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H. R. 2621

To impose sanctions against individuals who are nationals of the People's Republic of China who are responsible for gross violations of internationally recognized human rights committed against other individuals in the People's Republic of China, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2015

Mr. SMITH of New Jersey (for himself and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Foreign Affairs, 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

A BILL

To impose sanctions against individuals who are nationals of the People's Republic of China who are responsible for gross violations of internationally recognized human rights committed against other individuals 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “China Human Rights
5 Protection Act of 2015”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Armed Services, the
7 Committee on Financial Services, the Com-
8 mittee on Foreign Affairs, the Committee on
9 Homeland Security, and the Committee on the
10 Judiciary of the House of Representatives; and

11 (B) the Committee on Armed Services, the
12 Committee on Banking, Housing, and Urban
13 Affairs, the Committee on Foreign Relations,
14 the Committee on Homeland Security and Gov-
15 ernmental Affairs, and the Committee on the
16 Judiciary of the Senate.

17 (2) GROSS VIOLATIONS OF INTERNATIONALLY
18 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
19 lations of internationally recognized human rights”
20 includes—

21 (A) extrajudicial killings;

22 (B) torture or cruel, inhuman, or degrad-
23 ing treatment or punishment;

24 (C) prolonged arbitrary detention, causing
25 the disappearance of individuals by the abduc-

1 tion and clandestine detention of those individ-
2 uals;

3 (D) forced abortion or sterilization;

4 (E) psychiatric or medical experimentation
5 or organ harvesting of individuals without con-
6 sent or obtained in detention; and

7 (F) other flagrant denial of the right to
8 life, liberty, or the security of an individual.

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

11 (A) a United States citizen or an alien law-
12 fully admitted for permanent residence to the
13 United States; or

14 (B) an entity organized under the laws of
15 the United States or of any jurisdiction within
16 the United States, including a foreign branch of
17 such an entity.

18 **SEC. 3. AUTHORIZATION OF SANCTIONS FOR GROSS VIOLA-**
19 **TIONS OF INTERNATIONALLY RECOGNIZED**
20 **HUMAN RIGHTS.**

21 (a) IN GENERAL.—The President shall impose the
22 sanctions described in subsection (b) with respect to an
23 individual who is a national of the People’s Republic of
24 China the President determines, based on credible infor-
25 mation—

1 (1) is responsible for gross violations of inter-
2 nationally recognized human rights committed
3 against other individuals in the People's Republic of
4 China, particularly those individuals who seek to ob-
5 tain, exercise, defend, or promote internationally rec-
6 ognized human rights and freedoms, such as the
7 freedoms of religion, expression, association, and as-
8 sembly, and the rights to a fair trial and democratic
9 elections;

10 (2) acted as an agent of or on behalf of another
11 individual who is a national of the People's Republic
12 of China in a matter relating to an activity described
13 in paragraph (1); or

14 (3) has materially assisted, sponsored, or pro-
15 vided financial, material, or technological support
16 for, or goods or services in support of, an activity
17 described in paragraph (1).

18 (b) SANCTIONS DESCRIBED.—The sanctions de-
19 scribed in this subsection are the following:

20 (1) INADMISSIBILITY TO UNITED STATES.—

21 (A) IN GENERAL.—Ineligibility of the indi-
22 vidual to receive a visa to enter the United
23 States or to be admitted to the United States.

24 (B) REVOCATION.—If the individual has
25 been issued a visa or other documentation, rev-

1 ocation, in accordance with section 221(i) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1201(i)), of the visa or other documentation.

4 (2) BLOCKING OF PROPERTY.—

5 (A) IN GENERAL.—The blocking, in ac-
6 cordance with the International Emergency
7 Economic Powers Act (50 U.S.C. 1701 et seq.),
8 of all transactions in all property and interests
9 in property of the individual if such property
10 and interests in property are in the United
11 States, come within the United States, or are or
12 come within the possession or control of a
13 United States person.

