

105TH CONGRESS
1ST SESSION

H. R. 2095

To provide for certain activities regarding the promotion of respect for human rights, the development of democratic government and the development of the rule of law within the People's Republic of China, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1997

Mr. PORTER (for himself, Mr. DREIER, Mr. KOLBE, Mr. SALMON, Mr. MATSUI, Ms. DUNN, Mr. GILMAN, Mr. LAZIO of New York, Mrs. MORELLA, Mr. LEVIN, Mr. DICKEY, Mr. SPENCE, Mr. HOBSON, Mr. HORN, Mr. PALLONE, Ms. JACKSON-LEE of Texas, Mr. SCARBOROUGH, Mr. WICKER, Mr. GILCHREST, Mrs. LOWEY, Mr. FOX of Pennsylvania, Mr. BACHUS, Mr. RADANOVICH, Mr. DOOLEY of California, Ms. PRYCE of Ohio, Mr. MCHALE, Mr. REGULA, Ms. DEGETTE, Mr. ENGLISH of Pennsylvania, Mr. ROEMER, Mr. ROHRBACHER, Mr. NETHERCUTT, Mr. PETERSON of Pennsylvania, Mr. HALL of Texas, Mr. MANZULLO, and Mr. POSHARD) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Intelligence (Permanent Select), and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for certain activities regarding the promotion of respect for human rights, the development of democratic government and the development of the rule of law within the People's Republic of China, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “China Human Rights
5 and Democracy Act of 1997”.

6 **SEC. 2. UNITED STATES INTERNATIONAL BROADCASTING**
7 **TO CHINA.**

8 (a) AUTHORIZATION OF APPROPRIATIONS FOR
9 INTERNATIONAL BROADCASTING TO CHINA.—In addition
10 to such sums as are otherwise authorized to be appro-
11 priated for “International Broadcasting Activities” for fis-
12 cal years 1998 and 1999, there are authorized to be ap-
13 propriated for “International Broadcasting Activities”
14 \$40,000,000 for fiscal year 1998 and \$30,000,000 for fis-
15 cal year 1999, which shall be available only for broadcast-
16 ing to China. Of the funds authorized to be appropriated
17 for fiscal year 1998, \$10,000,000 is authorized to be ap-
18 propriated for capital expenditures for the purchase and
19 construction of transmission facilities. Of the funds au-
20 thorized to be appropriated for fiscal year 1998 and fiscal
21 year 1999, \$20,000,000 is authorized to be appropriated
22 for Radio Free Asia.

23 (b) SENSE OF CONGRESS.—It is the sense of the
24 Congress that United States international broadcasting
25 through Radio Free Asia and Voice of America should be

1 increased to provide continuous 24-hour broadcasting in
2 multiple languages and dialects which shall include Man-
3 darin, Cantonese, Tibetan, and Uighur.

4 **SEC. 3. DEMOCRACY BUILDING IN CHINA.**

5 (a) AUTHORIZATION OF APPROPRIATIONS FOR
6 NED.—In addition to such sums as are otherwise author-
7 ized to be appropriated for the “National Endowment for
8 Democracy” for fiscal years 1998 and 1999, there are au-
9 thorized to be appropriated for the “National Endowment
10 for Democracy” \$5,000,000 for fiscal year 1998 and
11 \$5,000,000 for fiscal year 1999, which shall be available
12 to promote democracy, civil society, and the development
13 of the rule of law in China.

14 (b) EAST ASIA-PACIFIC REGIONAL DEMOCRACY
15 FUND.—The Secretary of State shall use funds available
16 in the East Asia-Pacific Regional Democracy Fund to pro-
17 vide grants to nongovernmental organizations to promote
18 democracy, civil society, and the development of the rule
19 of law in China.

