

TO PROHIBIT FUNDING TO THE UNITED NATIONS
POPULATION FUND

JANUARY 17, 2012.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Ms. ROS-LEHTINEN, from the Committee on Foreign Affairs,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2059]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill
(H.R. 2059) to prohibit funding to the United Nations Population
Fund, having considered the same, reports favorably thereon with-
out amendment and recommends that the bill do pass.

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BACKGROUND AND PURPOSE

H.R. 2059 would permanently prohibit United States taxpayer
funding of the United Nations Population Fund (hereinafter

“UNFPA”), primarily due to that UN agency’s longstanding support for, and cooperation with, China’s inhumane and coercive population control program. Given the economic challenges facing our nation, it is difficult to justify U.S. taxpayer funding for UNFPA, particularly given recent allegations regarding UNFPA’s large, unspent cash balances and lack of operational transparency. The prohibition of U.S. funding to UNFPA was selected in an online, public vote as the winning “YouCut” legislative proposal on the House Majority Leader’s website in May of 2011, reflecting the broad public sentiment that American taxpayer funds are better spent elsewhere.

When assessing the UNFPA funding question, it is necessary to keep in mind that:

- The Chinese population control program involves egregious, systematic human rights abuses, which have been ongoing since the program was implemented in 1978 and show no signs of abating.
- UNFPA has been an uncritical, official partner with the Chinese population control program for more than 30 years, providing direct, unaccountable support to Chinese government agencies that continues today.
- Funding is fungible, and new funding—even if ostensibly earmarked for a specific purpose—frees up organizational resources for unrelated (and objectionable) purposes.
- Even if UNFPA undertakes laudatory activities elsewhere, there is no reason why such activities could not be funded through U.S. Government bilateral assistance, or why UNFPA could not use its substantial cash surplus to fund such activities if it no longer received U.S. taxpayer funding.

Every foreign aid appropriations bill since Fiscal Year 1985 has specified that no funds 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.” This policy, known as the Kemp-Kasten Amendment (hereinafter “Kemp-Kasten”), was cited by Presidents Ronald Reagan and George H.W. Bush to withhold funding from UNFPA from 1986 to 1993 based on UNFPA’s activities in China. President Bill Clinton provided funding for UNFPA throughout his presidency in spite of Kemp-Kasten, with the exception of FY1999 when he signed the foreign aid appropriations bill that zeroed out UNFPA funding for that year.

President George W. Bush refused funding for UNFPA for Fiscal Years 2002 to 2008, again based on the Kemp-Kasten funding prohibition and UNFPA’s activities in China. In 2008, Secretary of State Colin Powell stated that “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.”

The last determination transmitted to Congress by the U.S. Department of State (“Analysis of Determination that Kemp-Kasten Amendment Precludes Funding to UNFPA,” transmitted with cover letter by Deputy Secretary John D. Negroponte on June 26, 2008; hereinafter “2008 State Department UNFPA Report”), is a 266-

page investigative document that includes extensive translations of Chinese family planning laws and regulations, UNFPA official documents and correspondence, training materials, and operating procedures.

In January 2009, President Barack Obama resumed funding for UNFPA without any rationale to Congress demonstrating that UNFPA had ceased all support of, and involvement in, China's population control program. Contrary to assertions made during the Committee's October 5, 2011 markup, there was no 2009 State Department report on UNFPA activities in China. From FY2009 through FY2011, a total of \$145 million was appropriated for UNFPA.

The Committee believes that the United States should not provide any funding to UNFPA so long as UNFPA continues its support for China's inhumane population control program. Furthermore, the majority of Committee Members believe that, even without the China nexus, it does not make sense in this economic climate for the U.S. to borrow money to pay UNFPA for its activities in foreign countries, given its lack of transparency.

China's Brutal Population Control Program

As the State Department has repeatedly noted, "China's birth limitation program retains harshly coercive elements in law and practice, including coercive abortion and involuntary sterilization."¹ Although physical coercion is formally prohibited in Chinese law, it continues in actual practice. The implementation of Chinese regime policy remains abhorrent both to the sanctity of pre-born life, as well as to any genuine notion of reproductive choice. Marginal changes of recent years—such as allowing married couples broader choice in contraceptive methods, and relaxing pre-approval requirements for the first child of married couples—have not mitigated the overall brutal aspects of the program, including the forcible abortion of children who are not pre-authorized by the government and children of single mothers.

Exposing this ongoing brutality and violence is the crux of the work of the celebrated blind Chinese civil rights activist Chen Guangcheng, who filed suit in 2005 on behalf of thousands of victimized fellow villagers, including those whose full-term babies were forcibly aborted by family planning officials. Although the high profile of his efforts (and international attention) prompted the State Family Planning Commission to issue a formal condemnation of such abuses, the only significant recriminations have been against Mr. Chen himself, who was unjustly subjected to arrest, routine and savage beatings, and imprisonment, and who, with his family, remains under house arrest.