14 (B) INAPPLICABILITY OF NATIONAL EMER-
15 GENCY REQUIREMENT.—The requirements of
16 section 202 of the International Emergency
17 Economic Powers Act (50 U.S.C. 1701) shall
18 not apply for purposes of this section.

19 (c) REGULATORY AUTHORITY.—The President shall
20 issue such regulations, licenses, and orders as are nec-
21 essary to carry out this section.

1 **SEC. 4. WAIVER AUTHORITY AND EXCEPTION TO COMPLY**
2 **WITH UNITED NATIONS HEADQUARTERS**
3 **AGREEMENT.**

4 (a) **WAIVER AUTHORITY.**—The President may waive
5 the application of sanctions under section 3 with respect
6 to an individual who is a national of the People’s Republic
7 of China if the President—

8 (1) determines that such a waiver is in the na-
9 tional security interests of the United States; and

10 (2) not later than 30 days prior to granting
11 such a waiver, submits to the appropriate congres-
12 sional committees notice of, and a justification for,
13 the waiver.

14 (b) **EXCEPTION TO COMPLY WITH UNITED NATIONS**
15 **HEADQUARTERS AGREEMENT.**—Sanctions under sections
16 3(b)(1) shall not apply to an individual who is a national
17 of the People’s Republic of China if admitting the indi-
18 vidual into the United States is necessary to permit the
19 United States to comply with the Agreement regarding the
20 Headquarters of the United Nations, signed at Lake Suc-
21 cess June 26, 1947, and entered into force November 21,
22 1947, between the United Nations and the United States,
23 or other applicable international obligations of the United
24 States.

1 **SEC. 5. TERMINATION OF SANCTIONS.**

2 The President may terminate the application of sanc-
3 tions under section 3 with respect to an individual who
4 is a national of the People's Republic of China if the Presi-
5 dent determines and reports to the appropriate congres-
6 sional committees not later than 15 days before the termi-
7 nation of the sanctions that—

8 (1) credible information exists that the indi-
9 vidual did not engage in the activity for which sanc-
10 tions were imposed;

11 (2) the individual has been prosecuted appro-
12 priately for the activity for which sanctions were im-
13 posed; or

14 (3) the individual has credibly demonstrated a
15 significant change in behavior, has paid an appro-
16 priate consequence for the activity for which sanc-
17 tions were imposed, and has credibly committed to
18 not engage in an activity described in section 3 in
19 the future.

20 **SEC. 6. ESTABLISHMENT OF CHINA HUMAN RIGHTS DOCU-**
21 **MENTATION CENTER.**

22 (a) IN GENERAL.—The Secretary of State shall seek
23 to provide for the establishment of and provide funding
24 for an independent, nongovernmental organization, to be
25 referred to as the China Human Rights Documentation
26 Center, to—

1 (1) compile, publish, and archive credible evi-
2 dence of nationals of the People’s Republic of China
3 who commit gross violations of internationally recog-
4 nized human rights against individuals in the Peo-
5 ple’s Republic of China;

6 (2) receive evidence of such violations from non-
7 governmental organizations and governmental enti-
8 ties;

9 (3) establish an online and searchable database,
10 in English and in Chinese, and establish other multi-
11 media information platforms, in English and in Chi-
12 nese, of credible evidence of such violations for re-
13 search and educational purposes; and

14 (4) compile, publish, and archive credible evi-
15 dence of individuals who are nationals of the Peo-
16 ple’s Republic of China who are engaged in—

17 (A) censorship of the Internet, restrictions
18 on the freedom of expression, the free flow of
19 news and information, and the silencing of
20 peaceful dissent against government policy or
21 practice;

22 (B) threats, surveillance, censorship, deten-
23 tion, beatings, or the denials or delays of visas
24 of United States or other foreign journalists
25 working in China;

