

United States Department of State

*Under Secretary of State
for Political Affairs*

Washington, D.C. 20520

SEP 15 2005

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Dear Senator Byrd:

The Foreign Operations, Export Financing and Related Programs Appropriations Act, 2005 (Div. D, P.L. 108-477) (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. I have determined that UNFPA's support of, and involvement in, China's birth-planning activities facilitates the Chinese government's coercive abortion program. Therefore, the Kemp-Kasten Amendment continues to preclude funding of UNFPA. The law consequently requires \$25,000,000 of the amount earmarked for the UNFPA will be transferred before the end of the fiscal year to the "Child Survival and Health Fund Programs."

China's birth limitation program continues to retain harshly coercive elements in law and practice in many areas, most notably the use of large "social maintenance/compensation" fees for out-of-plan births. UNFPA continues its support and involvement in China's birth limitation program by providing resources to the National Population and Family Planning Commission, which enforces China's coercive abortion program. UNFPA also continues to work in counties where government officials enforce China's restrictive law and policies.

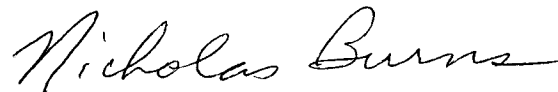
The Honorable
Robert C. Byrd,
Committee on Appropriations,
United States Senate.

Since 2002, we have had numerous discussions with the Government of China to end its coercive abortion program. The most recent discussions occurred in May and February 2005 and November 2004. We continue to urge 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.

As provided in section 560 of the Act, \$25,000,000 of FY 2005 funds appropriated under the heading "International Organizations and Programs" shall be transferred immediately and before the end of the fiscal year to "Child Survival and Health Fund Programs."

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

Sincerely,

A handwritten signature in cursive script that reads "Nicholas Burns".

R. Nicholas Burns