House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

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§ 6841. Authorization of appropriations

(a) In general

In addition to any other funds authorized to be appropriated for multilateral or bilateral programs related to HIV/AIDS or economic development, there is authorized to be appropriated to the Secretary of the Treasury $150,000,000 for each of the fiscal years 2001 and 2002 for payment to the Trust Fund.

(b) Allocation of funds

Of the amounts authorized to be appropriated by subsection (a) of this section for the fiscal years 2001 and 2002, $50,000,000 are authorized to be available each such fiscal year only for programs that benefit orphans.

(Pub. L. 106–264, title I, § 141, Aug. 19, 2000, 114 Stat. 758.)

§ 6842. Certification requirement

(a) In general

Prior to the initial obligation or expenditure of funds appropriated pursuant to section 6841 of this title, the Secretary of the Treasury shall certify that adequate procedures and standards have been established to ensure accountability for and monitoring of the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund.

(b) Transmittal of certification

The certification required by subsection (a) of this section, and the bases for that certification, shall be submitted by the Secretary of the Treasury to Congress.

(Pub. L. 106–264, title I, § 142, Aug. 19, 2000, 114 Stat. 758.)

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SUBCHAPTER I—GENERAL PROVISIONS

§ 6901. Findings

The Congress finds the following:

(1) In 1980, the United States opened trade relations with the People's Republic of China by entering into a bilateral trade agreement, which was approved by joint resolution enacted pursuant to section 2435(c) of title 19.

(2) Since 1980, the President has consistently extended nondiscriminatory treatment to products of the People's Republic of China, pursuant to his authority under section 2434 of title 19.

(3) Since 1980, the United States has entered into several additional trade-related agreements with the People's Republic of China, including a memorandum of understanding on market access in 1992, two agreements on intellectual property rights protection in 1992 and 1995, and an agreement on agricultural cooperation in 1999.

(4) Trade in goods between the People's Republic of China and the United States totaled almost $95,000,000,000 in 1999, compared with approximately $18,000,000,000 in 1989, representing growth of approximately 428 percent over 10 years.

(5) The United States merchandise trade deficit with the People's Republic of China has grown from approximately $6,000,000,000 in 1989 to over $68,000,000,000 in 1999, a growth of over 1,000 percent.

(6) The People's Republic of China currently restricts imports through relatively high tariffs and nontariff barriers, including import licensing, technology transfer, and local content requirements.

(7) United States businesses attempting to sell goods to markets in the People's Republic of China have complained of uneven application of tariffs, customs procedures, and other laws, rules, and administrative measures affecting their ability to sell their products in the Chinese market.

(8) On November 15, 1999, the United States and the People's Republic of China concluded a bilateral agreement concerning terms of the People's Republic of China's eventual accession to the World Trade Organization.

(9) The commitments that the People's Republic of China made in its November 15, 1999, agreement with the United States promise to eliminate or greatly reduce the principal barriers to trade with and investment in the People's Republic of China, if those commitments are effectively complied with and enforced.

(10) The record of the People's Republic of China in implementing trade-related commitments has been mixed. While the People's Republic of China has generally met the requirements of the 1992 market access memorandum of understanding and the 1992 and 1995 agreements on intellectual property rights protection, other measures remain in place or have been put into place which tend to diminish the benefit to United States businesses, farmers, and workers from the People's Republic of China's implementation of those earlier commitments. Notably, administration of tariff-rate quotas and other trade-related laws remains opaque, new local content requirements have proliferated, restrictions on importation of animal and plant products are not always supported by sound science, and licensing requirements for importation and distribution of goods remain common. Finally, the Government of the People's Republic of China has failed to cooperate with the United States Customs Service in implementing a 1992 memorandum of understanding prohibiting trade in products made by prison labor.

(11) The human rights record of the People's Republic of China is a matter of very serious concern to the Congress. The Congress notes that the Department of State's 1999 Country Reports on Human Rights Practices for the People's Republic of China finds that ''[t]he Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent.''.

(12) The Congress deplores violations by the Government of the People's Republic of China of human rights, religious freedoms, and worker rights that are referred to in the Department of State's 1999 Country Reports on Human Rights Practices for the People's Republic of China, including the banning of the Falun Gong spiritual movement, denial in many cases, particularly politically sensitive ones, of effective representation by counsel and public trials, extrajudicial killings and torture, forced abortion and sterilization, restriction of access to Tibet and Xinjiang, perpetuation of ''reeducation through labor'', denial of the right of workers to organize labor unions or bargain collectively with their employers, and failure to implement a 1992 memorandum of understanding prohibiting trade in products made by prison labor.

