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H. R. 2058

IN THE SENATE OF THE UNITED STATES

JULY 21 (legislative day, JULY 10), 1995

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

AN ACT

Establishing United States policy toward 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 “China Policy Act of
5 1995”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) The People's Republic of China comprises
4 one-fifth of the world's population, or 1,200,000,000
5 people, and its policies have a profound effect on the
6 world economy and global security.

7 (2) The People's Republic of China is a perma-
8 nent member of the United Nations Security Council
9 and plays an important role in regional organiza-
10 tions such as the Asia-Pacific Economic Cooperation
11 Forum and the ASEAN Regional Forum.

12 (3) The People's Republic of China is a nuclear
13 power with the largest standing army in the world,
14 and has been rapidly modernizing and expanding its
15 military capabilities.

16 (4) The People's Republic of China is currently
17 undergoing a change of leadership which will have
18 dramatic implications for the political and economic
19 future of the Chinese people and for China's rela-
20 tions with the United States.

21 (5) China's estimated \$600,000,000,000 econ-
22 omy has enjoyed unparalleled growth in recent
23 years.

24 (6) Despite increased economic linkages be-
25 tween the United States and China, bilateral rela-
26 tions have deteriorated significantly because of fun-

1 damental policy differences over a variety of impor-
2 tant issues.

3 (7) The People’s Republic of China has violated
4 international standards regarding the nonprolifera-
5 tion of weapons of mass destruction.

6 (8) The Government of the People’s Republic of
7 China, a member of the United Nations Security
8 Council, is obligated to respect and uphold the
9 United Nations Charter and Universal Declaration
10 of Human Rights.

11 (9) According to the State Department Country
12 Report on Human Rights Practices for 1994, there
13 continue to be “widespread and well-documented
14 human rights abuses in China, in violation of inter-
15 nationally accepted norms...(including) arbitrary and
16 lengthy incommunicado detention, torture, and mis-
17 treatment of prisoners.... The regime continued se-
18 vere restrictions on freedom of speech, press, assem-
19 bly and association, and tightened control on the ex-
20 ercise of these rights during 1994. Serious human
21 rights abuses persisted in Tibet and other areas pop-
22 ulated by ethnic minorities.”.

23 (10) The Government of the People’s Republic
24 of China continues to detain political prisoners and
25 continues to violate internationally recognized stand-

1 ards of human rights by arbitrary arrests and deten-
2 tion of persons for the nonviolent expression of their
3 political and religious beliefs.

4 (11) The Government of the People's Republic
5 of China does not ensure the humane treatment of
6 prisoners and does not allow humanitarian and
7 human rights organizations access to prisons.

8 (12) The Government of the People's Republic
9 of China continues to harass and restrict the activi-
10 ties of accredited journalists and to restrict broad-
11 casts by the Voice of America.

12 (13) In the weeks leading to the 6th anniver-
13 sary of the June 1989 massacre, a series of petitions
14 were sent to the Chinese Government calling for
15 greater tolerance, democracy, rule of law, and an ac-
16 counting for the 1989 victims and the Chinese Gov-
17 ernment responded by detaining dozens of prominent
18 intellectuals and activists.

19 (14) The unjustified and arbitrary arrest, im-
20 prisonment, and initiation of criminal proceedings
21 against Harry Wu, a citizen of the United States,
22 has greatly exacerbated the deterioration in relations
23 between the United States and the People's Republic
24 of China, and all charges against him should be dis-
25 missed.

1 (15) China has failed to release political pris-
2 oners with serious medical problems, such as Bao
3 Tong, and on June 25, 1995, revoked “medical pa-
4 role” for Chen-Ziming reimprisoning him at Beijing
5 No. 2 Prison, and Chinese authorities continue to
6 hold Wei Jingsheng incommunicado at an unknown
7 location since his arrest on April 1, 1994.

8 (16) The Government of the People’s Republic
9 of China continues to engage in discriminatory and
10 unfair trade practices, including the exportation of
11 products produced by prison labor, the use of import
12 quotas and other quantitative restrictions on selected
13 products, the unilateral increasing of tariff rates and
14 the imposition of taxes as surcharges on tariffs, the
15 barring of the importation of certain items, the use
16 of licensing and testing requirements to limit im-
17 ports, and the transshipment of textiles and other
18 items through the falsification of country of origin
19 documentation.

20 (17) The Government of the People’s Republic
21 of China continues to employ the policy and practice
22 of controlling all trade unions and continues to sup-
23 press and harass members of the independent labor
24 union movement.

1 (18) The United States-Hong Kong Policy Act
2 of 1992 states that Congress wishes to see the provi-
3 sions of the joint declaration implemented, and de-
4 clares that “the human rights of the people of Hong
5 Kong are of great importance to the U.S. Human
6 Rights also serve as a basis for Hong Kong’s contin-
7 ued prosperity,”. This together with the rule of law
8 and a free press are essential for a successful transi-
9 tion in 1997.

10 (19) The United States currently has numerous
11 sanctions on the People’s Republic of China with re-
12 spect to government-to-government assistance, arms
13 sales, and other commercial transactions.

