

Union Calendar No. 181

105TH CONGRESS
1ST Session

H. R. 967

[Report No. 105-309, Part I]

A BILL

To prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide that certain Chinese officials shall be ineligible to receive visas and excluded from admission to the United States.

OCTOBER 7, 1997

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1997

Mr. GILMAN (for himself, Mr. HYDE, Mr. SOLOMON, Mr. COX of California, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. ROHRBACHER, Mr. PAYNE, and Mr. LANTOS) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on the Judiciary, 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

OCTOBER 6, 1997

Reported from the Committee on International Relations with amendments

OCTOBER 6, 1997

Referral to the Committee on the Judiciary extended October 6, 1997, for a period ending not later than October 7, 1997

OCTOBER 7, 1997

Additional sponsors: Mr. WOLF, Mr. MILLER of Florida, Mr. LIPINSKI, Mr. HORN, Mr. UNDERWOOD, Mr. CHABOT, Mr. WATTS of Oklahoma, Mr. BUNNING, Mr. CANADY of Florida, Mr. BOB SCHAFFER of Colorado, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. MCGOVERN, Ms. ROSLEHTINEN, Mr. BARR of Georgia, Mr. LEWIS of Georgia, Mr. STARK, Mr. BLUNT, Mr. PORTER, Mr. DIAZ-BALART, Mr. GIBBONS, Mr. SAM JOHNSON of Texas, Mr. MCINTOSH, Mr. SPENCE, Mr. ROYCE, Mr. HUNTER, and Mr. SHADEGG

OCTOBER 7, 1997

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide that certain Chinese officials shall be ineligible to receive visas and excluded from admission to 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. FINDINGS.**

4 The Congress makes the following findings:

5 ~~(1) Despite public assurances by the Govern-~~
6 ~~ment of the People's Republic of China that it would~~
7 ~~abide by the principles of the Universal Declaration~~
8 ~~of Human Rights and despite the United Nations~~
9 ~~Charter requirement that all members promote re-~~
10 ~~spect for and observance of basic human rights, in-~~
11 ~~cluding freedom of religion, the Chinese Government~~
12 ~~continues to place severe restrictions on religious ex-~~
13 ~~pression and practice.~~

14 ~~(2) It has been reported that at an internal~~
15 ~~Central Communist Party meeting in 1994, Presi-~~

1 dent Jiang Zemin asserted that religion is one of the
2 biggest threats to Communist Party rule in China
3 and Tibet.

4 (3) On January 31, 1994, Premier Li Peng
5 signed decrees number 144 and 145 which restrict
6 worship, religious education, distribution of Bibles
7 and other religious literature, and contact with for-
8 eign coreligionists.

9 (4) The Chinese Government has created offi-
10 cial religious organizations that control all religious
11 worship, activity, and association in China and Tibet
12 and supplant the independent authority of the
13 Roman Catholic Church, independent Protestant
14 churches, and independent Buddhist, Taoist, and Is-
15 lamic associations.

16 (5) In July 1995, Ye Xiaowen, a rigid com-
17 munist hostile to religion, was appointed to head the
18 Bureau of Religious Affairs, a Chinese Government
19 agency controlled by the United Front Work Depart-
20 ment of the Chinese Communist Party. The Bureau
21 of Religious Affairs has administrative control over
22 all religious worship and activity in China and Tibet
23 through a system of granting or denying rights
24 through an official registration system. Those who

1 fail to or are not allowed to register are subject to
2 punitive measures.

3 (6) In the past year, the Chinese Government
4 has expressed great concern over the spread of
5 Christianity and particularly over the rapid growth
6 of Christian religious institutions other than those
7 controlled by the Chinese Government, including the
8 Roman Catholic Church and the evangelical Chris-
9 tian “house churches”.

10 (7) Soon after the establishment of the People’s
11 Republic of China in 1949, the Chinese Government
12 imprisoned Christians who refused to relinquish
13 their faith to become servants of communism, charg-
14 ing them as “counter-revolutionaries” and sentenc-
15 ing them to 20 years or more in “reeducation
16 through labor camps”.

17 (8) Hundreds of Chinese Protestants and
18 Catholics are among those now imprisoned, detained,
19 or continuously harassed because of their religious
20 beliefs or activities.

