

115TH CONGRESS
1ST SESSION

H. R. 3960

To award a Congressional Gold Medal to Liu Xiaobo, and collectively to all advocates of democracy and human rights in China, in recognition of their extraordinary advocacy for liberty and human rights despite repression and their impact on world peace and global understanding of China, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2017

Mr. SMITH of New Jersey (for himself and Ms. PELOSI) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on House Administration, and Foreign Affairs, 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 award a Congressional Gold Medal to Liu Xiaobo, and collectively to all advocates of democracy and human rights in China, in recognition of their extraordinary advocacy for liberty and human rights despite repression and their impact on world peace and global understanding 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preserving Liu Xiaobo
3 Legacy of Freedom & Gold Medal Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) Liu Xiaobo was China’s most prominent ad-
7 vocate for democracy, human rights and freedom
8 and a powerful voice for peaceful political reform.

9 (2) Liu Xiaobo, along with other pro-democracy
10 advocates, sought to raise the Chinese people’s
11 awareness of their dignity and rights by publicly
12 calling upon the Chinese Government to govern in
13 accordance with its Constitution and the inter-
14 national human rights agreements it has ratified.

15 (3) Liu Xiaobo, by his long and visionary lead-
16 ership, has become the symbol of two generations of
17 Chinese reformers—he unites the generation of stu-
18 dent who protested at Tiananmen Square in 1989
19 and, through his role in Charter 08, a new genera-
20 tion of rights advocates, human rights lawyers, and
21 intellectuals.

22 (4) Liu Xiaobo, and so many other advocates
23 for freedom, have suffered official retribution and
24 imprisonment for daring to speak out against a
25 range of human rights abuses across China. In addi-
26 tion, their family members have faced harassment

1 and detention in response to their advocacy efforts,
2 including Liu Xia, who was detained without charges
3 in her home since 2010.

4 (5) In December 2009, a Beijing court sen-
5 tenced Liu Xiaobo to an eleven-year sentence in a
6 Chinese prison for “inciting subversion of state
7 power”, in part for his role in Charter 08, a docu-
8 ment calling for human rights and political reform
9 in China.

10 (6) In May 2011, the U.N. Working Group on
11 Arbitrary Detention issued an opinion declaring that
12 the Chinese government’s imprisonment of Liu
13 Xiaobo contravened the Universal Declaration of
14 Human Rights.

15 (7) In 2010, many persons from around the
16 world nominated Liu Xiaobo for the Nobel Peace
17 Prize, including the 14th Dalai Lama, Bishop
18 Desmond Tutu, and Vaclav Havel. In awarding the
19 2010 Nobel Peace Prize for his “long and non-vio-
20 lent struggle for fundamental human rights in
21 China”, the Norwegian Nobel Committee noted that
22 “through the severe punishment meted out to him,
23 Liu Xiaobo has become the foremost symbol of the
24 wide-ranging struggle for human rights in China”.

1 He reportedly is the first person since 1935 to win
2 the prize while in prison.

3 (8) Liu Xiaobo died of late stage liver cancer on
4 July 13, 2017. He was the first Nobel Peace Prize
5 laureate to die in state custody since Carl Von
6 Ossietzky, who died after being detained in a Nazi
7 concentration camp.

8 (9) Liu Xiaobo, and all those part of the pro-
9 democracy movement in China, are the conscience of
10 the international community regarding human rights
11 in China and serve as a constant reminder that
12 human rights, democratic transparency, and liberty
13 are critical issues of bilateral relations that, if finally
14 realized in China, will make monumental contribu-
15 tions to world peace and stronger and more pros-
16 perous United States-China relations.

17 (10) Awarding Liu Xiaobo the Congressional
18 Gold Medal, and collectively to all those who have
19 stood for freedom and democracy in China despite
20 repression, would not only recognize his contribu-
21 tions to peace, but to global understanding of China
22 and would further inspire millions of Chinese with
23 the ideals of freedom he so heroically articulated.

