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2<sup>D</sup> SESSION

# H. R. 4590

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IN THE SENATE OF THE UNITED STATES

AUGUST 10 (legislative day, AUGUST 8), 1994

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

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## AN ACT

Concerning United States efforts to promote respect for  
internationally recognized human rights in China.

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 “United States China  
5 Policy Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) The economic, social, political, and cultural  
9 welfare of the people of China, who constitute one-  
10 fifth of the world’s population, is a matter of global  
11 humanitarian concern.

1           (2) By virtue of its size, its economic vitality,  
2           its status as a nuclear power, and its role as a per-  
3           manent member of the United Nations Security  
4           Council, China plays a significant role in world af-  
5           fairs.

6           (3) The United States policy toward China in-  
7           volves balancing multiple interests, including pro-  
8           moting human rights and democracy, securing Chi-  
9           na's strategic cooperation in Asia and the United  
10          Nations, protecting United States national security  
11          interests, controlling the proliferation of weapons of  
12          mass destruction, promoting a peaceful and demo-  
13          cratic transition in Hong Kong, and expanding  
14          United States economic contact with China.

15          (4) United States policy toward China must in-  
16          clude as a key objective the promotion of inter-  
17          nationally recognized human rights. Specific prior-  
18          ities and methods should be appropriate to the cir-  
19          cumstances. Engagement with China rather than its  
20          isolation is more likely to foster United States inter-  
21          ests.

22          (5) The opening of China to the West, the  
23          adoption of free market economic reforms, the emer-  
24          gence of a strong and entrepreneurial economy that  
25          ensures the rise of a Chinese middle class; all have

1 led to expanded individual freedom, a weakening of  
2 state control over personal expression, access to the  
3 media in the United States, Hong Kong, and the  
4 West, and major improvements in living standards  
5 for the Chinese people.

6 (6) United States policies that encourage eco-  
7 nomic liberalization and increased contact with the  
8 United States and other democracies foster respect  
9 for internationally recognized human rights and can  
10 contribute to civil and political reform in China.

11 (7) The President's policy statement of May 26,  
12 1994, provides a sound framework for expanding  
13 and extending the relationship of the United States  
14 with China while continuing the commitment of the  
15 United States to its historic values. The United  
16 States must develop a comprehensive and coherent  
17 policy toward China that addresses the complex and  
18 fast-changing reality in that country and promotes  
19 simultaneously the human rights, diplomatic, eco-  
20 nomic, and security interests of the United States  
21 toward China.

22 (8) The United States has an interest in a  
23 strong, stable, prosperous, and open China whose  
24 government contributes to international peace and  
25 security and whose actions are consistent with the

1 responsibilities of great power status. Whether those  
2 expectations are met will determine the breadth,  
3 depth, and tone of the United States-China bilateral  
4 relationship.

5 (9) Peace and economic progress in East Asia  
6 is best assured through a web of cooperative rela-  
7 tions among the countries of the region, including  
8 China and the United States. The emergence of a  
9 militarily powerful China that seeks to dominate  
10 East Asia would be regarded as a matter of serious  
11 concern by the United States and by other countries  
12 in the Asia-Pacific region.

13 (10) Yet China's performance has been uneven  
14 on a number of issues of concern to the United  
15 States. In particular, the Chinese Government has  
16 failed to observe internationally recognized human  
17 rights. In this regard the Congress makes the follow-  
18 ing declarations:

19 (A) The Chinese Government itself has  
20 made commitments to observe universal human  
21 rights norms.

22 (B) Human rights have universal applica-  
23 tion and are not solely defined by culture or  
24 history.

1 (C) Chinese policies of particular concern  
2 to the United States are the criminalization of  
3 dissent, the inhumane treatment in prisons, and  
4 the serious repression in non-Han-Chinese  
5 areas like Tibet.

6 (11) Genuine political stability in China and  
7 greater respect for internationally recognized human  
8 rights, as well as continued economic growth and  
9 stability, will only occur in China as a result of a  
10 strengthened legal system (based on the rule of law  
11 and property rights), the emergence of a civil soci-  
12 ety, and the creation of political institutions that are  
13 responsive to public opinion and the interests of so-  
14 cial groups.