(Pub. L. 106–286, div. B, title II, § 202, Oct. 10, 2000, 114 Stat. 892.)

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108–7, div. P, § 1, Feb. 20, 2003, 117 Stat. 552, provided that: ''This division [amending section 7002 of this title and enacting provisions set out as notes under section 7002 of this title] may be cited as the 'United States-China Economic and Security Review Commission'.''

SHORT TITLE

Pub. L. 106–286, div. B, title II, § 201(a), Oct. 10, 2000, 114 Stat. 891, provided that: ''This division [enacting this chapter] may be cited as the 'U.S.-China Relations Act of 2000'.''

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

MONITORING OF IMPLEMENTATION OF 1979 AGREEMENT BETWEEN THE UNITED STATES AND CHINA ON COOPERATION IN SCIENCE AND TECHNOLOGY

Pub. L. 107–314, div. A, title XII, § 1207, Dec. 2, 2002, 116 Stat. 2666, provided that:

''(a) IN GENERAL.—The Secretary of State shall—

''(1) monitor the implementation of the Agreement specified in subsection (c);

''(2) keep a systematic account of the protocols to the Agreement;

''(3) coordinate the activities of all agencies of the United States Government that carry out cooperative activities under the Agreement; and

''(4) ensure that all activities conducted under the Agreement comply with applicable laws and regulations concerning the transfer of militarily sensitive technologies and dual-use technologies.

''(b) RESPONSIBILITIES OF THE OFFICE OF SCIENCE AND TECHNOLOGY COOPERATION.—Except as otherwise provided by the Secretary of State, the functions of the Secretary under this section shall be carried out through the Director of the Office of Science and Technology Cooperation of the Department of State.

''(c) AGREEMENT DEFINED.—For purposes of this section, the term 'Agreement' means the agreement between the United States and the People's Republic of China known as the 'Agreement between the Government of the United States of America and the Government of the People's Republic of China on Cooperation in Science and Technology', signed in Washington on January 31, 1979, and its protocols.

''(d) BIENNIAL REPORT TO CONGRESS.—(1) Not later than April 1 of each even-numbered year, the Secretary of State shall submit to Congress a report on the implementation of the Agreement and on activities under the Agreement. Each such report shall be submitted in both classified and unclassified form, as necessary.

''(2) Each report under this subsection shall provide an evaluation of the benefits of the Agreement to the economy, to the military, and to the industrial base of the People's Republic of China and shall include the following:

''(A) An accounting of all activities conducted under the Agreement since the previous report (or, in the case of the first report, since the Agreement was entered into) and a projection of activities to be undertaken under the Agreement during the next two years.

''(B) An estimate of the costs to the United States to administer the Agreement during the period covered by the report.

''(C) An assessment of how the Agreement has influenced the foreign and domestic policies of the People's Republic of China and the policy of the People's Republic of China toward scientific and technological cooperation with the United States.

''(D) An analysis by the Director of Central Intelligence of the involvement of military specialists, weapons specialists, and intelligence specialists of the People's Republic of China in the activities of the Joint Commission established under the Agreement and in other activities conducted under the Agreement.

''(E) A determination by the Secretary of Defense, developed with the assistance of the Director of Central Intelligence, of the extent to which the activities conducted under the Agreement have enhanced the military and defense industrial base of the People's Republic of China, and an assessment of the effect that projected activities under the Agreement for the next two years, including the transfer of technology and know-how, could have on the economic and military capabilities of the People's Republic of China.

''(F) An assessment by the Inspector General of the Department of Commerce of—

''(i) the extent to which programs or activities carried out under the Agreement provide access to technology, information, or know-how that could enhance military capabilities of the People's Republic of China; and

''(ii) the extent to which those programs or activities are carried out in compliance with export control laws and regulations of the United States, especially those laws and regulations governing so-called 'deemed exports'.

''(G) Any recommendations of the Secretary of State, Secretary of Defense, or Director of Central Intelligence for improving the monitoring of the activities of the Joint Commission established under the Agreement.

''(3) The Secretary of State shall prepare each report under this subsection in consultation with the Secretary of Defense, the Secretary of Energy, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, and the Director of the National Science Foundation.

