

THE SECRETARY OF STATE

WASHINGTON

July 21, 2002

Dear Mr. Chairman:

The Foreign Operations, Export Financing and Related Programs Appropriations Act for fiscal year 2002, Pub. L. 107-115 ("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." Subject to this funding restriction (known as the "Kemp-Kasten amendment"), the Act appropriates "not more than \$34,000,000" for the United Nations Population Fund ("UNFPA").

I continue to believe that the full \$34 million appropriated by the Congress should be used for the purpose of family planning and reproductive health care as originally envisaged. Accordingly, we propose to apply the full \$34 million to USAID's Child Survival and Health Program Fund. However, pursuant to a delegation of authority by the President, I have concluded that, in light of the Kemp-Kasten amendment, no funds made available by the Act may be provided to UNFPA at this time. The enclosed analysis provides further information about the basis for my decision. In coming to this conclusion, I relied on information available to me, including briefings supplied by UNFPA, Chinese law, the State Department's annual human rights reports, and the report of a three-member independent assessment team that traveled to the PRC in May 2002 at my request to assess the situation and assist in my determination of whether the Kemp-Kasten Amendment precluded further funding of UNFPA.

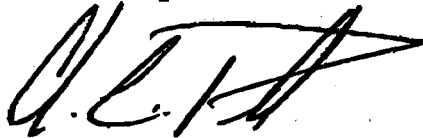
The Honorable

Patrick J. Leahy, Chairman,
Subcommittee on Foreign Operations,
Committee on Appropriations
United States Senate.

The issue of abortion divides many Americans of good will. If there is a single principle that unifies Americans with conflicting views on the subject, it is the conviction that no woman should be forced to have an abortion. The Kemp-Kasten amendment reflects this value by prohibiting the use of foreign assistance appropriations for any organization that supports or participates in the management of a program of coercive abortion. Regrettably, the PRC has in place a regime of severe penalties on women who have unapproved births. This regime plainly operates to coerce pregnant women to have abortions in order to avoid the penalties and therefore amounts to a "program of coercive abortion." Regardless of the modest size of UNFPA's budget in China or any benefits its programs provide, UNFPA's support of, and involvement in, China's population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion. Therefore, it is not permissible to continue funding UNFPA at this time. If Chinese laws and practices were changed so that UNFPA's activities did not support a program of coercive abortion, or if UNFPA were to change the program implementation for its funding so that it did not support a program of coercive abortions, I would be prepared to consider funding UNFPA in the future.

The Administration attaches great importance to our international leadership role in supporting voluntary family planning activities. For that reason, we are preparing to take the steps, including consulting with the Congress, that would be necessary to apply the full \$34 million appropriated by Congress to USAID's Child Survival and Health Program Fund to be used for family planning and reproductive health care activities. We are looking to fund programs in a number of countries, based upon the greatest need for assistance.

Sincerely,



Colin L. Powell

Enclosures:

- Tab A - Analysis of Determination, Kemp-Kasten Amendment
- Tab B - Report of the China UNFPA Independent Assessment Team