15 (12) China has entered a major transition in its  
16 political history which will determine the nature of  
17 the domestic system, including respect for inter-  
18 nationally recognized human rights, and the Chinese  
19 Government's foreign policy. The Chinese Govern-  
20 ment should accelerate the process of reform of all  
21 aspects of Chinese society.

22 (13) Existing official bilateral and multilateral  
23 institutions provide useful venues for engagement  
24 with China concerning the rule of law, civil society,  
25 respect for internationally recognized human rights,

1 and political institutions that provide humane and  
2 effective governance.

3 (14) American nongovernmental and business  
4 organizations, in their various forms of engagement  
5 in China, have contributed in that country to the ini-  
6 tial emergence of civil society, the strengthening of  
7 the legal system, and the expansion of economic au-  
8 tonomy.

9 **SEC. 3. RECOMMENDATIONS FOR IMPLEMENTATION OF**  
10 **UNITED STATES POLICY.**

11 Congress affirms the President's policy and makes  
12 the following recommendations for the conduct of United  
13 States policy toward China:

14 (1) The United States should continue a steady  
15 and comprehensive policy of pressing for increased  
16 Chinese adherence to international norms, especially  
17 those concerning internationally recognized human  
18 rights.

19 (2) Of particular concern to the United States  
20 are the following:

21 (A) The accounting and release of political  
22 prisoners.

23 (B) Access to Chinese prisoners by inter-  
24 national humanitarian organizations.

1 (C) Negotiations between the Chinese Gov-  
2 ernment and the Dalai Lama on Tibetan issues.

3 (3) The official dialogue with the Chinese Gov-  
4 ernment on human rights issues should continue and  
5 be intensified.

6 (4) As he considers appropriate, the President  
7 should use other available modes of official inter-  
8 action with China to pursue initiatives that are rel-  
9 evant to promoting increased respect for human  
10 rights in China.

11 (5) The United States should expand broadcast-  
12 ing to China, through the Voice of America and  
13 Radio Free Asia.

14 (6) The United States should work through  
15 available multilateral fora, such as the United Na-  
16 tions Human Rights Commission, to express con-  
17 cerns about human rights in China and to encourage  
18 Chinese adherence to, and compliance with, inter-  
19 national human rights instruments. At all appro-  
20 priate times, the United States should work toward  
21 and support joint actions to address significant  
22 problems. In particular, the United States should  
23 seek to secure the participation of other govern-  
24 ments in overtures to secure the accounting and re-  
25 lease of political prisoners, to encourage access to

1 Chinese prisoners by international humanitarian or-  
2 ganizations and negotiations between the Chinese  
3 Government and the Dalai Lama.

4 (7) Where possible, the United States should  
5 take further steps to foster in China the rule of law,  
6 the creation of a civic society, and the emergence of  
7 institutions that provide humane and effective gov-  
8 ernance.

9 (8) To better carry out the recommendation in  
10 paragraph (7), the Secretary of State should encour-  
11 age United States posts in China to increase report-  
12 ing on the human rights situation, the rule of law,  
13 civil society, and other political developments in  
14 China, and to increase appropriate contacts with do-  
15 mestic nongovernmental organizations.

16 (9) United States non-governmental organiza-  
17 tions should continue and expand activities that en-  
18 courage the rule of law, the emergence of a civic so-  
19 ciety, and the creation of institutions that provide  
20 humane and effective governance.

21 (10) When considering the termination of the  
22 suspensions of United States Government activities  
23 enacted in section 902(a) of the Foreign Relations  
24 Authorization Act, Fiscal Years 1990 and 1991, the  
25 President should explore whether such terminations

1       could be used to elicit specific steps by the Chinese  
2       government to enhance respect for internationally  
3       recognized human rights or correct abuses of such  
4       rights.

5       **SEC. 4. UNITED STATES GOVERNMENT PROGRAMS SUP-**  
6                                   **PORTING HUMAN RIGHTS IN CHINA.**

7       (a) STATEMENT OF POLICY.—Concerning the pro-  
8       motion of human rights in China, it shall be the policy  
9       of the United States to promote the following objectives:

10               (1) An effective legal system, based on the rule  
11               of law.

12               (2) Respect for internationally recognized  
13               human rights.

14               (3) The emergence of civil society.

15               (4) The creation of institutions that provide hu-  
16               mane and effective governance.