''(e) INTERAGENCY WORKING GROUP.—The President shall establish an interagency working group to oversee the implementation of the Agreement by departments and agencies of the United States. The working group shall consist of representatives of such departments, agencies, and offices of the executive branch as the President considers appropriate. The working group shall perform the following functions:

''(1) Assisting the Secretary of State and other appropriate officials in setting standards under the Agreement for science and technology transfers between the United States and the People's Republic of China.

''(2) Monitoring ongoing programs and activities under the Agreement and recommending future programs and activities under the Agreement.

''(3) Developing a comprehensive database of all government-to-government programs and United States Government-funded programs under the Agreement.

''(4) Coordinating activities under the Agreement between United States Government agencies, including elements of the intelligence community, as appropriate.''

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of Title 50, War and National Defense.]

TIBETAN POLICY

Pub. L. 107–228, div. A, title VI, subtitle B, Sept. 30, 2002, 116 Stat. 1396, provided that:

''SEC. 611. SHORT TITLE.

''This subtitle may be cited as 'Tibetan Policy Act of 2002'.

''SEC. 612. STATEMENT OF PURPOSE.

''The purpose of this subtitle is to support the aspirations of the Tibetan people to safeguard their distinct identity.

''SEC. 613. TIBET NEGOTIATIONS.

''(a) POLICY.—

''(1) IN GENERAL.—The President and the Secretary should encourage the Government of the People's Republic of China to enter into a dialogue with the Dalai Lama or his representatives leading to a negotiated agreement on Tibet.

''(2) COMPLIANCE.—After such an agreement is reached, the President and the Secretary should work to ensure compliance with the agreement.

''(b) PERIODIC REPORTS.—Not later than 180 days after the date of the enactment of this Act [Sept. 30, 2002], and every 12 months thereafter, the President shall transmit to the appropriate congressional committees a report on—

''(1) the steps taken by the President and the Secretary in accordance with subsection (a)(1); and

''(2) the status of any discussions between the People's Republic of China and the Dalai Lama or his representatives.

''SEC. 614. REPORTING ON TIBET.

''Whenever a report is transmitted to Congress under section 116 or 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151m [2151n], 2304) or under section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)), Tibet shall be included in such report as a separate section.

''SEC. 615. CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA.

[Amended section 6912 of this title.]

''SEC. 616. ECONOMIC DEVELOPMENT IN TIBET.

''(a) DECLARATIONS OF POLICY.—It is the policy of the United States to support economic development, cultural preservation, health care, and education and environmental sustainability for Tibetans inside Tibet. In support of this policy, the United States shall use its voice and vote to support projects designed in accordance with the principles contained in subsection (d) that are designed to raise the standard of living for the Tibetan people and assist Tibetans to become self-sufficient.

''(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet, if the projects are designed in accordance with the principles contained in subsection (d).

''(c) EXPORT-IMPORT BANK AND TDA.—The Export-Import Bank of the United States and the Trade and Development Agency should support projects proposed to be funded or otherwise supported by such entities in Tibet, if the projects are designed in accordance with the principles contained in subsection (d).

''(d) TIBET PROJECT PRINCIPLES.—Projects in Tibet supported by international financial institutions, other

international organizations, nongovernmental organizations, and the United States entities referred to in subsection (c), should—

''(1) be implemented only after conducting a thorough assessment of the needs of the Tibetan people through field visits and interviews;

''(2) be preceded by cultural and environmental impact assessments;

''(3) foster self-sufficiency and self-reliance of Tibetans;

''(4) promote accountability of the development agencies to the Tibetan people and active participation of Tibetans in all project stages;

''(5) respect Tibetan culture, traditions, and the Tibetan knowledge and wisdom about their landscape and survival techniques;

''(6) be subject to on-site monitoring by the development agencies to ensure that the intended target group benefits;

''(7) be implemented by development agencies prepared to use Tibetan as the working language of the projects;

''(8) neither provide incentive for, nor facilitate the migration and settlement of, non-Tibetans into Tibet; and

''(9) neither provide incentive for, nor facilitate the transfer of ownership of, Tibetan land or natural resources to non-Tibetans.

''SEC. 617. RELEASE OF PRISONERS AND ACCESS TO PRISONS.

