
15 ter by the government of these Member States.

16 (3) A description of the impact of such oper-
17 ations on the interests and security of the United
18 States.

19 **SEC. 105. IMPLEMENTATION.**

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 implement the policies specified in sec-
24 tion 102.

1 **SEC. 106. PRESIDENTIAL ACTIONS IN RESPONSE TO MA-**
2 **LIGN INFLUENCE OPERATIONS WITHIN THE**
3 **UNITED NATIONS SYSTEM.**

4 (a) **POLICY.**—It shall be the policy of the United
5 States to—

6 (1) oppose malign influence operations that are
7 or have been engaged in by the governments of
8 Member States; and

9 (2) promote respect for the impartiality and
10 independence of the United Nations system in coun-
11 tries designated pursuant to subsection (b).

12 (b) **DESIGNATIONS OF COUNTRIES AS MALIGN GLOB-**
13 **AL ACTORS.**—

14 (1) **ANNUAL REVIEW.**—Not later than Sep-
15 tember 1, 2020, and annually thereafter for four
16 years, the President shall review the reports required
17 under section 104 to determine whether the govern-
18 ment of a country included in the most recent such
19 report, in addition to any other available evidence or
20 information, has engaged in malign influence oper-
21 ations that threatened the interests or security of
22 the United States during the preceding 12 month
23 period or since the date of the last review of that
24 country under this subparagraph, whichever period
25 is longer. The President shall designate each country
26 the government of which has engaged in such oper-

1 ations that have so threatened the interests or secu-
 2 rity of the United States as a malign global actor.

3 (2) CONGRESSIONAL NOTIFICATION.—Whenever
 4 the President designates a country as a malign glob-
 5 al actor under paragraph (1)(A), the President shall,
 6 as soon as practicable after such designation is
 7 made, transmit to the appropriate congressional
 8 committees such designation, including an expla-
 9 nation for why such designation was made.

10 **SEC. 107. REPORT ON ACCOUNTABILITY OF SENIOR LEVEL**
 11 **EMPLOYEES OF THE UNITED NATIONS.**

12 No later than 90 days after the date of the enactment
 13 of this Act, the Secretary of State shall report to the ap-
 14 propriate congressional committees on feasible mecha-
 15 nisms and ongoing efforts to increase the accountability
 16 of senior level employees of the United Nations.

17 **TITLE II—SUPPORTING UNITED**
 18 **STATES ENGAGEMENT IN THE**
 19 **UNITED NATIONS SYSTEM**

20 **SEC. 201. OFFICE OF AMERICAN CITIZENS.**

21 (a) IN GENERAL.—The Secretary of State shall es-
 22 tablish an Office of American Citizens as a separate office
 23 within the Department of State’s Bureau of International
 24 Organization Affairs (IO).

1 (b) DUTIES.—The Office of American Citizens
2 shall—

3 (1) advocate for the employment of United
4 States citizens by all international organizations of
5 which the United States is a member, including the
6 United Nations system;

7 (2) coordinate the interagency support of non-
8 United States candidates for leadership or oversight
9 roles within such international organizations when—

10 (A) no United States citizen candidate has
11 been nominated for election to such a leadership
12 role; and

13 (B) it is determined that providing such
14 support is in the interest of the United States.

15 (3) develop and maintain a publicly accessible
16 database of open positions at such international or-
17 ganizations and provide details on how United
18 States citizens may submit applications for such po-
19 sitions;

20 (4) communicate regularly with members of
21 Congress to solicit the names of qualified candidates
22 for such positions; and

23 (5) maintain a comprehensive and current list
24 of all United States citizens employed by such inter-
25 national organizations and regularly report to Con-

1 gress on the number of such citizens and identify
2 any discrimination, prejudice, or perceived bias
3 against such citizens seeking to secure such employ-
4 ment.

5 (c) COORDINATION.—The head of the Office of Amer-
6 ican Citizens shall coordinate all nominations for inter-
7 national organizations for all agencies of the Federal Gov-
8 ernment. Agencies of the Federal Government shall rec-
9 ommend to the head of the Office of American Citizens
10 for consideration candidates for election, promotion, or ad-
11 vocacy within relevant international organizations.

