

105TH CONGRESS
1ST SESSION

H. R. 2358

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To provide for improved monitoring of human rights
violations in the People's Republic of China.

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

TITLE I

SECTION 1. SHORT TITLE.

This title may be cited as the “Political Freedom in China Act of 1997”.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Congress concurs in the following conclusions of the United States State Department on human rights in the People’s Republic of China in 1996:

(A) The People’s Republic of China is “an authoritarian state” in which “citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government”.

(B) The Government of the People’s Republic of China has “continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities’ intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms”.

1 (C) “[a]buses include torture and mistreat-
2 ment of prisoners, forced confessions, and arbi-
3 trary and incommunicado detention”.

4 (D) “[p]rison conditions remained harsh
5 [and] [t]he Government continued severe re-
6 strictions on freedom of speech, the press, as-
7 sembly, association, religion, privacy, and work-
8 er rights”.

9 (E) “[a]lthough the Government denies
10 that it holds political prisoners, the number of
11 persons detained or serving sentences for
12 ‘counterrevolutionary crimes’ or ‘crimes against
13 the state’, or for peaceful political or religious
14 activities are believed to number in the thou-
15 sands”.

16 (F) “[n]onapproved religious groups, in-
17 cluding Protestant and Catholic groups * * *
18 experienced intensified repression”.

19 (G) “[s]erious human rights abuses persist
20 in minority areas, including Tibet, Xinjiang,
21 and Inner Mongolia[, and] [c]ontrols on religion
22 and on other fundamental freedoms in these
23 areas have also intensified”.

24 (H) “[o]verall in 1996, the authorities
25 stepped up efforts to cut off expressions of pro-

1 test or criticism. All public dissent against the
2 party and government was effectively silenced
3 by intimidation, exile, the imposition of prison
4 terms, administrative detention, or house ar-
5 rest. No dissidents were known to be active at
6 year's end.'".

7 (2) In addition to the State Department, credi-
8 ble independent human rights organizations have
9 documented an increase in repression in China dur-
10 ing 1995, and effective destruction of the dissident
11 movement through the arrest and sentencing of the
12 few remaining pro-democracy and human rights ac-
13 tivists not already in prison or exile.

14 (3) Among those were Wang Dan, a student
15 leader of the 1989 pro-democracy protests, sen-
16 tenced on October 30, 1996, to 11 years in prison
17 on charges of conspiring to subvert the government;
18 Li Hai, sentenced to 9 years in prison on December
19 18, 1996, for gathering information on the victims
20 of the 1989 crackdown, which according to the
21 court's verdict constituted "state secrets"; Liu
22 Nianchun, an independent labor organizer, sentenced
23 to 3 years of "re-education through labor" on July
24 4, 1996, due to his activities in connection with a
25 petition campaign calling for human rights reforms;

1 and Ngodrup Phuntsog, a Tibetan national, who was
2 arrested in Tibet in 1987 immediately after he re-
3 turned from a 2-year trip to India, where the Ti-
4 betan government in exile is located, and following
5 a secret trial was convicted by the Government of
6 the People's Republic of China of espionage on be-
7 half of the "Ministry of Security of the Dalai
8 clique".

9 (4) Many political prisoners are suffering from
10 poor conditions and ill-treatment leading to serious
11 medical and health problems, including—

12 (A) Wei Jingsheng, sentenced to 14 years
13 in prison on December 13, 1996, for conspiring
14 to subvert the government and for "communica-
15 tion with hostile foreign organizations and indi-
16 viduals, amassing funds in preparation for over-
17 throwing the government and publishing anti-
18 government articles abroad," is currently held
19 in Jile No. 1 Prison (formerly the Nanpu New
20 Life Salt Farm) in Hebei province, where he re-
21 portedly suffers from severe high blood pressure
22 and a heart condition, worsened by poor condi-
23 tions of confinement;

24 (B) Gao Yu, a journalist sentenced to 6
25 years in prison in November 1994 and honored

1 by UNESCO in May 1997, has a heart condi-
2 tion; and

3 (C) Chen Longde, a leading human rights
4 advocate now serving a 3-year reeducation
5 through labor sentence imposed without trial in
6 August 1995, has reportedly been subject to re-
7 peated beatings and electric shocks at a labor
8 camp for refusing to confess his guilt.

9 (5) The People's Republic of China, as a mem-
10 ber of the United Nations, is expected to abide by
11 the provisions of the Universal Declaration of
12 Human Rights.