''The President and the Secretary, in meetings with representatives of the Government of the People's Republic of China, should—

''(1) request the immediate and unconditional release of all those held prisoner for expressing their political or religious views in Tibet;

''(2) seek access for international humanitarian organizations to prisoners in Tibet to ensure that prisoners are not being mistreated and are receiving necessary medical care; and

''(3) seek the immediate medical parole of Tibetan prisoners known to be in serious ill health.

''SEC. 618. ESTABLISHMENT OF A UNITED STATES BRANCH OFFICE IN LHASA, TIBET.

''The Secretary should make best efforts to establish an office in Lhasa, Tibet, to monitor political, economic, and cultural developments in Tibet.

''SEC. 619. REQUIREMENT FOR TIBETAN LANGUAGE TRAINING.

''The Secretary shall ensure that Tibetan language training is available to Foreign Service officers, and that every effort is made to ensure that a Tibetan-speaking Foreign Service officer is assigned to a United States post in the People's Republic of China responsible for monitoring developments in Tibet.

''SEC. 620. RELIGIOUS PERSECUTION IN TIBET.

''(a) HIGH-LEVEL CONTACTS.—Pursuant to section 105 of the International Religious Freedom Act of 1998 (22 U.S.C. 6414), the United States Ambassador to the People's Republic of China should—

''(1) meet with the 11th Panchen Lama, who was taken from his home on May 17, 1995, and otherwise ascertain information concerning his whereabouts and well-being; and

''(2) request that the Government of the People's Republic of China release the 11th Panchen Lama and allow him to pursue his religious studies without interference and according to tradition.

''(b) PROMOTION OF INCREASED ADVOCACY.—Pursuant to section 108(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6417(a)), it is the sense of Congress that representatives of the United States Government in exchanges with officials of the Government of the People's Republic of China should call for and otherwise promote the cessation of all interference by the Government of the People's Republic of China or the Communist Party in the religious affairs of the Tibetan people.

''SEC. 621. UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.

''(a) UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.—There shall be within the Department a United States Special Coordinator for Tibetan Issues (in this section referred to as the 'Special Coordinator').

''(b) CONSULTATION.—The Secretary shall consult with the chairmen and ranking minority members of the appropriate congressional committees prior to the designation of the Special Coordinator.

''(c) CENTRAL OBJECTIVE.—The central objective of the Special Coordinator is to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives.

''(d) DUTIES AND RESPONSIBILITIES.—The Special Coordinator shall—

''(1) coordinate United States Government policies, programs, and projects concerning Tibet;

''(2) vigorously promote the policy of seeking to protect the distinct religious, cultural, linguistic, and national identity of Tibet, and pressing for improved respect for human rights;

''(3) maintain close contact with religious, cultural, and political leaders of the Tibetan people, including regular travel to Tibetan areas of the People's Republic of China, and to Tibetan refugee settlements in India and Nepal;

''(4) consult with Congress on policies relevant to Tibet and the future and welfare of the Tibetan people;

''(5) make efforts to establish contacts in the foreign ministries of other countries to pursue a negotiated solution for Tibet; and

''(6) take all appropriate steps to ensure adequate resources, staff, and bureaucratic support to fulfill the duties and responsibilities of the Special Coordinator.''

[For definitions of ''Secretary'' and ''appropriate congressional committees'' as used in subtitle B of title VI of div. A of Pub. L. 107–228, set out above, see section 3 of Pub. L. 107–228, set out as a note under section 2651 of this title.]

[Functions of President under section 613(b) of Pub. L. 107–228, set out above, delegated to Secretary of State by section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.]

POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

Pub. L. 106–570, title II, Dec. 27, 2000, 114 Stat. 3040, provided that:

''SEC. 201. SHORT TITLE.

''This title may be cited as the 'United States-Macau Policy Act of 2000'.

''SEC. 202. FINDINGS AND DECLARATIONS; SENSE OF CONGRESS.

''(a) FINDINGS AND DECLARATIONS.—Congress makes the following findings and declarations:

''(1) The continued economic prosperity of Macau furthers United States interests in the People's Republic of China and Asia.

''(2) Support for democratization is a fundamental principle of United States foreign policy, and as such, that principle naturally applies to United States policy toward Macau.

''(3) The human rights of the people of Macau are of great importance to the United States and are directly relevant to United States interests in Macau.

''(4) A fully successful transition in the exercise of sovereignty over Macau must continue to safeguard human rights in and of themselves.