20 **SEC. 4. HUMAN RIGHTS IN CHINA.**

21 (a) REPORTS.—Not later than March 30, 1998, and
22 each subsequent year thereafter, the Secretary of State
23 shall submit to the International Relations Committee of
24 the House of Representatives and the Foreign Relations
25 Committee of the Senate an annual report on human

1 rights in China, including religious persecution, the devel-
2 opment of democratic institutions, and the rule of law. Re-
3 ports shall provide information on each region of China.

4 (b) PRISONER INFORMATION REGISTRY.—The Sec-
5 retary of State shall establish a Prisoner Information Reg-
6 istry for China which shall provide information on all po-
7 litical prisoners, prisoners of conscience, and prisoners of
8 faith in China. Such information shall include the charges,
9 judicial processes, administrative actions, use of forced
10 labor, incidences of torture, length of imprisonment, phys-
11 ical and health conditions, and other matters related to
12 the incarceration of such prisoners in China. The Sec-
13 retary of State is authorized to make funds available to
14 nongovernmental organizations presently engaged in mon-
15 itoring activities regarding Chinese political prisoners to
16 assist in the creation and maintenance of the registry.

17 (c) HUMAN RIGHTS OFFICERS IN CHINA.—The Sec-
18 retary of State shall designate or assign not less than 6
19 foreign service officers to the United States Embassy and
20 consular offices in China with the principal assignment of
21 monitoring and reporting on human rights matters in
22 China. In addition, the number of officers assigned to the
23 United States diplomatic missions in China whose prin-
24 cipal assignment is commerce or trade may not exceed the

1 number of officers in China whose principal assignment
2 is human rights matters.

3 **SEC. 5. REPORTS TO CONGRESS ON CHINESE MILITARY**
4 **AND INTELLIGENCE ACTIVITIES.**

5 (a) REPORT CONCERNING CHINESE INTELLIGENCE
6 ACTIVITIES DIRECTED AGAINST UNITED STATES INTER-
7 ESTS.—No later than March 30 of each calendar year, the
8 President shall report in both classified and unclassified
9 form on all Chinese intelligence collection activities di-
10 rected against United States interests to the Committees
11 on National Security, International Relations, and Intel-
12 ligence of the House of Representatives and the Commit-
13 tees on Armed Services, Foreign Relations, and Intel-
14 ligence of the Senate.

15 (b) INFORMATION CONCERNING COMMERCIAL EN-
16 TERPRISES AFFILIATED WITH THE CHINESE MILI-
17 TARY.—The Secretary of Commerce, in consultation with
18 the Secretaries of State, Defense and Treasury and the
19 Director of the Central Intelligence Agency, shall compile
20 and make available to the public through all appropriate
21 means, including internet technology, information con-
22 cerning Chinese commercial enterprises or joint ventures
23 in which the Chinese Ministry of Defense, the Peoples Lib-
24 eration Army, affiliated commercial entities, or senior offi-

1 cials of such entities and their immediate family, have an
2 ownership interest.

3 **SEC. 6. PRINCIPLES THAT SHOULD BE ADHERED TO BY**
4 **ANY UNITED STATES NATIONAL CONDUCTING**
5 **AN INDUSTRIAL COOPERATION PROJECT IN**
6 **THE PEOPLE'S REPUBLIC OF CHINA.**

7 (a) PURPOSE.—It is the purpose of this section to
8 create principles governing the conduct of industrial co-
9 operation projects of United States nationals in the Peo-
10 ple's Republic of China.

11 (b) STATEMENT OF PRINCIPLES.—It is the sense of
12 the Congress that any United States national conducting
13 an industrial cooperation project in the People's Republic
14 of China should:

15 (1) Suspend the use of any goods, wares, arti-
16 cles, or merchandise that the United States national
17 has reason to believe were mined, produced, or man-
18 ufactured, in whole or in part, by convict labor or
19 forced labor, and refuse to use forced labor in the
20 industrial cooperation project.

