

113TH CONGRESS
2^D SESSION

H. R. 5379

To impose sanctions on individuals that are responsible for the commission of serious and ongoing violations of human rights or gross violations of human rights against nationals of the People's Republic of China or their family members, to protect universal freedoms in the People's Republic of China, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2014

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, the Judiciary, and Ways and Means, 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 impose sanctions on individuals that are responsible for the commission of serious and ongoing violations of human rights or gross violations of human rights against nationals of the People's Republic of China or their family members, to protect universal freedoms in the People's Republic 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 “China Human Rights
3 Protection Act of 2014”.

4 **SEC. 2. IMPOSITION OF SANCTIONS ON INDIVIDUALS RE-**
5 **SPONSIBLE FOR COMMISSION OF SERIOUS**
6 **AND ONGOING VIOLATIONS OF HUMAN**
7 **RIGHTS OR GROSS VIOLATIONS OF HUMAN**
8 **RIGHTS AGAINST NATIONALS OF THE PEO-**
9 **PLE’S REPUBLIC OF CHINA OR THEIR FAMILY**
10 **MEMBERS.**

11 (a) **IN GENERAL.**—Except as provided in subsection
12 (e), the President shall—

13 (1) impose sanctions described in paragraph
14 (1)(A) of subsection (c) and paragraph (2) of such
15 subsection (as applicable) with respect to each indi-
16 vidual on the list required by subsection (b)(1); and

17 (2) impose sanctions described in subpara-
18 graphs (A) and (B) of subsection (c)(1) with respect
19 to each individual on the list required by subsection
20 (b)(2).

21 (b) **LISTS REQUIRED.**—

22 (1) **INDIVIDUALS RESPONSIBLE FOR COMMIS-**
23 **SION OF SERIOUS AND ONGOING VIOLATIONS OF**
24 **HUMAN RIGHTS.**—Not later than 120 days after the
25 date of the enactment of this Act, the President
26 shall submit to the appropriate congressional com-

1 mittees a list of individuals that the President deter-
2 mines are responsible for or complicit in, or respon-
3 sible for directing, the commission of serious and on-
4 going violations of human rights against nationals of
5 the People’s Republic of China or their family mem-
6 bers, regardless of whether such abuses occurred in
7 China.

8 (2) INDIVIDUALS RESPONSIBLE FOR GROSS VIO-
9 LATIONS OF HUMAN RIGHTS.—Not later than 120
10 days after the date of the enactment of this Act, the
11 President shall submit to the appropriate congress-
12 sional committees a list of individuals that the Presi-
13 dent determines—

14 (A) are responsible for or complicit in, or
15 responsible for directing, the commission of
16 gross violations of human rights against nation-
17 als of the People’s Republic of China or their
18 family members, regardless of whether such
19 abuses occurred in China; or

20 (B) have benefitted materially or finan-
21 cially from the commission of serious and ongo-
22 ing violations of human rights described in
23 paragraph (1) or the commission of gross viola-
24 tions of human rights described in subpara-
25 graph (A).

1 (3) UPDATES OF LISTS.—The President shall
2 submit to the appropriate congressional committees
3 updated lists under paragraphs (1) and (2)—

4 (A) not less frequently than on annual
5 basis; and

6 (B) as new information becomes available.

7 (4) FORM; PUBLIC AVAILABILITY.—

8 (A) FORM.—The lists required by para-
9 graphs (1) and (2) shall be submitted in unclas-
10 sified form but may contain a classified annex.

11 (B) PUBLIC AVAILABILITY.—The unclassi-
12 fied portion of the lists required by paragraphs
13 (1) and (2) shall be made available to the pub-
14 lic and published in the Federal Register.

15 (5) NONAPPLICABILITY OF CONFIDENTIALITY
16 REQUIREMENT WITH RESPECT TO VISA RECORDS.—

17 The President shall publish the lists required by
18 paragraphs (1) and (2) without regard to the re-
19 quirements of section 222(f) of the Immigration and
20 Nationality Act (8 U.S.C. 1202(f)) with respect to
21 confidentiality of records pertaining to the issuance
22 or refusal of visas or permits to enter the United
23 States.