1 (C) threats, beatings, surveillance, deten-
2 tion, or threats to the loss of jobs or profes-
3 sional status made against—

4 (i) individuals who are human rights
5 lawyers seeking to represent clients de-
6 tained in extra-legal detention centers;

7 (ii) individuals considered by the
8 United Nations Working Group on Arbi-
9 trary Detention to be detained arbitrarily
10 in China, including Tibetans, Uyghurs, and
11 individuals who are members of the Falun
12 Gong;

13 (iii) individuals who are democracy,
14 labor, environmental, or free speech advo-
15 cates;

16 (iv) individuals who are petitioners or
17 bloggers;

18 (v) individuals accused in govern-
19 mental anti-corruption campaigns; and

20 (vi) individuals from religious commu-
21 nities that are independent of government-
22 approved religious organizations;

23 (D) restrictions on the right to freedom of
24 religion and the ability to exercise peaceful reli-
25 gious practice, in public and private, inde-

1 pendent of government restrictions or oversight
2 of religious teachings or choice of religious lead-
3 ers, particularly the arrest and detention of reli-
4 gious leaders, the destruction of property or
5 heavy fines, and the “patriotic education” of re-
6 ligious leaders;

7 (E) implementing China’s population con-
8 trol policies, including through the coercive and
9 persistent monitoring of fertility, the issuing of
10 heavy fines, and threats made for the loss of
11 employment or the denial of residency and
12 other government benefits to children born be-
13 yond the government-prescribed limit;

14 (F) profiting from or overseeing slave
15 labor, particularly in detention facilities, or
16 from sex or bride trafficking or those engaged
17 in beating, threatening, or detaining individuals
18 seeking to disrupt trafficking in persons net-
19 works;

20 (G) profiting from the sale of organs har-
21 vested from an individual without consent or
22 while an individual is in detention;

23 (H) disrupting or prohibiting, through vio-
24 lence, intimidation, discrimination, or threats,
25 attempts to organize independent trade unions

1 or to engage in efforts of collective bargaining;

2 or

3 (I) prosecuting, sentencing, or those in-
4 volved in the continued detention of individuals
5 determined by the United Nations Working
6 Group on Arbitrary Detention to have been de-
7 tained arbitrarily.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
9 funds authorized to be appropriated to the Department
10 of State for each fiscal year beginning after the date of
11 the enactment of this Act, such funds as may be necessary
12 to carry out this section are authorized to be appropriated
13 to carry out this section for such fiscal year.

14 (c) REGULATORY AUTHORITY.—The President shall
15 issue such regulations, licenses, and orders as are nec-
16 essary to carry out this section.

17 **SEC. 7. USE OF CREDIBLE EVIDENCE FOR SANCTIONS DE-**
18 **TERMINATIONS AND REPORTS.**

19 In making determinations to impose sanctions under
20 section 3 and for purposes of preparing and submitting
21 reports to Congress under sections 8 and 9, the President
22 should use any credible evidence—

23 (1) compiled and published by the China
24 Human Rights Documentation Center established
25 under section 6;

1 (2) compiled and published by the Department
2 of State and other appropriate Federal departments
3 and agencies; and

4 (3) submitted to the President by the chair-
5 person and ranking member of appropriate congress-
6 sional committees.

7 **SEC. 8. REPORTS BY PRESIDENT TO CONGRESS.**

8 (a) REPORT REQUIRED.—

9 (1) IN GENERAL.—The President shall submit
10 to the appropriate congressional committees on an
11 annual basis a report that includes—

12 (A) a list of individuals who are nationals
13 of the People’s Republic of China with respect
14 to which the President imposed sanctions pur-
15 suant to section 3 during the calendar year pre-
16 ceding the submission of the report;

17 (B) a description of the type of sanctions
18 imposed with respect to each individual;

19 (C) the number of individuals with respect
20 to which the President imposed sanctions under
21 section 3(a) during that year;

22 (D) the dates on which such sanctions
23 were imposed or terminated, as the case may
24 be;

1 (E) the reasons for imposing or termi-
2 nating such sanctions; and

3 (F) a description of the efforts of the
4 President to encourage the governments of
5 other countries to impose sanctions that are
6 similar to the sanctions authorized by section 3.

