

105TH CONGRESS  
1ST SESSION

# H. R. 2570

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

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

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## AN ACT

To condemn those officials of the Chinese Communist Party, the Government of the People's Republic of China, and other persons who are involved in the enforcement of forced abortions by preventing such persons from entering or remaining in the United States.

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 “Forced Abortion Con-  
5       demnation Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress makes the following findings:

8               (1) Forced abortion was rightly denounced as a  
9       crime against humanity by the Nuremberg War  
10      Crimes Tribunal.

11              (2) For over 15 years there have been frequent  
12      and credible reports of forced abortion and forced  
13      sterilization in connection with the population con-  
14      trol policies of the People’s Republic of China. These  
15      reports indicate the following:

16              (A) Although it is the stated position of  
17      the politburo of the Chinese Communist Party  
18      that forced abortion and forced sterilization  
19      have no role in the population control program,  
20      in fact the Communist Chinese Government en-  
21      courages both forced abortion and forced steri-  
22      lization through a combination of strictly en-  
23      forced birth quotas and immunity for local pop-  
24      ulation control officials who engage in coercion.  
25      Officials acknowledge that there have been in-

stances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catho-

1           lic inhabitants of 2 villages in Hebei Province  
2           were subjected to population control under the  
3           slogan “better to have more graves than one  
4           more child”. Enforcement measures included  
5           torture, sexual abuse, and the detention of re-  
6           sisters’ relatives as hostages.

7           (E) Forced abortions in Communist China  
8           often have taken place in the very late stages  
9           of pregnancy.

10          (F) Since 1994 forced abortion and steri-  
11          lization have been used in Communist China  
12          not only to regulate the number of children, but  
13          also to eliminate those who are regarded as de-  
14          fective in accordance with the official eugenic  
15          policy known as the “Natal and Health Care  
16          Law”.

17 **SEC. 3. DENIAL OF ENTRY INTO THE UNITED STATES OF**  
18 **PERSONS IN THE PEOPLE’S REPUBLIC OF**  
19 **CHINA ENGAGED IN ENFORCEMENT OF**  
20 **FORCED ABORTION POLICY.**

21          The Secretary of State may not issue any visa to,  
22          and the Attorney General may not admit to the United  
23          States, any national of the People’s Republic of China, in-  
24          cluding any official of the Communist Party or the Gov-  
25          ernment of the People’s Republic of China and its re-

1 gional, local, and village authorities (except the head of  
2 state, the head of government, and cabinet level ministers)  
3 who the Secretary finds, based on credible information,  
4 has been involved in the establishment or enforcement of  
5 population control policies resulting in a woman being  
6 forced to undergo an abortion against her free choice, or  
7 resulting in a man or woman being forced to undergo ster-  
8 ilization against his or her free choice.

9 **SEC. 4. WAIVER.**

10       The President may waive the requirement contained  
11 in section 3 with respect to a national of the People's Re-  
12 public of China if the President—

13           (1) determines that it is in the national interest  
14       of the United States to do so; and

15           (2) provides written notification to the Congress  
16       containing a justification for the waiver.

      Passed the House of Representatives November 6,  
1997.

Attest:

ROBIN H. CARLE,  
*Clerk.*