24 (c) SANCTIONS DESCRIBED.—

1 (1) IN GENERAL.—The sanctions described in
2 this paragraph are the following:

3 (A) PROHIBITION ON ENTRY AND ADMIS-
4 SION TO THE UNITED STATES.—In the case of
5 an individual whose name appears on the list
6 required by paragraph (1) or (2) of subsection
7 (b)—

8 (i) ineligibility to receive a visa to
9 enter the United States or to be admitted
10 to the United States; or

11 (ii) if the individual has been issued a
12 visa or other documentation, revocation, in
13 accordance with section 221(i) of the Im-
14 migration and Nationality Act (8 U.S.C.
15 1201(i)), of the visa or other documenta-
16 tion.

17 (B) FINANCIAL SANCTIONS.—

18 (i) IN GENERAL.—In the case of an
19 individual whose name appears on the list
20 required by subsection (b)(2), the Presi-
21 dent shall impose sanctions authorized
22 pursuant to section 203 of the Inter-
23 national Emergency Economic Powers Act
24 (50 U.S.C. 1702) with respect to the indi-
25 vidual, including blocking of the property

1 of, and restricting or prohibiting financial
2 transactions and the exportation and im-
3 portation of property Act by, the individual
4 if such property and interests in property
5 are in the United States, come within the
6 United States, or are or come within the
7 possession or control of a United States
8 person.

9 (ii) INAPPLICABILITY OF NATIONAL
10 EMERGENCY REQUIREMENT.—The require-
11 ments of section 202 of the International
12 Emergency Economic Powers Act (50
13 U.S.C. 1701) shall not apply for purposes
14 of this subparagraph.

15 (2) ADDITIONAL SANCTIONS.—The sanctions
16 described in this paragraph are the following:

17 (A) INDIVIDUALS ON LIST FOR TWO CON-
18 SECUTIVE YEARS.—In the case of an individual
19 whose name appears on the list required by
20 subsection (b)(1) for two consecutive years but
21 does not appear on the list required by sub-
22 section (b)(2) for such two consecutive years,
23 the individual and any immediate family mem-
24 ber of the individual shall be ineligible to par-
25 ticipate in or receive any benefit from any pro-

1 gram, project, or activity that is funded by the
2 United States Government.

3 (B) INDIVIDUALS ON LIST FOR THREE
4 CONSECUTIVE YEARS.—

5 (i) IN GENERAL.—In the case of an
6 individual whose name appears on the list
7 required by subsection (b)(1) for three con-
8 secutive years but does not appear on the
9 list required by subsection (b)(2) for such
10 three consecutive years, the President shall
11 impose sanctions authorized pursuant to
12 section 203 of the International Emer-
13 gency Economic Powers Act (50 U.S.C.
14 1702) with respect to the individual, in-
15 cluding blocking of the property of, and re-
16 stricting or prohibiting financial trans-
17 actions and the exportation and importa-
18 tion of property Act by, the individual if
19 such property and interests in property are
20 in the United States, come within the
21 United States, or are or come within the
22 possession or control of a United States
23 person.

24 (ii) INAPPLICABILITY OF NATIONAL
25 EMERGENCY REQUIREMENT.—The require-

1 ments of section 202 of the International
2 Emergency Economic Powers Act (50
3 U.S.C. 1701) shall not apply for purposes
4 of this subparagraph.

5 (C) REGULATORY AUTHORITY.—The Presi-
6 dent shall issue such regulations, licenses, and
7 orders as are necessary to carry out this para-
8 graph.

9 (d) REQUESTS BY CHAIRPERSON AND RANKING
10 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—Not later than 120 days after receiving a written
12 request from the chairperson and ranking member of one
13 of the appropriate congressional committees with respect
14 to whether an individual has engaged in an activity de-
15 scribed in subsection (b)(1) or subsection (b)(2)(A) or
16 meets the requirements of subparagraph (B) of subsection
17 (b)(2), the President shall—

18 (1) determine if that individual has engaged in
19 such an activity or meets such requirements; and

20 (2) submit to the chairperson and ranking
21 member of that committee a report with respect to
22 that determination that includes—

23 (A) a statement of whether or not the
24 President imposed or intends to impose sanc-
25 tions with respect to the individual; and

1 (B) if the President imposed or intends to
2 impose sanctions, a description of those sanc-
3 tions.