21 (2) Seek to ensure that political or religious
22 views, sex, ethnic or national background, involve-
23 ment in political activities or nonviolent demonstra-
24 tions, or association with suspected or known dis-
25 sidents will not prohibit hiring, lead to harassment,

1 demotion, or dismissal, or in any way affect the sta-
2 tus or terms of employment in the industrial co-
3 operation project. The United States national should
4 not discriminate in terms or conditions of employ-
5 ment in the industrial cooperation project against
6 persons with past records of arrest or internal exile
7 for nonviolent protest or membership in unofficial
8 organizations committed to nonviolence.

9 (3) Ensure that methods of production used in
10 the industrial cooperation project do not pose an un-
11 necessary physical danger to workers and neighbor-
12 ing populations or property, and that the industrial
13 cooperation project does not unnecessarily risk harm
14 to the surrounding environment; and consult with
15 community leaders regarding environmental protec-
16 tion with respect to the industrial cooperation
17 project.

18 (4) Strive to establish a private business enter-
19 prise when involved in an industrial cooperation
20 project with the Government of the People's Repub-
21 lic of China or other state entity.

22 (5) Discourage any Chinese military presence
23 on the premises of any industrial cooperation
24 projects which involve dual-use technologies.

1 (6) Undertake to promote freedom of associa-
2 tion and assembly among the employees of the
3 United States national. The United States national
4 should protest any infringement by the Government
5 of the People's Republic of China of these freedoms
6 to the International Labor Organization's office in
7 Beijing.

8 (7) Provide the Department of State with infor-
9 mation relevant to the Department's efforts to col-
10 lect information on prisoners for the purposes of the
11 Prisoner Information Registry, and for other report-
12 ing purposes.

13 (8) Discourage or undertake to prevent compul-
14 sory political indoctrination programs from taking
15 place on the premises of the industrial cooperation
16 project.

17 (9) Promote freedom of expression, including
18 the freedom to seek, receive, and impart information
19 and ideas of all kinds, regardless of frontiers, either
20 orally, in writing or in print, in the form of art, or
21 through any media. To this end, the United States
22 national should raise with appropriate authorities of
23 the Government of the People's Republic of China
24 concerns about restrictions on the free flow of infor-
25 mation.

1 (10) Undertake to prevent harassment of work-
2 ers who, consistent with the United Nations World
3 Population Plan of Action, decide freely and respon-
4 sibly the number and spacing of their children; and
5 prohibit compulsory population control activities on
6 the premises of the industrial cooperation project.

7 (c) PROMOTION OF PRINCIPLES BY OTHER NA-
8 TIONS.—The Secretary of State shall forward a copy of
9 the principles set forth in subsection (b) to the member
10 nations of the Organization for Economic Cooperation and
11 Development and encourage them to promote principles
12 similar to these principles.

13 (d) REGISTRATION REQUIREMENT.—

14 (1) IN GENERAL.—Each United States national
15 conducting an industrial cooperation project in the
16 People’s Republic of China shall register with the
17 Secretary of State and indicate whether the United
18 States national agrees to implement the principles
19 set forth in subsection (b). No fee shall be required
20 for registration under this subsection.

21 (2) PREFERENCE FOR PARTICIPATION IN
22 TRADE MISSIONS.—The Secretary of Commerce shall
23 consult the register prior to the selection of private
24 sector participants in any form of trade mission to
25 China, and undertake to involve those United States

1 nationals that have registered their adoption of the
2 principles set forth above.

3 (e) DEFINITIONS.—As used in this section—

4 (1) the term “industrial cooperation project”
5 refers to a for-profit activity the business operations
6 of which employ more than 25 individuals or have
7 assets greater than \$25,000; and

8 (2) the term “United States national” means—

9 (A) a citizen or national of the United
10 States or a permanent resident of the United
11 States; and

12 (B) a corporation, partnership, or other
13 business association organized under the laws
14 of the United States, any State or territory
15 thereof, the District of Columbia, the Common-
16 wealth of Puerto Rico, or the Commonwealth of
17 the Northern Mariana Islands.