The China section of the State Department's most recent Country Report on Human Rights Practices, released in April 2011, confirms that the "harshly coercive" aspects of the Chinese program continue. In addition to the use of raw "physical coercion to meet government goals," other enforcement mechanisms include punitive fines (known as "social compensation fees") of up to 10 times a person's annual income, job loss, the detention of family members (even including infant children) until a mother submits to abortion or sterilization, and the confiscation or destruction of property.

Over the past 16 years, the Committee has received personal testimony from numerous Chinese victims, as well as from a former Chinese family planning official. Their first-hand accounts have been instrumental in debunking official denials of coercion (which have been parroted in the past by UNFPA officials), and demonstrate the unacceptable human cost of Chinese government abuses.²

Most recently, just two weeks before the markup of H.R. 2059, the Subcommittee on Africa, Global Health, and Human Rights heard from three victims at a September 22, 2011 hearing on “China’s One-Child Policy: The Government’s Massive Crime Against Women and Unborn Babies.” Ms. Liu Ping described demeaning and intrusive physical exams in the workplace, systems of collective punishment that turn coworkers into pregnancy police, and explained that “pregnant women would be dragged to undergo forced abortions” routinely. She herself was subjected to five forced abortions.

Ms. Ji Yeqing testified that where she lived in Shanghai, unauthorized pregnancy is punished with job loss and fines of more than three times a couple’s combined annual income. She later testified that, in late 2006, she was forcibly compelled to submit to an abortion and the non-consensual insertion of an intrauterine device (IUD) that caused her lingering physical complications and pain:

“They surrounded us. . . . Two others stopped my husband Liu Bin from rescuing me and beat him. I begged them to spare us. . . . I couldn’t free myself although I struggled all the way. They dragged me down from the fourth floor into a waiting car, drove into the Jiading Women and Children’s Clinic, and pulled me directly into the operating room. They held me down in a bed and sedated me. The abortion was performed while I was unconscious. . . . After the abortion, I felt empty, as if something was scooped out of me. My husband and I had been so excited for our new baby. Now, suddenly, all that hope and joy and excitement had disappeared, all in an instant. I was very depressed and despondent.”

Her testimony is a personal example of the disturbing psychological trends identified by the third victim witness, Ms. Chai Ling, who pointed out that Chinese women “silently suffer in a country with the highest female suicide rate in the world, 500 women a day every day,” a figure ratified by the World Bank and the World Health Organization. The State Department’s 2011 Country Report on Human Rights Practices also notes the connection that many observers have drawn between the unprecedented prevalence of female suicide and the Chinese government’s draconian birth-limitation regime.³

Other effects of the inhumane Chinese program stretch far beyond the abortions and sterilizations it compels: The combination of coercive limitations with traditional social preferences for male children has led to an unprecedented and dangerous sex ratio imbalance within China. According to a 2010 study by the Chinese Academy of Social Sciences, 119 males are born per 100 females and, within ten years, one in five young men in China will be unable to find a bride. In some provinces the birth ratio is as high as 140 boys for every 100 girls. As discussed in a study published

in the *New England Journal of Medicine*, this situation, described elsewhere as “gendercide,” may yet lead to disastrous social consequences—including “increased mental health problems and socially disruptive behavior among men,” “kidnapping and trafficking of women for marriage and increased numbers of commercial sex workers,” and a “rise in human immunodeficiency virus infection and other sexually transmitted diseases”—that could imperil the stability of China, her neighbors, and the world.⁴

UNFPA in China

Since 1979, UNFPA has provided more than \$216 million in assistance to China’s population program, primarily to Chinese government entities.⁵ China presently sits on UNFPA’s Executive Board. From the outset of their cooperation, both the Chinese regime and UNFPA denied the existence of human rights abuses in the enforcement of China’s One-Child policy.⁶ On numerous occasions, UNFPA’s Executive Director defended the Chinese program as “strictly voluntary.”⁷ Only when the accumulation of evidence and reporting made such denials untenable did UNFPA say anything different, before reverting to its habitual willingness to rely on misleading and counterfactual assurances by the Chinese government about voluntariness and coercion. UNFPA’s late attempts to portray itself as a champion of reproductive freedom in China ring hollow, and appear motivated more by public relations damage control than by a principled commitment to fundamental human rights that should have long ago severed UNFPA’s consistent support to the Chinese government. The default relationship between UNFPA and the Chinese regime, which continues today, is one of direct support and mutual congratulation.

