

CS

ID # 353340 CU

FO 004-02

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☒ O - OUTGOING☒ H - INTERNAL☒ I - INCOMINGDate Correspondence
Received (YY/MM/DD) ____/____/____

ANNETTE ROONEY

Name of Correspondent: _____

☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: State Language on UNFPA Funding

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CUOFC	ORIGINATOR	92.09.17		C	92.09.17
CUAT 14	Referral Note: A	92.09.17		C	92.09.17
	Referral Note: 9/17/92 SGR Jemma for Rooney				
	Referral Note:				
	Referral Note:				
	Referral Note:				
	Referral Note:				

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

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PRESIDENTIAL REPLY

Code	Date	Comment	Form
C _____	_____	Time: _____	P- _____
DSP _____	_____	Time: _____	Media: _____

SIGNATURE CODES:

CPn - Presidential Correspondence
n - 0 - Unknown
n - 1 - George Herbert Walker Bush
n - 2 - George Bush
n - 3 - George

CLn - First Lady's Correspondence
n - 1 - Barbara Bush
n - 2 - Barbara
n - 3 - Bar
n - 4 - Mrs. Barbara Bush

CBn - Presidential & First Lady's Correspondence
n - 1 - Barbara & George Bush
n - 2 - Barbara & George

MEDIA CODES:

B - Box/package
C - Copy
D - Official document
G - Message
H - Handcarried
L - Letter
M - Mailgram
O - Memo
P - Photo
R - Report
S - Sealed
T - Telegram
V - Telephone
X - Miscellaneous
Y - Study

THE WHITE HOUSE

WASHINGTON

September 17, 1992

MEMORANDUM FOR ANNETTE ROONEY

FROM: STEPHEN G. RADEMAKER 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: State Language on UNFPA Funding

Pursuant to your request, Counsel's Office has reviewed the above-referenced matter and has no objection, subject to the changes noted on the attached text.

Thank you for bringing this matter to our attention.

Attachment

BACKGROUND ON ADMINISTRATION OPPOSITION TO UNFPA FUNDING

The 1993 foreign aid appropriations bill attempts to develop a "compromise" for funding UNFPA that is unacceptable to the Administration. The bill earmarks funding for UNFPA "notwithstanding any other provision of law or policy". It also limits U.S. funding to the purchase of contraceptive commodities and related logistics; requires the U.S. contribution to be maintained in a separate account ^{from} which disbursements could be made only for projects approved by UNFPA and the U.S. Ambassador to the UN, and precludes the use of U.S. funds for programs for China or to finance abortions, coercive abortion and involuntary sterilization.

^{while and it would}
The Administration opposes this proposed "compromise" because it violates established and longstanding Administration policy. ~~While the language would override existing law, and theoretically "fence off" the U.S. contribution to UNFPA from use either in China or for abortion, it attempts to distract attention from important, fundamental principles reflected in existing law and policy. Although the AID Administrator has made a finding that the UNFPA does not itself support either abortion or coercion, we are concerned that a contribution to the UNFPA, given its involvement in the management of the China Family Planning Program, may connote approval of the China Program, despite continuing incidence of its coercive implementation.~~

without any change in of that Program

and UNFPA's continuing involvement

^{is ineligible for U.S. funding under}
The Administration continues to feel that withholding funding to UNFPA clearly signals USG discontent with the China Family Planning Program. The A.I.D. Administrator ^{determined in 1985} ~~determination~~ that UNFPA meets the terms of the Kemp-Kasten Amendment, which prohibits funding to any organization which participates in the management of a program of coercive abortion or involuntary sterilization was upheld in Federal Court. The most recent determination by the A.I.D. Administrator ~~has~~ found no significant change either in the China program or in UNFPA's support for it to warrant resumption of funding for UNFPA ~~at this time.~~

The 1992 appropriation act ~~also~~ contained a similar "compromise" which also was unacceptable. The language in this bill is not significantly different, nor does it address the fundamental problem. Coerced abortion and involuntary sterilization conflict with USG policy and American values which require that the United States disassociate itself from these abuses. The UNFPA funding provision in H.R. 5368 does not repeal the Kemp-Kasten amendment or find that UNFPA

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complies with it, but would require A.I.D. to provide funding for UNFPA "notwithstanding" or despite this provision of law and Administration policy. The Administration opposes the substitution of an accounting device, that only masks the fungibility issue, as an ineffective expression of U.S. concern about coercion in China.