4 (e) EXCEPTION TO COMPLY WITH UNITED NATIONS
5 HEADQUARTERS AGREEMENT.—

6 (1) IN GENERAL.—Sanctions under paragraph
7 (1) or (2) of subsection (c) shall not apply to an in-
8 dividual if admitting the individual into the United
9 States is necessary to permit the United States to
10 comply with the Agreement regarding the Head-
11 quarters of the United Nations, signed at Lake Suc-
12 cess June 26, 1947, and entered into force Novem-
13 ber 21, 1947, between the United Nations and the
14 United States, or other applicable international obli-
15 gations of the United States.

16 (2) NOTIFICATION.—The President shall sub-
17 mit to the appropriate congressional committees a
18 notification that paragraph (1) applies to an indi-
19 vidual prior to the application of paragraph (1) to
20 the individual.

21 (f) TERMINATION OF SANCTIONS.—The President
22 may terminate the application of sanctions under sub-
23 section (c) with respect to an individual if the President
24 determines and reports to the appropriate congressional

1 committees on the day the individual is removed from the
2 list that—

3 (1) credible information exists that the indi-
4 vidual did not engage in the activity for which sanc-
5 tions were imposed;

6 (2) the individual has been prosecuted appro-
7 priately for the activity for which sanctions were im-
8 posed; or

9 (3) the individual has credibly demonstrated a
10 significant change in behavior, has paid an appro-
11 priate consequence for the activities for which sanc-
12 tions were imposed, and has credibly committed to
13 not engage in an activity described in subparagraph
14 (A) or (B) of subsection (b)(1) or meets the require-
15 ments of subparagraph (C) of subsection (b)(1).

16 (g) DEFINITIONS.—In this section:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Armed Services, the
21 Committee on Financial Services, the Com-
22 mittee on Foreign Affairs, the Committee on
23 Homeland Security, and the Committee on the
24 Judiciary of the House of Representatives; and

1 (B) the Committee on Armed Services, the
2 Committee on Banking, Housing, and Urban
3 Affairs, the Committee on Foreign Relations,
4 the Committee on Homeland Security and Gov-
5 ernmental Affairs, and the Committee on the
6 Judiciary of the Senate.

7 (2) HUMAN RIGHTS DEFINITIONS.—

8 (A) GROSS VIOLATIONS OF HUMAN
9 RIGHTS.—The term “gross violations of human
10 rights” means, with respect to an individual,
11 the act of torture, forced disappearance, extra-
12 judicial killing, rape, prolonged and harsh de-
13 tention, forced abortion or sterilization, or other
14 severe and ongoing deprivations of individual
15 liberty, including psychiatric or medical experi-
16 mentation or organ harvesting of the individual
17 detained for exercising internationally guaran-
18 teed human rights.

19 (B) SERIOUS AND ONGOING VIOLATIONS
20 OF HUMAN RIGHTS.—The term “serious and
21 ongoing violations of human rights” means,
22 with respect to an individual, violations of free-
23 dom of expression or Internet censorship, free-
24 dom of religion, freedom of assembly and asso-
25 ciation, or the right of due process such that

1 the individual is not able to engage freely in
2 such activities without fear of arrest, intimidat-
3 tion, arbitrary detention, property destruction
4 or confiscation, heavy fines, or loss of jobs or
5 professional status.

6 (3) UNITED STATES PERSON.—The term
7 “United States person” means—

8 (A) a natural person who is a citizen of the
9 United States or who owes permanent alle-
10 giance to the United States; and

11 (B) a corporation or other legal entity
12 which is organized under the laws of the United
13 States, any State or territory thereof, or the
14 District of Columbia, if natural persons de-
15 scribed in subparagraph (A) own, directly or in-
16 directly, more than 50 percent of the out-
17 standing capital stock or other beneficial inter-
18 est in such legal entity.