18 **SEC. 7. PROMOTION OF EDUCATIONAL, CULTURAL, SCI-**
19 **ENTIFIC, AGRICULTURAL, MILITARY, LEGAL,**
20 **POLITICAL, AND ARTISTIC EXCHANGES BE-**
21 **TWEEN THE UNITED STATES AND CHINA.**

22 (a) EXCHANGES BETWEEN THE UNITED STATES
23 AND CHINA.—Agencies of the United States Government
24 which engage in educational, cultural, scientific, agricul-
25 tural, military, legal, political, and artistic exchanges shall

1 endeavor to initiate or expand such exchange programs
2 with regard to China.

3 (b) LEGISLATIVE EXCHANGE PROGRAM.—It is the
4 sense of the Congress, that the Speaker of the House and
5 the Majority Leader of the Senate should establish a legis-
6 lative exchange program with the National Peoples Con-
7 gress of China.

8 (c) SENSE OF CONGRESS.—It is the sense of the Con-
9 gress that a federally chartered not-for-profit organization
10 should be established to fund exchanges between the Unit-
11 ed States and China through private donations.

12 **SEC. 8. DENIAL OF ENTRY INTO THE UNITED STATES OF**
13 **CERTAIN CHINESE GOVERNMENT APPLI-**
14 **CANTS.**

15 (a) DENIAL OF ENTRY.—Except as provided in sub-
16 section (b), the Secretary of State may not issue any visa
17 to, and the Attorney General may not admit to the United
18 States, any national of the People’s Republic of China
19 where a consular officer or the Attorney General knows
20 or has reasonable grounds to believe—

21 (1) the applicant has been materially involved
22 in the commission of human rights violations, as de-
23 fined in subsection (c), within the People’s Republic
24 of China; or

1 (2) the applicant has been materially involved
2 in the proliferation of conventional or nuclear weap-
3 ons technology, or other sensitive or dual-use tech-
4 nologies, in contravention of United States interests.

5 (b) WAIVER.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 the President may waive the applicability of sub-
8 section (a) with respect to any applicant otherwise
9 covered by that paragraph if the President deter-
10 mines that the waiver with respect to the applicant
11 is in the national interest of the United States.

12 (2) NOTICE.—

13 (A) REQUIREMENT.—The President may
14 not exercise the authority provided in para-
15 graph (1) with respect to an applicant unless
16 the President submits to Congress a written no-
17 tification of the exercise of the authority.

18 (B) CONTENTS.—Notices of the exercise of
19 waiver authority shall include—

20 (i) a statement of the activities of the
21 applicant which triggered the application
22 of this statute; and

23 (ii) an explicit statement detailing the
24 policy reasons and factual bases for the
25 finding that the issuance of a visa to the

1 applicant at issue is in the national inter-
2 est of the United States.

3 (C) OTHER REPORTS.—The Secretary of
4 State, in consultation with the Attorney Gen-
5 eral, shall provide to the Congress, not later
6 than March 1 of each calendar year following
7 the enactment of this statute, a report concern-
8 ing the application of this provision. This report
9 should include information on all instances in
10 which this statute was triggered by an applicant
11 and the subsequent disposition of the applica-
12 tion.

13 (c) DEFINITIONS.—For the purposes of this Act, the
14 term “human rights violations” means actions which are
15 in contravention of the Universal Declaration of Human
16 Rights or the International Covenant on Civil and Political
17 Rights, including, but not limited to, material involvement
18 in the suppression of the free practice of religion, the cre-
19 ation and implementation of coercive family planning poli-
20 cies or the massacre of nonviolent demonstrators in
21 Tiananmen Square on June 4, 1989.

1 **SEC. 9. SENSE OF CONGRESS CONCERNING ESTABLISH-**
2 **MENT OF A COMMISSION ON SECURITY AND**
3 **COOPERATION IN ASIA.**

4 It is the sense of the Congress that Congress, the
5 President, and the Secretary of State should work with
6 the governments of other countries to establish a Commis-
7 sion on Security and Cooperation in Asia which would be
8 modeled after the Commission on Security and Coopera-
9 tion in Europe.

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