

United States Department of State

*Under Secretary of State  
for Political Affairs*

*Washington, D.C. 20520*

September 13, 2006

Dear Mr. Obey:

The Foreign Operations, Export Financing and Related Programs Appropriations Act, 2006 (P.L. 109-102) (the "Act"), like every Foreign Operations Appropriations Act since 1985, provides that "none of the funds made available in this Act... may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization." The Act earmarks \$34 million for the United Nations Population Fund (UNFPA).

As reflected in the law and as a matter of longstanding policy, the United States opposes coercive abortion and involuntary sterilization. I have determined that by providing financial and technical resources through its sixth cycle China Country Program to the National Population and Family Planning Commission and related entities, UNFPA supports the Chinese government's program of coercive abortion and involuntary sterilization. Therefore, the Kemp-Kasten Amendment continues to preclude funding of UNFPA. The law consequently requires \$22.5M (less a \$225,000 rescission mandated by sec. 3801 of P.L. 109-148) of funds appropriated in the "International Organizations and Programs" account earmarked for UNFPA to be transferred before the end of the fiscal year to the "Child Survival and Health Programs Fund."

China's birth limitation program continues to retain harshly coercive elements in law and practice in many areas, most notably prohibitions against single women or couples with certain genetic diseases bearing children, requirements that couples wishing to have a second child must ask for government permission, and the imposition of penalties including large

The Honorable  
David Obey,  
Committee on Appropriations,  
House of Representatives.

“social maintenance/compensation” fees for births violating government regulations. In addition, although central government policy formally prohibits the use of physical coercion to compel persons to submit to abortion or sterilization, reports of physical coercion to meet birth targets continued in 2005.

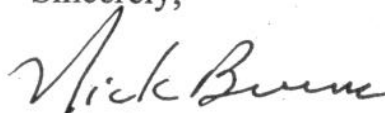
UNFPA continues its support and involvement in China’s birth limitation program by providing resources to the National Population and Family Planning Commission and related entities, which are responsible for implementing and enforcing China’s restrictive birth limitations and the resulting coercive abortion and involuntary sterilization regime.

Since 2002, we have had numerous discussions with the Government of China to urge it to end its program of coercive abortion and involuntary sterilization. At the June 2005 and January 2006 meetings of the UNFPA Executive Board, we urged UNFPA and China to restructure the UNFPA program so that it does not support or participate in the management of China’s coercive program. We have also urged the Government of China to end such coercion, at the very least in those counties where UNFPA operates. Despite these efforts, there has been no significant change in the circumstances of UNFPA’s involvement in China. Chinese citizens who violate the birth limitation policy in counties where UNFPA is supporting government controlled family planning programs will face disciplinary measures and other administrative punishments, leaving women with little practical choice but to undergo abortion or sterilization.

As provided in section 560 of the Act, \$22,275,000 (after rescission) of FY 2006 funds appropriated under the heading “International Organizations and Programs” shall be transferred before the end of the fiscal year to the “Child Survival and Health Programs Fund.”

We will continue to remain engaged with China and UNFPA on this very important issue.

Sincerely,



R. Nicholas Burns