19 **SEC. 3. ESCALATING SANCTIONS FOR INDIVIDUALS WHO**
20 **COMMIT ONGOING AND SERIOUS ABUSES OF**
21 **INTERNATIONALLY RECOGNIZED HUMAN**
22 **RIGHTS AGAINST CHINESE NATIONALS OR**
23 **THEIR FAMILIES.**

24 (a) IN GENERAL.—Any individual who remains on
25 the list created by section 2(b)(1)(A) for 2 consecutive

1 years, and is not specially identified for committing or
2 being responsible for committing gross violations of inter-
3 nationally recognized human rights, shall incur additional
4 penalties or sanctions, including the following:

5 (1) Such individuals and their immediate family
6 members shall be denied from engaging or benefit-
7 ting from any Federal program or institution.

8 (2) The President shall require that the individ-
9 uals on list under section 2(b)(1)(A), and their im-
10 mediate family members, shall not engage in or ben-
11 efit from any Federal program or institution.

12 (3) The President shall order the removal indi-
13 viduals on the list under section 2(b)(1)(A) and their
14 immediate family members from any Federal pro-
15 gram or institution.

16 (4) The President shall submit to the appro-
17 priate congressional committee not later than the
18 last day of each fiscal year, a list of the family mem-
19 bers denied from engaging in or benefitting from
20 any Federal program or institution.

21 (5) Exceptions to this section may include those
22 family members who are known to have publicly dis-
23 avowed the human rights abuses of individuals found
24 on the list created by section 2(b)(1)(A) and those,
25 who are enrolled in said Federal program or institu-

1 tions, on the day before the list described in this sec-
2 tion is submitted to Congress.

3 (b) CONTINUING OFFENDERS.—Any individual who
4 remains on the list created by section (2)(b)(1)(A) for
5 three consecutive years, and is not already specially identi-
6 fied for committing or being responsible for committing
7 gross violations of internationally recognized human
8 rights, shall incur additional penalties or sanctions such
9 as:

10 (1) FINANCIAL SANCTIONS.—The President
11 shall impose sanctions authorized pursuant to sec-
12 tion 203 of the International Emergency Economic
13 Powers Act (50 U.S.C. 1702) with respect to an in-
14 dividual whose name appears on the list required by
15 section 2(b)(1), in including blocking of the property
16 of, and restricting or prohibiting financial trans-
17 actions and the exportation and importation of prop-
18 erty Act if such property and interests in property
19 are in the United States, come within the United
20 States, or are or come within the possession or con-
21 trol of a United States person.

22 (2) WAIVER.—The President may waive the ap-
23 plication of this subsection for the same reasons
24 stated in section 2(e) above.

25 (c) ENFORCEMENT.—

1 (1) PENALTIES.—A person that violates, at-
2 tempts to violate, conspires to violate, or causes a
3 violation of this section or section 2(c) or 2(d) above
4 or any regulation, license, or order issued to carry
5 out said sections shall be subject to the penalties set
6 forth in subsections (b) and (c) of section 206 of the
7 International Emergency Economic Powers Act (50
8 U.S.C. 1705) to the same extent as a person that
9 commits gross violations of internationally recog-
10 nized human rights.

11 (2) REQUIREMENTS FOR FINANCIAL INSTITU-
12 TIONS.—Not later than 120 days after the date of
13 the enactment of this Act, the President shall pre-
14 scribe regulations requiring each financial institution
15 that is a United States person and has within its
16 possession or control assets that are property or in-
17 terests in property of a foreign person on the lists
18 required by section 2(b)(1)(B) and those later iden-
19 tified in section 3(b) to certify to the President that,
20 to the best of the knowledge of the financial institu-
21 tion, the financial institution has frozen all assets
22 within the possession or control of the financial in-
23 stitution that are required to be frozen.

1 (d) REGULATORY AUTHORITY.—The Secretary of the
2 Treasury shall issue such regulations, licenses, and orders
3 as are necessary to carry out this section.