21 (9) The prisons and labor camps which hold
22 these religious prisoners are run by the Ministry of
23 Public Security and the Ministry of Justice of the
24 Chinese Government.

1 (10) Although some negotiations have taken
2 place, the Chinese Government refuses to permit the
3 appointment by the Vatican of Catholic bishops and
4 the ordination of priests not approved by the Gov-
5 ernment and insists on appointing its own “Catholic
6 bishops”.

7 (11) The Tenth Panchen Lama died in January
8 1989 at Tashilhunpo Monastery, his traditional spir-
9 itual seat in Shigatze, Tibet’s second largest city.

10 (12) It has always been the right and the role
11 of the Dalai Lama to recognize the successor to the
12 Panchen Lama. On May 14, 1995, His Holiness the
13 Dalai Lama announced recognition of a six-year-old
14 boy, Gedhun Choekyi Nyima, as the Eleventh Pan-
15 chen Lama, according to Tibetan tradition.

16 (13) The young boy recognized by the Dalai
17 Lama and his family have been brought to Beijing
18 by Chinese authorities and have not been seen for
19 months. The Chinese authorities announced publicly
20 in June 1996 that they are holding Gedhun Choekyi
21 Nyima.

22 (14) Chadrel Rimpoche, abbot of Tashilhunpo
23 Monastery and head of the original search commit-
24 tee for the Eleventh Panchen Lama, and his assist-
25 ant, Champa Chung, are believed to have been

1 seized and detained by Chinese authorities in May of
2 1995.

3 (15) Chinese Government authorities subse-
4 quently detained other Tibetan Buddhists in connec-
5 tion with the selection of the Eleventh Panchen
6 Lama, including Gyatrol Rimposhe, Shepa Kelsang,
7 Lhakpa Tsering, and Ringkar Ngawang.

8 (16) The Chinese Government convened a con-
9 ference in Beijing where Tibetan monks were co-
10 erced to select a rival candidate to the child recog-
11 nized by the Dalai Lama as the Eleventh Panchen
12 Lama.

13 (17) On November 29, 1995, officials of the
14 Chinese Government orchestrated an elaborate cere-
15 mony designating a six-year-old boy selected by the
16 Chinese Government as the Eleventh Panchen Lama
17 and on December 8, 1995, a Government-sponsored
18 ceremony was held in Shigatze, Tibet, where the boy
19 selected by the Government was enthroned as the
20 Eleventh Panchen Lama.

21 (18) By seeking to impose its own candidate as
22 the Eleventh Panchen Lama and detaining the six-
23 year-old boy recognized for that position in accord-
24 ance with Tibetan tradition, the Chinese Govern-
25 ment is infringing on a purely Tibetan religious mat-

1 ter, in blatant violation of the fundamental human
 2 rights of the Tibetan people.

3 **SEC. 2. SECTION 1. CONGRESSIONAL STATEMENT OF POL-**
 4 **ICY.**

5 It is the sense of the Congress that the President
 6 should make freedom of religion one of the major objec-
 7 tives of United States foreign policy with respect to China.
 8 As part of this policy, the Department of State should
 9 raise in every relevant bilateral and multilateral forum the
 10 issue of individuals imprisoned, detained, confined, or oth-
 11 erwise harassed by the Chinese Government on religious
 12 grounds. In its communications with the Chinese Govern-
 13 ment, the Department of State should provide specific
 14 names of individuals of concern and request a complete
 15 and timely response from the Chinese Government regard-
 16 ing the individuals' whereabouts and condition, the
 17 charges against them, and sentence imposed. The goal of
 18 these official communications should be the expeditious re-
 19 lease of all religious prisoners in China and Tibet and the
 20 end of the Chinese Government's policy and practice of
 21 harassing and repressing religious believers.

1 ~~SEC. 3.~~ **SEC. 2. PROHIBITION ON USE OF FUNDS FOR THE**
2 **PARTICIPATION OF CERTAIN CHINESE OFFI-**
3 **CIALS IN CONFERENCES, EXCHANGES, PRO-**
4 **GRAMS, AND ACTIVITIES.**

5 (a) PROHIBITION.—Notwithstanding any other provi-
6 sion of law, for fiscal years after fiscal year 1997, no funds
7 appropriated or otherwise made available for the Depart-
8 ment of State, the United States Information Agency, and
9 the United States Agency for International Development
10 may be used for the purpose of providing travel expenses
11 and per diem for the participation of nationals of the Peo-
12 ple’s Republic of China described in paragraphs (1) and
13 (2) in conferences, exchanges, programs, and activities:

14 (1) The head or political secretary of any of the
15 following Chinese Government-created or approved
16 organizations:

17 (A) The Chinese Buddhist Association.

