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H. R. 4891

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1994

Mr. HAMILTON (for himself, Mr. ACKERMAN, Mr. FALCOMAVAEGA, Mr. MARTINEZ, Mr. DEUTSCH, Mr. GIBBONS, Mr. MATSUI, Mr. KOLBE, Mr. DREIER, Mr. LIGHTFOOT, Mr. ROEMER, Ms. HARMAN, Mr. BACCHUS of Florida, and Mr. ORTON) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

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-

1 fifth of the world's population, is a matter of global
2 humanitarian concern.

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

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

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

24 (5) The opening of China to the West, the
25 adoption of free market economic reforms, the emer-

1 gence of a strong and entrepreneurial economy that
2 ensures the rise of a Chinese middle class; all have
3 led to expanded individual freedom, a weakening of
4 state control over personal expression, access to the
5 media in the United States, Hong Kong, and the
6 West, and major improvements in living standards
7 for the Chinese people.

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

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

24 (8) The United States has an interest in a
25 strong, stable, prosperous, and open China whose

1 government contributes to international peace and
2 security and whose actions are consistent with the
3 responsibilities of great power status. Whether those
4 expectations are met will determine the breadth,
5 depth, and tone of the United States-China bilateral
6 relationship.

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

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

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

1 (B) Human rights have universal applica-
2 tion and are not solely defined by culture or
3 history.

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

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

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

1 (13) Existing official bilateral and multilateral
2 institutions provide useful venues for engagement
3 with China concerning the rule of law, civil society,
4 respect for internationally recognized human rights,
5 and political institutions that provide humane and
6 effective governance.

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

13 **SEC. 3. RECOMMENDATIONS FOR IMPLEMENTATION OF**
14 **UNITED STATES POLICY.**

15 Congress affirms the President's policy and makes
16 the following recommendations for the conduct of United
17 States policy toward China:

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

23 (2) Of particular concern to the United States
24 are the following:

1 (A) The accounting and release of political
2 prisoners.

3 (B) Access to Chinese prisoners by inter-
4 national humanitarian organizations.

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

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

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

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

18 (6) The United States should work through
19 available multilateral fora, such as the United Na-
20 tions Human Rights Commission, to express con-
21 cerns about human rights in China and to encourage
22 Chinese adherence to, and compliance with, inter-
23 national human rights instruments. At all appro-
24 priate times, the United States should work toward
25 and support joint actions to address significant

1 problems. In particular, the United States should
2 seek to secure the participation of other govern-
3 ments in overtures to secure the accounting and re-
4 lease of political prisoners, to encourage access to
5 Chinese prisoners by international humanitarian or-
6 ganizations and negotiations between the Chinese
7 Government and the Dalai Lama.

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

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

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

1 (10) When considering the termination of the
2 suspensions of United States Government activities
3 enacted in section 902(a) of the Foreign Relations
4 Authorization Act, Fiscal Years 1990 and 1991, the
5 President should explore whether such terminations
6 could be used to elicit specific steps by the Chinese
7 government to enhance respect for internationally
8 recognized human rights or correct abuses of such
9 rights.

10 **SEC. 4. UNITED STATES GOVERNMENT PROGRAMS SUP-**
11 **PORTING HUMAN RIGHTS IN CHINA.**

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

15 (1) An effective legal system, based on the rule
16 of law.

17 (2) Respect for internationally recognized
18 human rights.

19 (3) The emergence of civil society.

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

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

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

4 (2) The circumstances under which it is appro-
5 priate to provide financial support, including
6 through the following means:

7 (A) Directly by the United States Govern-
8 ment.

9 (B) Through United States nongovern-
10 mental organizations which have established a
11 sound record in China.

12 (3) The extent to which the objectives of sub-
13 section (a) should be promoted through exchanges,
14 technical assistance, grants to organizations, and
15 scholarships for advanced study in the United
16 States.

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

19 (c) AUTHORIZATION OF APPROPRIATIONS FOR FIS-
20 CAL YEAR 1995.—

21 (1) Of the amounts authorized to be appro-
22 priated for education and cultural exchange pro-
23 grams of the United States Information Agency for
24 fiscal year 1995, up to \$1,000,000 is authorized to

1 be available for programs to carry out the objectives
2 of subsection (a).

3 (2) In addition to such amounts as may other-
4 wise be made available for broadcasting to China for
5 fiscal year 1995, of the amounts authorized to be
6 appropriated for international broadcasting for fiscal
7 year 1995, an additional \$5,000,000 may be used
8 for broadcasting to China.

9 **SEC. 5. INTERNATIONAL HUMANITARIAN ORGANIZATIONS.**

10 It is the sense of Congress that, in the event that
11 international humanitarian organizations undertake ac-
12 tivities in China related to the treatment of prisoners, the
13 President should make available an additional contribution
14 to those organizations to support such activities.

15 **SEC. 6. PRINCIPLES TO GOVERN THE ACTIVITIES OF**
16 **UNITED STATES BUSINESS IN CHINA.**

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

1 (b) OTHER COUNTRIES.—Congress urges the Presi-
2 dent to encourage other governments to adopt similar
3 principles to govern the activities of their business organi-
4 zations with activities in China.

5 **SEC. 7. PERIODIC REPORTS.**

6 Not more than 180 days after the date of the enact-
7 ment of this Act and annually for the 2 subsequent years,
8 the President shall submit to the Speaker of the House
9 of Representatives and the Chairman of the Committee
10 on Foreign Relations of the Senate, a report (in a classi-
11 fied form in whole or in part as necessary) which reviews
12 for the preceding 12-month period those activities sup-
13 ported by the United States Government to promote the
14 objectives stated in section 4(a).

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

16 The President is authorized to establish a United
17 States commission on law and society in the People's Re-
18 public of China to undertake the following responsibilities
19 and such other duties as the President considers appro-
20 priate:

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

23 (A) The development of the Chinese legal
24 system.

25 (B) The emergence of civil society.

1 (C) The development of institutions that
2 provide humane and effective governance.

3 (2) To engage in an ad hoc dialogue with Chi-
4 nese individuals and nongovernmental organizations
5 who have an interest in the subjects indicated in
6 paragraph (1).

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

12 (4) To make recommendations to the President
13 on United States policy toward China in promoting
14 the objectives identified in section 4(a).

15 (5) To assess and report to the President and
16 the Congress on whether the creation of a United
17 States-China Commission on Law and Society would
18 contribute to the objectives identified in section 4(a).

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