17       (b) FACTORS.—In determining how to carry out the  
18       objectives stated in subsection (a), the President should  
19       consider the following factors:

20               (1) The circumstances under which it is appro-  
21               priate to provide support to organizations and indi-  
22               viduals in China.

23               (2) The circumstances under which it is appro-  
24               priate to provide financial support, including  
25               through the following means:

1 (A) Directly by the United States Govern-  
2 ment.

3 (B) Through United States nongovern-  
4 mental organizations which have established a  
5 sound record in China.

6 (3) The extent to which the objectives of sub-  
7 section (a) should be promoted through exchanges,  
8 technical assistance, grants to organizations, and  
9 scholarships for advanced study in the United  
10 States.

11 (4) How to assure accountability for funds pro-  
12 vided by the United States Government.

13 (c) AUTHORIZATION OF APPROPRIATIONS FOR FIS-  
14 CAL YEAR 1995.—

15 (1) Of the amounts authorized to be appro-  
16 priated for education and cultural exchange pro-  
17 grams of the United States Information Agency for  
18 fiscal year 1995, up to \$1,000,000 is authorized to  
19 be available for programs to carry out the objectives  
20 of subsection (a).

21 (2) In addition to such amounts as may other-  
22 wise be made available for broadcasting to China for  
23 fiscal year 1995, of the amounts authorized to be  
24 appropriated for international broadcasting for fiscal

1 year 1995, an additional \$5,000,000 may be used  
2 for broadcasting to China .

3 **SEC. 5. INTERNATIONAL HUMANITARIAN ORGANIZATIONS.**

4 It is the sense of Congress that, in the event that  
5 international humanitarian organizations undertake ac-  
6 tivities in China related to the treatment of prisoners, the  
7 President should make available an additional contribution  
8 to those organizations to support such activities.

9 **SEC. 6. PRINCIPLES TO GOVERN THE ACTIVITIES OF**  
10 **UNITED STATES BUSINESS IN CHINA.**

11 (a) IN GENERAL.—Congress endorses President Clin-  
12 ton’s efforts to work with the leaders of the United States  
13 business community to develop voluntary principles that  
14 could be adapted by United States companies doing busi-  
15 ness in China to further advance human rights and com-  
16 mends United States companies that have previously  
17 adopted such principles or are considering taking such ac-  
18 tion.

19 (b) OTHER COUNTRIES.—Congress urges the Presi-  
20 dent to encourage other governments to adopt similar  
21 principles to govern the activities of their business organi-  
22 zations with activities in China.

23 **SEC. 7. PERIODIC REPORTS.**

24 Not more than 180 days after the date of the enact-  
25 ment of this Act and annually for the 2 subsequent years,

1 the President shall submit to the Speaker of the House  
2 of Representatives and the Chairman of the Committee  
3 on Foreign Relations of the Senate, a report (in a classi-  
4 fied form in whole or in part as necessary) which reviews  
5 for the preceding 12-month period those activities sup-  
6 ported by the United States Government to promote the  
7 objectives stated in section 4(a).

8 **SEC. 8. COMMISSION ON LAW AND SOCIETY IN CHINA.**

9 The President is authorized to establish a United  
10 States commission on law and society in the People's Re-  
11 public of China to undertake the following responsibilities  
12 and such other duties as the President considers appro-  
13 priate:

14 (1) To monitor developments in China with re-  
15 spect to the following:

16 (A) The development of the Chinese legal  
17 system.

18 (B) The emergence of civil society.

19 (C) The development of institutions that  
20 provide humane and effective governance.

21 (2) To engage in an ad hoc dialogue with Chi-  
22 nese individuals and nongovernmental organizations  
23 who have an interest in the subjects indicated in  
24 paragraph (1).

1           (3) To report to the President and to the Con-  
2           gress the commission's findings regarding the sub-  
3           jects identified in paragraph (1) and its discussions  
4           with Chinese individuals and organizations concern-  
5           ing those subjects.

6           (4) To make recommendations to the President  
7           on United States policy toward China in promoting  
8           the objectives identified in section 4(a).

9           (5) To assess and report to the President and  
10          the Congress on whether the creation of a United  
11          States-China Commission on Law and Society would  
12          contribute to the objectives identified in section 4(a).

Passed the House of Representatives August 9,  
1994.

Attest:           DONNALD K. ANDERSON,  
*Clerk.*