24 **SEC. 3. CONGRESSIONAL GOLD MEDAL.**

25 (a) IN GENERAL.—

1 (1) PRESENTATION AUTHORIZED.—The Speak-
2 er of the House of Representatives and the Presi-
3 dent pro tempore of the Senate shall make appro-
4 priate arrangements for the presentation, on behalf
5 of the Congress, of a gold medal of appropriate de-
6 sign to Liu Xiaobo or his personal representatives
7 and collectively to all those who have peacefully ad-
8 vocated for democracy and human rights in China in
9 recognition of their achievements and for their con-
10 tributions to the cause of freedom, human rights,
11 and peace in China and globally.

12 (2) DESIGN AND STRIKING.—For the purposes
13 of the award referred to in paragraph (1), the Sec-
14 retary of the Treasury (referred to in this section as
15 the “Secretary”) shall strike the gold medal with
16 suitable emblems, devices, and inscriptions, to be de-
17 termined by the Secretary.

18 (3) SMITHSONIAN INSTITUTION.—

19 (A) IN GENERAL.—Following the award of
20 the gold medal under paragraph (1), the gold
21 medal shall be given to the Smithsonian Institu-
22 tion, where it will be available for display as ap-
23 propriate and available for research.

24 (B) SENSE OF CONGRESS.—It is the sense
25 of the Congress that the Smithsonian Institu-

tion should make the gold medal awarded pursuant to this Act available for display elsewhere, particularly at appropriate locations—

(i) associated with the research of the Tiananmen Protests of 1989 and their subsequent violent suppression; and

(ii) dedicated to preserving the history of the Chinese pro-democracy movement.

(b) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the gold medals struck pursuant to subsection (a) under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(c) STATUS OF MEDALS.—

(1) NATIONAL MEDALS.—Medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(2) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this section shall be considered to be numismatic items.

1 **SEC. 4. HOLDING ACCOUNTABLE CHINESE OFFICIALS**
2 **COMPLICIT IN LIU XIAOBO'S IMPRISONMENT.**

3 It is the sense of Congress that the United States
4 Government should—

5 (1) seek the release of political prisoners in
6 China, including seeking the unconditional release of
7 Liu Xia and ensure her freedom of movement;

8 (2) condemn all efforts to censor or intimidate
9 the families of Liu Xiaobo and Liu Xia and censor
10 news and information about Liu Xiaobo and his leg-
11 acy;

12 (3) identify those officials or individuals in-
13 volved in the arrest and arbitrary detention of Liu
14 Xiaobo and his wife Liu Xia;

15 (4) identify those officials or individuals
16 complicit in the torture and arbitrary detention of
17 human rights lawyers and rights advocates such as
18 Xie Yang, Li Heping, Li Chunfu, Gao Zhisheng,
19 Chen Guangcheng, Jiang Tianyong, Tang Jingling,
20 Wang Quanzhang, and others peacefully advocating
21 for human rights and legal and political reforms in
22 China and following in the footsteps of Liu Xiaobo;
23 and

24 (5) use the sanctions available under the Global
25 Magnitsky Human Rights Accountability Act (Public
26 Law 114–328; 22 U.S.C. 2656 note) for those offi-

1 cials or individuals identified under paragraph (4)
2 because any official or individual complicit in the
3 torture or arbitrary detention of political prisoners
4 qualifies for the imposition of sanctions under that
5 Act.

6 **SEC. 5. PRESERVING THE LEGACY OF LIU XIAOBO.**

7 It is the sense of Congress that funds should be au-
8 thorized to create appropriate fellowship programs and
9 awards in Liu Xiaobo's honor, to preserve his ideas and
10 legacy until the Chinese people are able to do so without
11 censorship or fear, and to advance the universal ideas of
12 freedom, democracy and human rights in China and
13 across the globe.

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