Glowingly reviewing three decades of “UNFPA’s cooperation with the Chinese Government” in a report published in early 2011, UNFPA’s China Representative, Dr. Bernard Coquelin, expressed “heartfelt appreciation” for “the support and leadership from the Chinese Government [that] has enabled [UNFPA] to provide assistance appropriate to the Chinese context and in line with the Government’s own development proprieties.”⁸ At a Chinese Government-sponsored international symposium on population issues in September 2010, he also lauded China’s “privileged position” as “an example for other nations to follow.”⁹

Similarly, in December 2010, China’s Vice Minister for the National Population and Family Planning Commission expressed “thanks to UNFPA for its constant support to China’s population and family planning undertakings during the past thirty years and more.”¹⁰ The Vice Minister also has spoken highly of “the effective work of [the] UNFPA China Office” in “responding to foreign mass media” regarding China’s family planning program.¹¹

The accolades and international legitimacy with which UNFPA has showered the Chinese population program have remained consistent throughout their 32-year collaboration. In 1983, UNFPA bestowed the first UN Population Award on Qian Xinzong, the Minister-in-charge of the Chinese State Family Planning Commission. In 2002, when China’s State Family Planning Commission awarded its own Population Award to Dr. Nafis Sadik, UNFPA’s Executive Director from 1987 to 2000, Dr. Sadik stated that:

I have had the honor of being associated with China's reproductive health and family planning program for more than two decades. I was instrumental in initiating UNFPA's cooperation with China in 1979. . . . Looking back, I feel a great sense of pride for the Chinese Government . . . I also feel proud that UNFPA made the wise decision to resist external pressures and continued its fruitful cooperation with China.¹²

Although UNFPA's resistance to detailed budget disclosures makes it impossible to determine exact figures, it has provided much—if not most—of its hundreds of millions of dollars in China funding directly to Chinese Government-affiliated entities.¹³ As the State Department detailed in its 2008 report to Congress, “by providing financial and technical resources . . . to the National Population and Family Planning Commission and related [Chinese government] entities, UNFPA provides support for and participates in the management of the Chinese government's program of coercive abortion and involuntary sterilization.”¹⁴ UNFPA's touted efforts to expand the range of “choice” in birth control methods available in China does not extend to the more salient, fundamental choice of whether and when to have children. “Central elements” of UNFPA activities:

Involve financial and technical support to the NPFPC and related entities that are responsible for implementing and enforcing China's program of coercive abortion and sterilization. Moreover, all UNFPA programming related to contraception and reproductive health incorporates, and defers to, Chinese law and regulation. The national law and the provincial regulations are the framework for China's coercive birth policies.¹⁵

Furthermore, while UNFPA maintains a modest Country Office in Beijing, “UNFPA has no field presence in China” and as a result it cannot ensure “consistent oversight of activities supported with UNFPA funds”.¹⁶ These concerns over lack of transparency are heightened by recent investigative reports alleging that UNFPA disburses approximately \$200 million per year to foreign governments and NGOs in ways that do not let UNFPA auditors examine grantee accounts, such that donors “have little knowledge regarding the ultimate destiny” of that money.¹⁷

UNFPA's direct, unaccountable financial support to the Chinese regime continues in its new, Seventh Country Program for China, through which “UNFPA supports the Chinese Government in fulfilling its commitments . . . in the areas of population and development.”¹⁸ Although UNFPA has refused U.S. government requests for detailed budget information on its activities in China, it appears from what little documentation is publicly available that UNFPA's primary grantees and implementers will continue to be Chinese government ministries, agencies, and related officials.¹⁹ “Government agencies” are the primary implementers that UNFPA lists for its 2011–2015 China Country Program.²⁰ Among others, UNFPA's listed Partners include the Ministry of Civil Affairs, the Ministry of Health, the Ministry of Commerce, the National Population and Family Planning Commission, the National Bureau of Statistics, and the National Development and Reform Commission. Even activities funded through nongovernmental organizations are to be implemented “under the aegis of the Ministry of Com-

merce.”²¹ UNFPA’s Executive Board (including the United States) approved the Seventh Country Program “on a no-objection basis, without discussion or presentation” at a session where Ambassador Susan Rice expressed the Obama Administration’s strong support for UNFPA “both as an Executive Board Member and major donor.”²²

Funding, Fungibility, and Transparency

Most appeals for U.S. funding to UNFPA, such as those made during Committee markup, involve assurances that “not a single penny of U.S. taxpayer money is spent in China by UNFPA.”

Similarly, when the Obama Administration made the decision to provide U.S. funding to UNFPA, it did so pursuant to language prohibiting the use of such funds for (and requiring a “withholding” in the amount of) UNFPA’s expenditures in China. But even subject to those “restrictions,” the net result of that decision was that U.S. taxpayer funding of UNFPA went from zero in 2008 to more than \$46 million in 2009, while UNFPA continued its direct fiscal support to the Chinese regime.²³

Similarly, all but one of the amendments offered at markup by Members of the minority were minor variations on the same theme: Earmarking U.S. funding to UNFPA for a notionally appealing purpose (e.g., treating obstetric fistula, promoting safe childbirth, combating forced marriage, etc.).²⁴ But the net effect would be to allow substantial U.S. funding to flow to UNFPA even while UNFPA continues its longstanding support to the Chinese population control program.

These approaches conveniently ignore the basic fact that money is fungible. Providing substantial new resources to an entity—even if ostensibly earmarked for a specific purpose—frees up organizational resources for unrelated (and objectionable) purposes. This is true both of U.S. funding to UNFPA, and of UNFPA funding to China (wholly apart from the fact that UNFPA’s monitoring of its assistance to the Chinese regime is inadequate to ensure that such funding is used for its designated purposes).