18 (B) The Chinese Catholic Patriotic Asso-
19 ciation.

20 (C) The National Congress of Catholic
21 Representatives.

22 (D) The Chinese Catholic Bishops’ Con-
23 ference.

24 (E) The Chinese Protestant “Three Self”
25 Patriotic Movement.

26 (F) The China Christian Council.

1 (G) The Chinese Taoist Association.

2 (H) The Chinese Islamic Association.

3 (2) Any military or civilian official or employee
4 of the Government of the People's Republic of China
5 who is ~~directly involved in~~ *carried out or directed the*
6 *carrying out of* any of the following policies or prac-
7 tices ~~or who was responsible for the supervision of~~
8 ~~persons directly involved in such policies or prac-~~
9 ~~tices:~~

10 (A) Formulating, drafting, or implement-
11 ing repressive religious policies.

12 (B) Imprisoning, detaining, or harassing
13 individuals on religious grounds.

14 (C) Promoting or participating in policies
15 or practices which hinder religious activities or
16 the free expression of religious beliefs.

17 (b) CERTIFICATION.—

18 (1) Each Federal agency subject to the prohibi-
19 tion of subsection (a) shall certify in writing to the
20 appropriate congressional committees no later than
21 120 days after the date of enactment of this Act,
22 and every 90 days thereafter, that it did not pay, ei-
23 ther directly or through a contractor or grantee, for
24 travel expenses or per diem of any national of the

1 People’s Republic of China described in subsection
2 (a).

3 (2) Each certification under paragraph (1) shall
4 be supported by the following information:

5 (A) The name of each employee of any
6 agency of the Government of the People’s Re-
7 public of China whose travel expenses or per
8 diem were paid by funds of the reporting agen-
9 cy of the United States Government.

10 (B) The procedures employed by the re-
11 porting agency of the United States Govern-
12 ment to ascertain whether each individual
13 under subparagraph (A) did or did not partici-
14 pate in activities described in subsection (a)(2).

15 (C) The reporting agency’s basis for con-
16 cluding that each individual under subpara-
17 graph (A) did not participate in such activities.

18 (c) DEFINITION OF APPROPRIATE CONGRESSIONAL
19 COMMITTEES.—For purposes of this section the term “ap-
20 propriate congressional committees” means the Commit-
21 tee on Foreign Relations of the Senate and the Committee
22 on International Relations of the House of Representa-
23 tives.

1 **SEC. 4. SEC. 3. CERTAIN OFFICIALS OF THE PEOPLE'S RE-**
2 **PUBLIC OF CHINA INELIGIBLE TO RECEIVE**
3 **VISAS AND EXCLUDED FROM ADMISSION.**

4 Notwithstanding any other provision of law, any na-
5 tional of the People's Republic of China described in para-
6 graphs (1) or (2) of section 3(a) shall be ineligible to re-
7 ceive visas and shall be excluded from admission into the
8 United States.

9 (a) *REQUIREMENT.*—Notwithstanding any other pro-
10 vision of law, any national of the People's Republic of
11 China described in section 2(a)(2) (except the head of state,
12 the head of government, and cabinet level ministers) shall
13 be ineligible to receive visas and shall be excluded from ad-
14 mission into the United States.

15 (b) *WAIVER.*—The President may waive the require-
16 ment in subsection (a) with respect to an individual de-
17 scribed in such subsection if the President—

18 (1) *determines that it is vital to the national in-*
19 *terest to do so; and*

20 (2) *provides written notification to the appro-*
21 *priate congressional committees (as defined in section*
22 *2(c)) containing a justification for the waiver.*

23 **SEC. 5. SEC. 4. SUNSET PROVISION.**

24 Sections 3 and 4 2 and 3 shall cease to have effect
25 4 years after the date of the enactment of this Act.