13 (6) The People's Republic of China is a party
14 to numerous international human rights conventions,
15 including the Convention Against Torture and Other
16 Cruel, Inhuman or Degrading Treatment or Punish-
17 ment.

18 **SEC. 3. CONDUCT OF FOREIGN RELATIONS.**

19 (a) **RELEASE OF PRISONERS.**—The Secretary of
20 State, in all official meetings with the Government of the
21 People's Republic of China, should request the immediate
22 and unconditional release of Ngodrup Phuntsog and other
23 prisoners of conscience in Tibet, as well as in the People's
24 Republic of China.

1 (b) ACCESS TO PRISONS.—The Secretary of State
 2 should seek access for international humanitarian organi-
 3 zations to Drapechi prison and other prisons in Tibet, as
 4 well as in the People’s Republic of China, to ensure that
 5 prisoners are not being mistreated and are receiving nec-
 6 essary medical treatment.

7 (c) DIALOGUE ON FUTURE OF TIBET.—The Sec-
 8 retary of State, in all official meetings with the Govern-
 9 ment of the People’s Republic of China, should call on that
 10 country to begin serious discussions with the Dalai Lama
 11 or his representatives, without preconditions, on the future
 12 of Tibet.

13 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR ADDI-**
 14 **TIONAL PERSONNEL AT DIPLOMATIC POSTS**
 15 **TO MONITOR HUMAN RIGHTS IN THE PEO-**
 16 **PLE’S REPUBLIC OF CHINA.**

17 There are authorized to be appropriated to support
 18 personnel to monitor political repression in the People’s
 19 Republic of China in the United States Embassies in
 20 Beijing and Kathmandu, as well as the American con-
 21 sulates in Guangzhou, Shanghai, Shenyang, Chengdu, and
 22 Hong Kong, \$2,200,000 for fiscal year 1998 and
 23 \$2,200,000 for fiscal year 1999.

1 **SEC. 5. DEMOCRACY BUILDING IN CHINA.**

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

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

17 **SEC. 6. HUMAN RIGHTS IN CHINA.**

18 (a) REPORTS.—Not later than March 30, 1998, and
19 each subsequent year thereafter, the Secretary of State
20 shall submit to the International Relations Committee of
21 the House of Representatives and the Foreign Relations
22 Committee of the Senate an annual report on human
23 rights in China, including religious persecution, the devel-
24 opment of democratic institutions, and the rule of law. Re-
25 ports shall provide information on each region of China.

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

14 **SEC. 7. SENSE OF CONGRESS CONCERNING ESTABLISH-**
15 **MENT OF A COMMISSION ON SECURITY AND**
16 **COOPERATION IN ASIA.**

17 It is the sense of the Congress that Congress, the
18 President, and the Secretary of State should work with
19 the governments of other countries to establish a Commis-
20 sion on Security and Cooperation in Asia which would be
21 modeled after the Commission on Security and Coopera-
22 tion in Europe.

1 **SEC. 8. SENSE OF CONGRESS REGARDING DEMOCRACY IN**
2 **HONG KONG.**

3 It is the sense of the Congress that the people of
4 Hong Kong should continue to have the right and ability
5 to freely elect their legislative representatives, and that the
6 procedure for the conduct of the elections of the first legis-
7 lature of the Hong Kong Special Administrative Region
8 should be determined by the people of Hong Kong through
9 an election law convention, a referendum, or both.

10 **SEC. 9. SENSE OF THE CONGRESS RELATING TO ORGAN**
11 **HARVESTING AND TRANSPLANTING IN THE**
12 **PEOPLE'S REPUBLIC OF CHINA.**

13 It is the sense of the Congress that—

14 (1) the Government of the People's Republic of
15 China should stop the practice of harvesting and
16 transplanting organs for profit from prisoners that
17 it executes;

18 (2) the Government of the People's Republic of
19 China should be strongly condemned for such organ
20 harvesting and transplanting practice;

21 (3) the President should bar from entry into
22 the United States any and all officials of the Gov-
23 ernment of the People's Republic of China known to
24 be directly involved in such organ harvesting and
25 transplanting practice;

1 (4) individuals determined to be participating in
2 or otherwise facilitating the sale of such organs in
3 the United States should be prosecuted to the fullest
4 possible extent of the law; and

5 (5) the appropriate officials in the United
6 States should interview individuals, including doc-
7 tors, who may have knowledge of such organ har-
8 vesting and transplanting practice.