Furthermore, the amendments rejected by the Committee also wrongly assumed that UNFPA is the best or only means of promoting the goals identified in each amendment. That assumption is belied by the extensive bilateral and multilateral funding that Congress provides for such activities (such as obstetric fistula repair, HIV/AIDS prevention, and family planning) outside of UNFPA channels. It should be noted that the foreign aid appropriation bills for FY 2004—2008 specified that funding not made available for UNFPA was to be transferred to bilateral programming for family planning and maternal health activities.

It also does not appear that a cutoff of U.S. funding would impair UNFPA’s ability to carry out such activities for the foreseeable future, given recent reports of UNFPA maintaining a huge, unspent cash surplus, estimated to be \$484.3 million in 2010 (an amount approximately 10 times greater than U.S. funding to UNFPA that year).²⁵

For more than 30 years, UNFPA has been collaborating with, defending, and funding China’s brutal and inhumane population control policy. Until it decisively ends that cooperation, it must not receive any funding or legitimacy from U.S. taxpayers.

¹2008 State Department UNFPA Report at 1.

²See, e.g.: Testimony of Ma Dongfang (December 14, 2004 full Committee hearing on “China: Human Rights Violations and Coercion in One-Child Policy Enforcement”); testimony of Gao Xiao Duan, former Administrator, Planned Birth Control Office, and Zhou Shiu Yon, victim (June 10, 1998 Subcommittee on International Operation and Human Rights (IOHR) hearing on “Forced Abortion and Sterilization in China: The View from the Inside”); and testimony of Weng Kang Di, Chen Yun Fei, Hu Shuye, and Li Bao Yu (July 19, 1995 IOHR hearing on “Coercive Population Control in China”).

³U.S. Department of State, *2010 Country Report on Human Rights Practices (China)* (2011).

⁴Therese Hesketh, Li Lu, and Zhu Wei Xing, “The Effect of China’s One-Child Family Policy after 25 Years.” *New England Journal of Medicine* 353.11 (2005), 1171–1176. See also “Gendercide: The Worldwide War on Baby Girls,” *The Economist (US)*, March 4, 2010.

⁵United Nations Population Fund, *China and UNFPA: 30 Years of Cooperation on Population and Development* (Beijing: UNFPA, 2011), 59. Accessed at <http://www.un.org.cn/cms/p/resources/30/1673/content.html> (hereinafter “*China and UNFPA: 30 Years of Cooperation*”).

⁶See, e.g., the history and extensive quotations contained in the prepared testimony of John S. Aird, former senior research specialist on China at the U.S. Bureau of the Census, at the May 17, 1995 International Operations and Human Rights Subcommittee hearing on “Coercive Population Control in China,” which is contained in the Appendix to the Government Printing Office print of the hearing (ISBN 0–16–052083–5).

⁷E.g., July 8, 1993 letter of UNFPA Executive Director Nafis Sadik to USAID Administrator J. Brian Atwood (“the Government will continue to request cooperation from its people to lower their fertility, but acceptance of the family planning goals is strictly voluntary.”); November 21, 1989 statement of Nafis Sadik on CBS Nightwatch (“The implementation of the policy and the acceptance of the policy is purely voluntary.”).

⁸*China and UNFPA: 30 Years of Cooperation* at 3 (Preface by Dr. Bernard Coquelin, UNFPA China Representative).

⁹Remarks of Dr. Bernard Coquelin, UNFPA Representative in China, at the International Symposium on Population and Development, Ningxia Province, China (September 27, 2010). Accessed at <http://www.npfpc.gov.cn/en/detail.aspx?articleid=100930095825647409>.

¹⁰National Population and Family Planning Commission account of remarks by Vice Minister Zhao Baige at December 12, 2010 retrospective on UNFPA’s 6th China Country Program. Accessed at <http://www.npfpc.gov.cn/en/detail.aspx?articleid=110111100425362139>.

¹¹National Population and Family Planning Commission account of May 18, 2009 meeting between Vice Minister Zhao Baige and UNFPA Regional Director Ms. Nobuko Horibe. Accessed at <http://www.npfpc.gov.cn/en/international/detail.aspx?articleid=090521163808453018>.

¹²Population Prize Award Ceremony Speech by Dr. Nafis Sadik (January 14, 2002). Accessed at <http://www.npfpc.gov.cn/en/detail.aspx?articleid=090610110219106529>.

¹³*China and UNFPA: 30 Years of Cooperation* at 45–50 (list of Chinese Government implementing partners for UNFPA Country Programs 1–6) and 59–60 (list of core financial resources for Country Programs 1–6).

¹⁴2008 State Department UNFPA Report at 6–7.

¹⁵Id at 4.

¹⁶Id.