Under these circumstances, funding UNFPA and then placing restrictions on how U.S. funds may be used would not disassociate the United States adequately and would not be an effective way to draw attention to Administration and Congressional concerns about coercion in the China Family Planning Program.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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TRANSMISSION NUMBER: 202-295-3691

VERIFICATION NUMBER: 202-295-6194

TO:

Steve

FROM:

Annette

*Need to know if the
State lane on UNFPA
is okay (I tried to note
their*

NUMBER OF PAGES TO FOLLOW:

4 + cover

*charges
on your
copy but
it became
too difficult*

DATE:

9/17

TIME:

LEGISLATIVE REFERENCE DIVISION
ROOM 7230
WASHINGTON, D.C. 20503

*Need
Comments
by 5⁰⁰ -*

*Mark-up is on
for 1⁰⁰ tomorrow*

THE WHITE HOUSE

WASHINGTON

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Comments:

AID/LEGIS. AFFAIRS

TEL No. 202-647-8321

Sep 14.92 10:33 NA.005 P.02/03

BACKGROUND ON ADMINISTRATION OPPOSITION TO UNFPA FUNDING

The 1993 foreign aid appropriations bill attempts to develop a "compromise" for funding UNFPA that is unacceptable to the Administration. The bill earmarks funding for UNFPA "notwithstanding any other provision of law or policy". It also limits U.S. funding to the purchase of contraceptive commodities and related logistics, requires the U.S. contribution to be maintained in a separate account from which disbursements could be made only for projects approved by UNFPA and the American Ambassador to the UN, and precludes the use of U.S. funds for programs in China or to finance abortions, coercive abortion and involuntary sterilization.

~~A.I.D. opposes this so-called "compromise" because it violates both the spirit and the letter of existing law as well as Administration policy. While the language would theoretically "stand off" A.I.D.'s contribution to UNFPA from use either in China or for abortion, it attempts to distract attention from important, fundamental principles reflected in existing law and policy. A.I.D. should not provide assistance to an organization which supports or participates in the management of a program of coercive abortion or involuntary sterilization, irrespective of where the organization would use A.I.D. funds. Therefore, it is the UNFPA program itself which is contrary to law and Administration policy.~~

The Kemp-Kasten amendment (enacted in 1985) prohibits a U.S. contribution to any organization that supports or participates in the management of a program of "coercive" abortion or "involuntary" sterilization. In 1985, A.I.D. determined that this restriction applied to UNFPA as a result of the assistance it provided to the population program in China. The Administrator's decision was upheld in the Federal courts, and there have not been significant changes either in the China program or UNFPA's support for it to warrant a resumption of funding for UNFPA.

The 1990 appropriations act also contained a "compromise" by earmarking funds for UNFPA and requiring it to place the U.S. contribution in a separate account which could not be used for China. The Administration did not believe that UNFPA would accept U.S. funds and violate this restriction, by using them in China. Nevertheless, the President vetoed the legislation because UNFPA could finance its activity in China with other resources and still violate the Kemp-Rosten amendment. Although the UNFPA funding provision in H.R. 5368 contains more cosmetic restrictions on the way and purposes for which U.S. funds may be used by UNFPA, it ignores the real problems-- which are the China population program and UNFPA's support for it. It is not, therefore, significantly different from the compromise provision in the 1990 appropriations act which was vetoed.

Coerced abortion and involuntary sterilization conflict with fundamental American values. ~~Both legislation and administration~~

AID/LEGIS: AFFAIRS TEL No. 202-647-8321

Sep 14 1992 10:33 No. 005 P. 03/03

which

~~policy~~ require that the United States disassociate itself from these abuses. The UNFPA funding provision in H.R. 3168 does not repeal the Kemp-Kasten amendment or find that UNFPA complies with it, but would require A.I.D. to provide funding for UNFPA "notwithstanding" or despite this provision of law and Administration policy. The Administration opposes the substitution of an accounting device, that only masks the fungibility issue, as an ineffective expression of U.S. concern about coercion in China.

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~~Although UNFPA does not directly finance abortion or coercion, the restrictions inherent in Kemp-Kasten and our policy apply to UNFPA because of the management assistance, including training, it provides to China. Our problems with China's population program are its one-child policy and the way it is implemented. Personal and family life is monitored extensively and regulated by the authorities there. Targets for authorized births are apportioned down to the local level and ultimately to each work unit. These targets are treated as quotas by officials whose performance is reinforced by a system of rewards for success and punishment for failure. Special benefits are provided to couples who comply with policy, and economic and other penalties are imposed on those who do not. See pages 817 to 819 of the State Department's COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1991.~~

~~This system has set in place a program for population control that has resulted, and reasonably should have been expected to result, in a wide variety of abuses including coerced abortion and involuntary sterilization. To set these targets, monitor compliance with them and enforce its population policy, China needs to gather and use demographic information effectively. The quality and amount of management and training assistance UNFPA has provided to China has had a significant impact on China's ability to obtain and analyze the information China needs for these purposes.~~

~~While China has been implementing this coercive program, UNFPA helped China develop the modern capability to establish and monitor compliance with authorized birth targets, including assistance and support for: computer hardware; management information systems; the State Family Planning Commission and other governmental agencies responsible for policy development and implementation of China's population program; institutions to make China self-sufficient in training demographers; basic and clinical research (such as studies on reproductive epidemiology, and social, behavioral and psycho-social aspects of contraceptive use); and training for family planning workers who implement China's abusive program which results in coerced abortion and involuntary sterilization.~~

~~Under these circumstances, funding UNFPA and then placing restrictions on how U.S. funds may be used would not disassociate the United States adequately and would not be an effective way to draw attention to Administration and congressional concerns about coercion in the China population program.~~

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