14 (20) It is in the interest of the United States
15 to foster China’s continued engagement in the
16 broadest range of international fora and increased
17 respect for human rights, democratic institutions,
18 and the rule of law in China.

19 **SEC. 3. UNITED STATES DIPLOMATIC INITIATIVES.**

20 (a) UNITED STATES OBJECTIVES.—The Congress
21 calls upon the President to undertake intensified diplo-
22 matic initiatives to persuade the Government of the Peo-
23 ple’s Republic of China to—

24 (1) immediately and unconditionally release
25 Harry Wu from detention;

1 (2) adhere to prevailing international standards
2 regarding the nonproliferation of weapons of mass
3 destruction by, among other things, immediately
4 halting the export of ballistic missile technology and
5 the provision of other weapons of mass destruction
6 assistance, in violation of international standards, to
7 Iran, Pakistan, and other countries of concern;

8 (3) respect the internationally-recognized
9 human rights of its citizens by, among other
10 things—

11 (A) permitting freedom of speech, freedom
12 of press, freedom of assembly, freedom of asso-
13 ciation, and freedom of religion;

14 (B) ending arbitrary detention, torture,
15 forced labor, and other mistreatment of pris-
16 oners;

17 (C) releasing all political prisoners, and
18 dismantling the Chinese system of jailing politi-
19 cal prisoners (the gulag) and the Chinese forced
20 labor system (the Laogai);

21 (D) ending coercive birth control practices;
22 and

23 (E) respecting the legitimate rights of the
24 people of Tibet, ethnic minorities, and ending
25 the crackdown on religious practices;

1 (4) curtail excessive modernization and expansion of China's military capabilities, and adopt defense transparency measures that will reassure China's neighbors;

5 (5) end provocative military actions in the South China Sea and elsewhere that threaten China's neighbors, and work with them to resolve disputes in a peaceful manner;

9 (6) adhere to a rules-based international trade regime in which existing trade agreements are fully implemented and enforced, and equivalent and reciprocal market access is provided for United States goods and services in China;

14 (7) comply with the prohibition on all forced labor exports to the United States; and

16 (8) reduce tensions with Taiwan by means of dialogue and other confidence building measures.

18 (b) VENUES FOR DIPLOMATIC INITIATIVES.—The
19 diplomatic initiatives taken in accordance with subsection
20 (a) should include actions by the United States—

21 (1) in the conduct of bilateral relations with
22 China;

23 (2) in the United Nations and other international
24 organizations;

1 (3) in the World Bank and other international
2 financial institutions;

3 (4) in the World Trade Organization and other
4 international trade fora; and

5 (5) in the conduct of bilateral relations with
6 other countries in order to encourage them to sup-
7 port and join with the United States in taking the
8 foregoing actions.

9 **SEC. 4. REPORTING REQUIREMENTS.**

10 The President shall report to the Congress within 30
11 days after the date of enactment of this Act, and no less
12 frequently than every 6 months thereafter, on—

13 (1) the actions taken by the United States in
14 accordance with section 3 during the preceding 6-
15 month period;

16 (2) the actions taken with respect to China dur-
17 ing the preceding 6-month period by—

18 (A) the United Nations and other inter-
19 national organizations;

20 (B) the World Bank and other inter-
21 national financial institutions; and

22 (C) the World Trade Organization and
23 other international trade fora; and

1 (3) the progress achieved with respect to each
2 of the United States objectives identified in section
3 3(a).

4 Such reports may be submitted in classified and unclassi-
5 fied form.

6 **SEC. 5. COMMENDATION OF DEMOCRACY MOVEMENT.**

7 The Congress commends the brave men and women
8 who have expressed their concerns to the Government of
9 the People's Republic of China in the form of petitions
10 and commends the democracy movement as a whole for
11 its commitment to the promotion of political, economic,
12 and religious freedom.

13 **SEC. 6. RADIO FREE ASIA.**

14 (a) PLAN FOR RADIO FREE ASIA.—Section 309(c)
15 of the United States International Broadcasting Act of
16 1994 (22 U.S.C. 6208(c)) is amended to read as follows:

17 “(c) SUBMISSION OF PLAN.—Not later than 30 days
18 after the date of enactment of the China Policy Act of
19 1995, the Director of the United States Information Agen-
20 cy shall submit to the Congress a detailed plan for the
21 establishment and operation of Radio Free Asia in accord-
22 ance with this section. Such plan shall include the follow-
23 ing:

1 “(1) A description of the manner in which
2 Radio Free Asia would meet the funding limitations
3 provided in subsection (d)(4).

4 “(2) A description of the numbers and quali-
5 fications of employees it proposes to hire.

6 “(3) How it proposes to meet the technical re-
7 quirements for carrying out its responsibilities under
8 this section.”.

9 (b) INITIATION OF BROADCASTING TO CHINA.—Not
10 later than 90 days after the date of enactment of this Act,
11 Radio Free Asia shall commence broadcasting to China.
12 Such broadcasting may be undertaken initially by means
13 of contracts with or grants to existing broadcasting orga-
14 nizations and facilities.

 Passed the House of Representatives July 20, 1995.

Attest:

ROBIN H. CARLE,

Clerk.