¹⁷George Russell, “U.N. Development Agencies Accumulate Billions—and Keep Spending a Secret.” Foxnews.com (December 12, 2011). Accessed at <http://www.foxnews.com/world/2011/12/12/un-development-agencies-accumulate-billions-and-keep-spending-secret/>. The report is derived (and includes quotations) from a confidential draft report prepared in 2011 by IDC Consulting for the Government of Norway, one of UNFPA’s top three donors.

¹⁸UNFPA China Office, *UNFPA–Government of China Seventh Country Programme, 2011–2015* (January 2011), 1. Accessed at <http://www.un.org.cn/cms/p/resources/30/1674/content.html>.

¹⁹2008 State Department UNFPA Report at 6 (“The Department of State also repeatedly requested UNFPA to provide us with detailed budget information on its 6th Country Program in China. UNFPA refused these requests.”).

²⁰Executive Board of the United Nations Development Programme and of the United Nations Population Fund, *United Nations Population Fund Draft Country Programme Document for China (DP/FPA/2010/17)* (Geneva: United Nations, 2010), 5–7.

²¹Id at 5.

²²Executive Board of the United Nations Development Programme and of the United Nations Population Fund, *Report of the Second Regular Session 2010 (30 August to 2 September 2010, New York)* (DP/2011/1), 18. Remarks by Amb. Susan E. Rice at the UNFPA Executive Board Meeting (August 30, 2010).

²³United Nations Population Fund, *Report on Contributions by Member States and Others to UNFPA (DP/FPA/2010/18)* (Geneva: United Nations, 2010), 16.

²⁴The one exception, an unsuccessful amendment offered by Representatives Keating and Cicilino (prohibiting U.S. funding to UNFPA that the Secretary of State determines would support coercive abortion or China’s One-Child policy) would have voided the effect of the bill. Under the Kemp-Kasten Amendment, such a negative determination is already implicit in the Administration’s decision to resume U.S. funding to UNFPA. For the reasons detailed in this report, the Committee strongly disagrees with the Administration’s views on that point.

²⁵Russell, George, “Report: U.N. Aid Agencies Heaped Up Huge Amounts of Cash.” Foxnews.com (July 20, 2011). Accessed at <http://www.foxnews.com/world/2011/07/20/report-un-aid-agencies-stockpile-huge-amounts-cash/>. The report is derived (and includes quotations) from a confidential draft report prepared in 2011 by IDC Consulting for the Government of Norway, one of UNFPA’s top three donors.

HEARINGS

In addition to the Committee hearings held on these topics in prior Congresses (as described in the “Background and Purpose” section above) the Subcommittee on Africa, Global Health, and Human Rights held a September 22, 2011 hearing on “China’s One-Child Policy: The Government’s Massive Crime Against Women and Unborn Babies.” Witnesses included: Ms. Chai Ling (Founder, All Girls Allowed); Ms. Reggie Littlejohn (Founder and President, Women’s Rights Without Frontiers); Valerie Hudson, Ph.D (Professor, Department of Political Science, Brigham Young University); Ms. Ji Yeqing (victim of forced abortion); and Ms. Liu Ping (victim of forced abortion).

COMMITTEE CONSIDERATION AND VOTES

On October 5, 2011, the Foreign Affairs Committee marked up the bill, H.R. 2059, pursuant to notice, in open session.

- 1) Rep. Connolly offered an amendment, Connolly 648 (permitting U.S. funding to UNFP to prevent and treat obstetric fistula); not agreed to by a roll call vote of 12 ayes–21 noes.

Voting YES: Berman, Ackerman, Payne, Sherman, Engel, Carnahan, Connolly, Deutch, Chandler, Bass (CA), Keating, Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Mack, Fortenberry, McCaul, Bilirakis, Schmidt, Rivera, Kelly, Griffin, Marino, Buerkle, Ellmers, Turner.

- 2) Rep. Bass (CA) offered an amendment, Bass (CA) 654 (permitting U.S. funding to UNFPA to reestablish reproductive and maternal health services in natural disaster-affected areas); not agreed to by a roll call vote of 13 ayes–21 noes.

Voting YES: Berman, Ackerman, Payne, Sherman, Engel, Carnahan, Connolly, Deutch, Chandler, Murphy (CT), Bass (CA), Keating, Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, Poe, Bilirakis, Schmidt, Rivera, Kelly, Griffin, Marino, Duncan, Buerkle, Ellmers.

- 3) Reps. Payne and Keating offered an amendment, Payne-Keating 647 (permitting U.S. funding to UNFPA to promote the access of women, unaccompanied minors, and other vulnerable people to vital services in emergency and conflict situations); not agreed to by a roll call vote of 13 ayes–23 noes.

Voting YES: Berman, Ackerman, Payne, Sherman, Engel, Carnahan, Connolly, Deutch, Chandler, Murphy (CT), Bass (CA), Keating, Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Wilson (SC), Mack, Fortenberry, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan, Buerkle, Ellmers, Turner.