12 (d) PERSONNEL.—The Secretary shall ensure that
13 the Office of American Citizens is adequately staffed at
14 all times to fulfill its mandate under this Act.

15 (e) REPORTING.—The head of the office established
16 by this section shall report directly to the Principal Dep-
17 uty Assistant Secretary within IO.

18 **SEC. 202. JUNIOR PROFESSIONAL OFFICERS.**

19 (a) INCREASE IN JUNIOR PROFESSIONAL OFFICER
20 POSITIONS.—The Secretary of State shall increase by not
21 fewer than 50 percent the number of Junior Professional
22 Officer positions sponsored by the United States within
23 the United Nations system over the number of such posi-
24 tions so sponsored as of the date of the enactment of this
25 Act.

1 (b) COORDINATION.—Not later than December 31 of
2 each year, the head of each bureau of the Department of
3 State shall provide the head of the Office of American Citi-
4 zens of the Department information regarding the amount
5 of funding each such bureau has designated during the
6 immediately preceding fiscal year for Junior Professional
7 Officer positions in the United Nations system and the
8 number of such positions that exist as of such fiscal year.

9 **TITLE III—TRANSPARENCY AND**
10 **ACCOUNTABILITY FOR**
11 **UNITED STATES CONTRIBU-**
12 **TIONS TO THE UNITED NA-**
13 **TIONS**

14 **SEC. 301. FINDINGS.**

15 Congress finds the following:

16 (1) As underscored by repeated revelations of
17 waste, fraud, and abuse, oversight and account-
18 ability mechanisms within the United Nations sys-
19 tem remain deficient, despite decades of reform at-
20 tempts, including those initiated by Secretaries Gen-
21 eral of the United Nations.

22 (2) Notwithstanding the personal intentions of
23 any Secretary General of the United Nations to pro-
24 mote institutional transparency and accountability
25 within the United Nations system, the Secretary

1 General lacks the power to impose far reaching man-
2 agement reforms without the concurrence of the
3 General Assembly.

4 (3) The United Nations Office of Internal Over-
5 sight Services (OIOS) is tasked with providing
6 transparency and accountability to Member States.

7 (4) The United States successfully led efforts
8 within the General Assembly to expand OIOS, re-
9 sulting in increased independence of the office and
10 an enhanced ability to expose fraud, waste, abuse,
11 and other misconduct.

12 (5) However, to an unacceptable degree, major
13 donor states, including the United States, lack ac-
14 cess to reasonably detailed, reliable information on
15 the use of funding made available through single-
16 country trust funds, as well as the outcomes and re-
17 sults stemming from United Nations activities that
18 would allow them to determine the overall perform-
19 ance of the United Nations system.

20 **SEC. 302. ANNUAL REPORT ON FINANCIAL CONTRIBU-**
21 **TIONS.**

22 Subsection (b) of section 4 of the United Nations
23 Participation Act of 1945 (22 U.S.C. 287b) is amended—

24 (1) by striking “Not later than” and inserting
25 the following:

1 “(1) IN GENERAL.—Not later than”; and

2 (2) by adding at the end the following new
3 paragraphs:

4 “(2) CONTENTS.—Each report required under
5 this subsection shall set forth, for the fiscal year
6 covered by such report, information relating to the
7 following:

8 “(A) The total amount of all United States
9 contributions to international organizations in
10 which the United States participates as a mem-
11 ber.

12 “(B) The approximate percentage of
13 United States contributions to each inter-
14 national organization, when compared with all
15 contributions to any such international organi-
16 zation, from any source.

17 “(C) For each such United States con-
18 tribution, information relating to the following:

19 “(i) The amount of such contribution.

20 “(ii) A description of such contribu-
21 tion (including whether assessed or vol-
22 untary).

23 “(iii) The department or agency of the
24 United States Government responsible for
25 such contribution.

1 “(iv) The purpose of such contribu-
2 tion.

3 “(v) An identification of the inter-
4 national organization, receiving such con-
5 tribution.

6 “(3) PUBLIC AVAILABILITY OF INFORMATION.—
7 Not later than 14 days after submitting each report
8 required under this subsection, the Director of the
9 Office of Management and Budget shall post a pub-
10 lic version of such report on a text-based, searchable,
11 and publicly available internet website.”.

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