7 (2) DATES FOR SUBMISSION.—

8 (A) INITIAL REPORT.—The President shall
9 submit the initial report required by this sub-
10 section not later than 180 days after the date
11 of the enactment of this Act.

12 (B) SUBSEQUENT REPORTS.—

13 (i) IN GENERAL.—The President shall
14 submit each subsequent report required by
15 this subsection on December 10, or the
16 first day thereafter on which both Houses
17 of Congress are in session, of—

18 (I) the calendar year in which the
19 initial report is submitted if the initial
20 report is submitted before December
21 10 of such calendar year; and

22 (II) each subsequent calendar
23 year.

24 (ii) CONGRESSIONAL STATEMENT.—
25 Congress notes that December 10 of each

1 calendar year has been recognized in the
2 United States and internationally since
3 1950 as “Human Rights Day” and thus
4 the importance of December 10 of each
5 calendar year as the date of submission of
6 the subsequent reports required by this
7 subsection.

8 (b) FORM OF REPORT.—

9 (1) IN GENERAL.—The report required by sub-
10 section (a) shall be submitted in unclassified form,
11 but may include a classified annex.

12 (2) EXCEPTION.—The name of an individual
13 who is a national of the People’s Republic of China
14 to be included in the list required by subsection
15 (a)(1) by reason of the imposition of sanctions pur-
16 suant to section 3 may be submitted in the classified
17 annex authorized by paragraph (1) only if the Presi-
18 dent—

19 (A) determines that it is vital for the na-
20 tional security interests of the United States to
21 do so; and

22 (B) uses the annex in a manner consistent
23 with congressional intent and the purposes of
24 this Act.

25 (c) PUBLIC AVAILABILITY.—

1 (1) IN GENERAL.—The unclassified portion of
2 the report required by subsection (a) shall be made
3 available to the public, including through publication
4 in the Federal Register.

5 (2) NONAPPLICABILITY OF CONFIDENTIALITY
6 REQUIREMENT WITH RESPECT TO VISA RECORDS.—
7 The President shall publish the list required by sub-
8 section (a)(1) without regard to the requirements of
9 section 222(f) of the Immigration and Nationality
10 Act (8 U.S.C. 1202(f)) with respect to confiden-
11 tiality of records pertaining to the issuance or re-
12 fusal of visas or permits to enter the United States.

13 **SEC. 9. REPORT BY COMPTROLLER GENERAL TO CON-**
14 **GRESS ON IMPLEMENTATION OF THIS ACT.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of submission of the initial report to Congress under
17 section 8, the Comptroller General of the United States
18 shall submit to the appropriate congressional committees
19 a report on the following:

20 (1) A description and assessment of the proc-
21 ess—

22 (A) to determine whether an individual
23 who is a national of the People's Republic of
24 China has engaged in an activity described in
25 section 3 and whether sanctions under section

1 3 should be imposed with respect to the indi-
2 vidual;

3 (B) to determine whether the identity of
4 an individual who is a national of the People's
5 Republic of China with respect to which the
6 President has imposed sanctions pursuant to
7 section 3 should be classified; and

8 (C) whether the inclusion of the identity of
9 an individual who is a national of the People's
10 Republic of China in the unclassified version of
11 the report has had any noticeable positive bene-
12 fits in curtailing gross violations of internation-
13 ally recognized human rights in the People's
14 Republic of China.

15 (2) An assessment of the implementation of this
16 Act.

17 (b) CONSULTATION.—The Comptroller General shall
18 consult with the appropriate congressional committees and
19 nongovernmental organizations for purposes of preparing
20 the report required by subsection (a).

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