- 4) Rep. Payne offered an amendment, Payne 658 (permitting U.S. funding to UNFPA to carry out activities in the Democratic Republic of Congo); not agreed to by a roll call vote of 14 ayes–23 noes.
 Voting YES: Berman, Ackerman, Payne, Sherman, Engel, Carnahan, Connolly, Deutch, Chandler, Higgins, Murphy (CT), Bass (CA), Keating, Cicilline.
 Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Wilson (SC), Mack, Fortenberry, Poe, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan, Buerkle, Ellmers, Turner.
- 5) Reps. Cicilline and Schwartz offered an amendment, Cicilline-Schwartz 649 (permitting U.S. funding to UNFPA to provide materials to ensure safe childbirth and emergency obstetric care); not agreed to by a roll call vote of 13 ayes–22 noes.
 Voting YES: Berman, Ackerman, Payne, Sherman, Engel, Carnahan, Connolly, Deutch, Higgins, Murphy (CT), Bass (CA), Keating, Cicilline.
 Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Wilson (SC), Mack, Fortenberry, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan, Buerkle, Ellmers, Turner.
- 6) Rep. Cicilline offered an amendment, Cicilline 650 (permitting U.S. funding to UNFPA to promote abandonment of female genital mutilation and other harmful traditional practices); not agreed to by a roll call vote of 13 ayes–21 noes.
 Voting YES: Berman, Ackerman, Sherman, Engel, Carnahan, Sires, Connolly, Deutch, Higgins, Murphy (CT), Bass (CA), Keating, Cicilline.
 Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Mack, Fortenberry, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan, Buerkle, Ellmers, Turner.
- 7) Rep. Keating offered an amendment, Keating 652 (permitting U.S. funding to UNFPA to promote abandonment of early and forced marriage); not agreed to by a roll call vote of 15 ayes–20 noes.
 Voting YES: Berman, Ackerman, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Chandler, Higgins, Murphy (CT), Bass (CA), Keating, Cicilline.
 Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Mack, Fortenberry, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan, Buerkle, Ellmers, Turner.
- 8) Rep. Murphy (CT) offered an amendment, Murphy 651 (permitting U.S. funding to UNFPA to carry out family planning services to space children, prevent unintended pregnancy, reduce abortion, and sexually-transmitted infections); not agreed to by a roll call vote of 14 ayes–22 noes.

Voting YES: Berman, Ackerman, Sherman, Engel, Carnahan, Sires, Connolly, Deutch, Chandler, Higgins, Murphy (CT), Bass (CA), Keating, Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Mack, Fortenberry, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan, Buerkle, Ellmers, Turner.

- 9) Reps. Keating and Cicilline offered an amendment, Keating-Cicilline 1 (prohibiting U.S. funding to UNFPA that the Secretary of State determines would support coercive abortion or China's One-Child policy); not agreed to by a roll call vote of 16 ayes–22 noes.

Voting YES: Berman, Ackerman, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Chandler, Higgins, Schwartz, Murphy (CT), Bass (CA), Keating, Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Mack, Fortenberry, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan, Buerkle, Ellmers, Turner.

- 10) Reps. Wilson (FL) and Meeks offered an amendment, Wilson-Meeks 656 (permitting U.S. funding to UNFPA to carry out activities in Haiti); not agreed to by a roll call vote of 16 ayes–22 noes.

Voting YES: Berman, Ackerman, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Chandler, Higgins, Schwartz, Murphy (CT), Bass (CA), Keating, Cicilline.

Voting NO: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Mack, Fortenberry, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan, Buerkle, Ellmers, Turner.

H.R. 2059 was agreed to by a roll call vote of 23 ayes–17 noes, and was ordered favorably reported to the House by voice vote.

Voting YES: Ros-Lehtinen, Smith (NJ), Burton, Gallegly, Rohrabacher, Manzullo, Royce, Chabot, Pence, Mack, Fortenberry, McCaul, Bilirakis, Schmidt, Johnson (OH), Rivera, Kelly, Griffin, Marino, Duncan, Buerkle, Ellmers, Turner.

Voting NO: Berman, Ackerman, Payne, Sherman, Engel, Meeks, Carnahan, Sires, Connolly, Deutch, Chandler, Higgins, Schwartz, Murphy (CT), Bass (CA), Keating, Cicilline.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of House Rule XIII, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House Rule X, are incorporated in the “Background and Purpose” portion of this report, above.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of House Rule XIII, the Committee adopts as its own the estimate of new budget authority, entitlement authority, and tax expenditures or revenues contained in

the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 14, 2011.

Hon. ILEANA ROS-LEHTINEN, *Chairman,*
Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2059, a bill to prohibit funding to the United Nations Population Fund.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte, who can be reached at 226-2840.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure

cc: Honorable Howard L. Berman
Ranking Member

H.R. 2059—A bill to prohibit funding to the United Nations Population Fund

As ordered reported by the House Committee on Foreign Affairs on October 5, 2011

H.R. 2059 would prohibit the Secretary of State from making contributions to the United Nations Population Fund (UNFPA). CBO estimates that implementing the bill would have no effect on the federal budget. Enacting H.R. 2059 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

In 2011, \$40 million was appropriated for voluntary contributions to the UNFPA (assessed dues are not used to fund that entity). However, the Department of State will withhold \$3 million of that amount because of UNFPA's ongoing activities in China and will transfer those funds to the U.S. Agency for International Development for child survival programs. CBO expects that the \$37 million allocated to the UNFPA will be obligated and expended before this bill would be enacted. The President has requested \$47.5 million in 2012 for contributions to the UNFPA. There currently are no appropriations authorized or provided for 2012 or future years for contributions to the UNFPA; therefore, CBO would not attribute savings to H.R. 2059.