9 **TITLE II—AGREEMENT ON**
10 **NUCLEAR COOPERATION**

11 (a) AMENDMENT TO JOINT RESOLUTION RELATING
12 TO AGREEMENT FOR NUCLEAR COOPERATION.—The
13 joint resolution entitled “Joint Resolution relating to the
14 approval and implementation of the proposed agreement
15 for nuclear cooperation between the United States and the
16 People’s Republic of China (Public Law 99–183; approved
17 December 16, 1985) is amended—

18 (1) in subsection (b)—

19 (A) by inserting “and subject to section
20 2,” after “or any international agreement,”;
21 and

22 (B) in paragraph (1) by striking “thirty”
23 and inserting “120”; and

24 (2) by adding at the end the following:

1 “SEC. 2. (a) ACTION BY CONGRESS TO DISAPPROVE
2 CERTIFICATION.—No license may be issued for the export
3 to the People’s Republic of China of any nuclear material,
4 facilities, or components subject to the Agreement, and no
5 approval for the transfer or retransfer to the People’s Re-
6 public of China of any nuclear material, facilities, or com-
7 ponents subject to the Agreement shall be given if, during
8 the 120-day period referred to in subsection (b)(1) of the
9 first section, there is enacted a joint resolution described
10 in subsection (b) of this section.

11 “(b) DESCRIPTION OF JOINT RESOLUTION.—A joint
12 resolution is described in this subsection if it is a joint
13 resolution which has a provision disapproving the Presi-
14 dent’s certification under subsection (b)(1), or a provision
15 or provisions modifying the manner in which the Agree-
16 ment is implemented, or both.

17 “(c) PROCEDURES FOR CONSIDERATION OF JOINT
18 RESOLUTIONS.—

19 “(1) REFERENCE TO COMMITTEES.—Joint res-
20 olutions—

21 “(A) may be introduced in either House of
22 Congress by any Member of such House; and

23 “(B) shall be referred, in the House of
24 Representatives, to the Committee on Inter-

1 national Relations and, in the Senate, to the
2 Committee on Foreign Relations.

3 It shall be in order to amend such joint resolutions
4 in the committees to which they are referred.

5 “(2) FLOOR CONSIDERATION.—(A) The provi-
6 sions of section 152(d) and (e) of the Trade Act of
7 1974 (19 U.S.C. 2192(d) and (e)) (relating to the
8 floor consideration of certain resolutions in the
9 House and Senate) apply to joint resolutions de-
10 scribed in subsection (b).

11 “(B) It is not in order for—

12 “(i) the House of Representatives to con-
13 sider any joint resolution described in sub-
14 section (b) that has not been reported by the
15 Committee on International Relations; and

16 “(ii) the Senate to consider any joint reso-
17 lution described in subsection (b) that has not
18 been reported by the Committee on Foreign Re-
19 lations.

20 “(c) CONSIDERATION OF SECOND RESOLUTION NOT
21 IN ORDER.—It shall not be in order in either the House
22 of Representatives or the Senate to consider a joint resolu-
23 tion described in subsection (b) (other than a joint resolu-
24 tion described in subsection (b) received from the other

1 House), if that House has previously adopted such a joint
2 resolution.

3 “(d) PROCEDURES RELATING TO CONFERENCE RE-
4 PORTS IN THE SENATE.—

5 “(1) CONSIDERATION.—Consideration in the
6 the Senate of the conference report on any joint res-
7 olution described in subsection (b), including consid-
8 eration of all amendments in disagreement (and all
9 amendments thereto), and consideration of all debat-
10 able motions and appeals in connection therewith,
11 shall be limited to 10 hours, to be equally divided
12 between, and controlled by, the majority leader and
13 the minority leader or their designees. Debate on
14 any debatable motion or appeal related to the con-
15 ference report shall be limited to 1 hour, to be equal-
16 ly divided between, and controlled by, the mover and
17 the manager of the conference report.

18 “(2) DEBATE ON AMENDMENTS IN DISAGREE-
19 MENT.—In any case in which there are amendments
20 in disagreement, time on each amendment shall be
21 limited to 30 minutes, to be equally divided between,
22 and controlled by, the manager of the conference re-
23 port and the minority leader or his designee. No
24 amendment to any amendment in disagreement shall
25 be received unless it is a germane amendment.

1 “(3) CONSIDERATION OF VETO MESSAGE.—
2 Consideration in the Senate of any veto message
3 with respect to a joint resolution described in sub-
4 section (b), including consideration of all debatable
5 motions and appeals in connection therewith, shall
6 be limited to 10 hours, to be equally divided be-
7 tween, and controlled by, the majority leader and the
8 minority leader or their designees.”.

Passed the House of Representatives November 5,
1997.

Attest:

ROBIN H. CARLE,

Clerk.