4 (e) DEFINITION.—In this section, the term “Federal
5 program or institution” means any program or institution
6 that receives funds from the Federal Government.

7 **SEC. 4. TO FURTHER PROTECT THE INTERNATIONALLY**
8 **RECOGNIZED RIGHT OF FREE EXPRESSION,**
9 **ENSURE THE FREE FLOW OF INFORMATION,**
10 **AND PROTECT FOREIGN JOURNALISTS AND**
11 **MEDIA PERSONNEL IN CHINA.**

12 (a) LIMITATION ON I-VISAS.—Section 101(a)(15)(I)
13 of the Immigration and Nationality Act (8 U.S.C.
14 1101(a)(15)(I)) is amended by inserting “subject to sec-
15 tion 214(s),” before “upon a basis”.

16 (b) RESTRICTIONS ON VISAS TO EXECUTIVES OF
17 STATE-OWNED MEDIA.—Section 214 of the Immigration
18 and Nationality Act (8 U.S.C. 1184) is amended by add-
19 ing at the end the following:

20 “(s) RESTRICTIONS ON VISAS TO EXECUTIVES OF
21 STATE-OWNED MEDIA.—

22 “(1) IN GENERAL.—In the case of aliens who
23 are executives at a state-controlled media organiza-
24 tion from the People’s Republic of China and are
25 seeking classification under section 101(a)(15)(I),

1 the visas may be refused to such aliens if any United
2 States media personnel were expelled, had visas de-
3 nied, or faced intimidation or violence in the course
4 of working in China in the prior fiscal year.

5 “(2) Visas to such aliens, in proportion to the
6 expulsions, visa denials or delays experienced by
7 U.S. journalists or media personnel working in
8 China during the prior fiscal year, may be refused
9 or delayed.

10 “(3) For purposes of this subsection—

11 “(A) the term ‘state-controlled media
12 worker from the People’s Republic of China’
13 means a representative of a media organization
14 owned, operated, or controlled by the People’s
15 Republic of China, including—

16 “(i) China Central Television;

17 “(ii) China Daily;

18 “(iii) China National Radio;

19 “(iv) China News Service;

20 “(v) China Radio International;

21 “(vi) China Youth Daily;

22 “(vii) Economic Daily;

23 “(viii) Global Times;

24 “(ix) Guangming Daily;

25 “(x) Legal Daily;

1 “(xi) Liberation Army Daily;

2 “(xii) People’s Daily; or

3 “(xiii) Xinhua News Agency.

4 “(B) REVOCATION OF CERTAIN VISAS;
5 NONIMMIGRANT STATUS.—Not later than 30
6 days after the date of the enactment of this sec-
7 tion, the President shall order the revocation,
8 delay, or refusal of a sufficient number of visas
9 already issued to executives of state-controlled
10 media organizations from the People’s Republic
11 of China in proportion to the expulsions, visa
12 delays or denials, and intimidation experienced
13 by personnel from U.S. journalist or media per-
14 sonnel organizations in the previous 12 months
15 prior to the Act’s passage.

16 “(C) REPORTING ON RESTRICTIONS ON
17 FOREIGN MEDIA IN CHINA.—The Department
18 of State, in the Annual Country Reports on
19 Human Rights Conditions shall include infor-
20 mation and details on intimidation, travel re-
21 strictions, visa denials and delays, and expul-
22 sions of foreign media personnel from China
23 and the censoring and blocking of media cor-
24 porations’ Web sites within China.

1 “(D) SENSE OF CONGRESS.—It is the
2 sense of Congress that restrictions on the ac-
3 tivities of U.S. journalists and media personnel
4 in China and the censorship and blockage of
5 news media Web sites damages the competitive-
6 ness of U.S. media corporations and should be
7 considered a restriction of trade and an unfair
8 competitive advantage benefitting Chinese gov-
9 ernment-controlled media organizations. As
10 such, the U.S. Government should link to any
11 bilateral investment treaty, currently being ne-
12 gotiated, language that guarantees fair treat-
13 ment of journalists, a reciprocal number of
14 journalist visas, and free and unfettered oper-
15 ation of news Web sites in China.”.

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