H.R. 2059 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Sunita D'Monte. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

GENERAL PERFORMANCE GOALS AND OBJECTIVES

As explained more specifically in the “Background and Purpose” section of this report, the principal goal of H.R. 2059 is to preclude U.S. funding to the United Nations Population Fund (UNFPA), which has been providing direct and non-transparent assistance to the Chinese regime’s brutal and inhumane population control program for more than three decades.

NEW ADVISORY COMMITTEES

H.R. 2059 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 2059 does not apply to the Legislative Branch.

EARMARK IDENTIFICATION

H.R. 2059 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(e), 9(f), and 9(g) of House Rule XXI.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 2059 does not propose to repeal or amend a statute or part thereof, as described in clause 3(e) of rule XIII of the Rules of the House of Representatives.

DISSENTING VIEWS

Introduction

As United States bilateral assistance programs come under greater budgetary pressure, we rely increasingly on multilateral agencies to promote our foreign policy objectives around the world. Specialized organizations such as the United Nations Population Fund (UNFPA) are able to leverage funds from a wide range of donors, operate in a variety of settings across the globe, maintain a skilled professional staff, and contribute to meeting internationally-agreed development goals. Yet funding for the UNFPA is once again in the crosshairs of House Republicans, who are turning women and children in the developing world into pawns in a debate that often seems divorced from reality. Ironically, by reducing access to voluntary family planning programs around the world, this legislation would undermine maternal and child health, increase unintended pregnancies, and likely result in a greater number of abortions.

Lack of Access to Family Planning Increases Child and Maternal Mortality

This year the global population surpassed 7 billion, up from 6 billion in 1999. And although many people clearly would like to have smaller families, an estimated 215 million women worldwide lack access to safe and effective contraception. Lack of access to reproductive health care, particularly by poor women, contributes to death and suffering, limits women's ability to make decisions that affect their lives, and undermines the efforts of families to lift themselves out of poverty.

Achieving the Millennium Development Goals of eradicating extreme poverty and hunger, promoting gender equality, reducing child mortality, improving maternal health, and combating HIV/AIDS all require a significant investment in family planning and reproductive health care. Closely spaced and ill-timed pregnancies and births contribute to high maternal and infant mortality rates, and when mothers die as a result of giving birth, their surviving infants have a greater risk of mortality and poor health status. Lack of availability of emergency obstetric care, along with delays in seeking medical attention, in reaching a medical facility, and in receiving medical care once arriving at a facility, contribute to the development of obstetric fistula, increasing the risk of death for both mother and child. And practices such as child marriage and female genital mutilation can permanently harm the health of young people and deprive them of their dignity and human rights.

UNFPA Advances Longstanding U.S. Foreign Policy Goals

The UNFPA plays a key role in increasing access to voluntary family planning, as well as in advancing longstanding U.S. foreign

policy goals of reducing maternal and child mortality, halting the spread of infectious disease such as HIV/AIDS, and promoting gender equality and women's empowerment. The Fund works in partnership with governments, donors and civil society organizations to provide antenatal, safe delivery and post-natal care; to prevent and treat sexually transmitted infections, including HIV; to prevent and respond to violence against women; to eliminate harmful traditional practices; and to prevent the demand for abortion by providing voluntary family planning services. Its mission is to ensure that every pregnancy is wanted, every birth is safe, every young person is free of HIV/AIDS, and every girl and woman is treated with dignity and respect. If the United States abandons its moral commitment to demonstrate leadership by supporting the UNFPA, we will only complicate and weaken our own efforts to reduce global poverty and alleviate human suffering.

Women and Children Will Suffer as a Result of This Legislation

By embracing this reckless and irresponsible legislation, the Republican majority sends a clear message that it is willing to abandon efforts to provide life-saving services to women, children and families around the world in favor of advancing its extreme social agenda. This attack on the many millions of women and children who benefit from services provided by UNFPA is just the latest salvo in Republican efforts to limit access to birth control and family planning services for women everywhere.

Attacks on the UNFPA are Ideological and Lack Factual Basis

During the markup of H.R. 2059, some Republicans attempted to justify their support for this legislation by citing erroneous information that underlies an ideologically-driven campaign to discredit the UNFPA. UNFPA has clearly stated that it does not promote abortion as a method of family planning and is guided by the Cairo Program of Action, which directs that “in no case should abortion be promoted as a method of family planning.” In fact, UNFPA’s family planning services help prevent abortion—many of which are performed in non-sterile conditions by poorly trained personnel, and often result in maternal death or disability.” However, some Republican members inaccurately claimed that the organization promotes abortion and is complicit in China’s one-child policy. During the previous Administration, the State Department conducted an investigation of the organization and found “no evidence that UNFPA has knowingly supported or participated in the management of a program of coercive abortion or involuntary sterilization in the People’s Republic of China.” Yet during debate over H.R. 2059 in the Committee, opponents of the UNFPA and international family planning continued to reiterate baseless allegations, while presenting no evidence to back them up.

Moreover, opponents of UNFPA do not seem aware that longstanding U.S. law requires that none of the U.S. contribution to UNFPA may be used in its China program. In addition, in response to the “funds are fungible” argument, U.S. law also mandates that the U.S. contribution be reduced—dollar for dollar—according to the amount UNFPA expends in China each year. Only UNFPA is singled out for these special rules guarding how the U.S. funds are

used, and only UNFPA is deemed guilty by association with China—a standard that is not applied to any other UN agency—or, indeed, to any other assistance program.

In the course of the debate, some Republicans argued that it was the UNFPA specifically, rather than international family planning efforts in general, to which they were opposed. However, these arguments ring hollow in light of the FY 2011 omnibus appropriations bill, H.R. 1, supported by all but three House Republicans and no Democrats, which would have disproportionately slashed international family planning funding—bilateral as well as multi-lateral—by nearly a third from FY 2010 levels. Attacks on the UNFPA are part and parcel of a comprehensive Republican assault against all family planning programs both in the United States and abroad.

Republicans Failed to Back Words with Votes

During the markup of H.R. 2059, while no Republican members voiced support for family planning programs, some expressed support for the prevention and treatment of obstetric fistula, the prevention of child marriage, and the provision of emergency reproductive and maternal health services in natural disaster-affected areas, all of which are important activities carried out by the UNFPA. Yet a total of 10 Democratic amendments—several of them narrowly tailored to address these specific activities—were defeated on party-line votes. Rep. Connolly offered an amendment permitting U.S. funding to UNFPA to prevent and treat obstetric fistula. Rep. Bass offered an amendment permitting U.S. funding to UNFPA to reestablish reproductive and maternal health services in natural disaster-affected areas. Reps. Payne and Keating offered an amendment permitting U.S. funding to UNFPA to promote the access of women, unaccompanied minors, and other vulnerable people to vital services in emergency and conflict situations. Rep. Payne offered an amendment permitting U.S. funding to UNFPA to carry out activities in the Democratic Republic of Congo. Reps. Cicilline and Schwartz offered an amendment permitting U.S. funding to UNFPA to provide materials to ensure safe childbirth and emergency obstetric care. Rep. Cicilline offered an amendment permitting U.S. funding to UNFPA to promote abandonment of female genital mutilation and other harmful traditional practices. Rep. Keating offered an amendment permitting U.S. funding to UNFPA to promote abandonment of early and forced marriage. Rep. Murphy (CT) offered an amendment permitting U.S. funding to UNFPA to carry out family planning services to space children, prevent unintended pregnancy, reduce abortion, and sexually-transmitted infections. Reps. Keating and Cicilline offered an amendment prohibiting U.S. funding to UNFPA that the Secretary of State determines would support coercive abortion or China's one-child policy. And Reps. Wilson (FL) and Meeks offered an amendment permitting U.S. funding to UNFPA to carry out activities in Haiti. Not a single Republican voted for any one of these amendments.

We are troubled that Republicans voiced little concern about the likely impact of cutting off U.S. support for UNFPA's work. There were no Republican proposals for addressing the instances of ob-

stetric fistula and child marriage that would be neglected as a consequence of this legislation, nor were there Republican calls to improve access to voluntary family planning for couples in Haiti or the DRC or anywhere in the developing world. Even staunch abortion opponents should be concerned that this legislation will result in the United States being forced to turn its back on the world's most vulnerable women and children especially in countries where UNFPA has programs that the U.S. government does not.

The Republican approach to international family planning and reproductive health detracts from U.S. moral and strategic leadership, ignores the reality that truly empowering women rests on their having the information and ability to determine freely and responsibly for themselves whether and when to have a child and reflects a disturbing lack of compassion for those whose lives would be put in danger if they were to prevail in gutting the U.S. overseas program and cutting off U.S. partnerships with key agencies such as UNFPA that women in 150 developing countries have come to rely upon. For these reasons, we have absolutely no hesitation in urging our colleagues to reject this reckless and misguided legislation.

HOWARD L. BERMAN.
GARY L. ACKERMAN.
DONALD M. PAYNE.
BRAD SHERMAN.
ELIOT L. ENGEL.
GREGORY W. MEEKS.
RUSS CARNAHAN.
ALBIO SIRES.
GERALD E. CONNOLLY.
THEODORE E. DEUTCH.
BRIAN HIGGINS.
ALLYSON SCHWARTZ.
CHRISTOPHER S. MURPHY.
FREDERICA WILSON.
KAREN BASS.
WILLIAM KEATING.
DAVID CICILLINE.