''(5) Human rights also serve as a basis for Macau's continued economic prosperity, and Congress takes note of Macau's adherence to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

''(b) SENSE OF CONGRESS.—It is the sense of Congress that—

''(1) the United States should play an active role in maintaining Macau's confidence and prosperity, Macau's unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau;

''(2) through its policies, the United States should contribute to Macau's ability to maintain a high degree of autonomy in matters other than defense and foreign affairs as promised by the People's Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States; and

''(3) the United States should actively seek to establish and expand direct bilateral ties and agreements with Macau in economic, trade, financial, monetary, mutual legal assistance, law enforcement, communication, transportation, and other appropriate areas.

''SEC. 203. CONTINUED APPLICATION OF UNITED STATES LAW.

''(a) CONTINUED APPLICATION.—

''(1) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau in the same manner as the laws of the United States were applied with respect to Macau before December 20, 1999, unless otherwise expressly provided by law or by Executive order issued pursuant to paragraph (2).

''(2) EXCEPTION.—Whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of paragraph (1) to such law or provision of law. The President shall promptly notify the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination and shall publish the Executive order in the Federal Register.

''(b) EXPORT CONTROLS.—

''(1) IN GENERAL.—The export control laws, regulations, and practices of the United States shall apply to Macau in the same manner and to the same extent that such laws, regulations, and practices apply to the People's Republic of China, and in no case shall such laws, regulations, and practices be applied less restrictively to exports to Macau than to exports to the People's Republic of China.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting the provision of export control assistance to Macau.

''(c) INTERNATIONAL AGREEMENTS.—

''(1) IN GENERAL.—Subject to subsection (b) and paragraph (2), for all purposes, including actions in any court of the United States, Congress approves of the continuation in force after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal and applied to Macau, unless or until terminated in accordance with law.

''(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall take appropriate action to modify or terminate such treaty or other international agreement. The President shall promptly notify the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination.

''SEC. 204. REPORTING REQUIREMENT.

''(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 27, 2000], and not later than March 31 of each of the years 2001, 2002, and 2003, the Secretary of State shall transmit to the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate a report on conditions in Macau of interest to the United States. The report shall describe—

''(1) significant developments in United States relations with Macau, including any determination made under section 203;

''(2) significant developments related to the change in the exercise of sovereignty over Macau affecting United States interests in Macau or United States relations with Macau and the People's Republic of China;

''(3) the development of democratic institutions in Macau;

''(4) compliance by the Government of the People's Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

''(5) the nature and extent of Macau's participation in multilateral forums.

''(b) SEPARATE PART OF COUNTRY REPORTS.—Whenever a report is transmitted to Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate subreport on Macau under the heading of the country that exercises sovereignty over Macau.

''SEC. 205. DEFINITIONS.

''In this title:

''(1) JOINT DECLARATION.—The term 'Joint Declaration' means the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987.

''(2) MACAU.—The term 'Macau' means the territory that prior to December 20, 1999, was the Portuguese Dependent Territory of Macau and after December 20, 1999, became the Macau Special Administrative Region of the People's Republic of China.''

§ 6902. Policy

It is the policy of the United States—

(1) to develop trade relations that broaden the benefits of trade, and lead to a leveling up, rather than a leveling down, of labor, environmental, commercial rule of law, market access, anticorruption, and other standards across national borders;

(2) to pursue effective enforcement of trade-related and other international commitments by foreign governments through enforcement mechanisms of international organizations and through the application of United States law as appropriate;

(3) to encourage foreign governments to conduct both commercial and noncommercial affairs according to the rule of law developed through democratic processes;

(4) to encourage the Government of the People's Republic of China to afford its workers internationally recognized worker rights;

(5) to encourage the Government of the People's Republic of China to protect the human

rights of people within the territory of the People's Republic of China, and to take steps toward protecting such rights, including, but not limited to—

(A) ratifying the International Covenant on Civil and Political Rights;

(B) protecting the right to liberty of movement and freedom to choose a residence within the People's Republic of China and the right to leave from and return to the People's Republic of China; and

(C) affording a criminal defendant—

(i) the right to be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing;

(ii) the right to be informed, if he or she does not have legal assistance, of the right set forth in clause (i);

(iii) the right to have legal assistance assigned to him or her in any case in which the interests of justice so require and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(iv) the right to a fair and public hearing by a competent, independent, and impartial tribunal established by the law;

(v) the right to be presumed innocent until proved guilty according to law; and

(vi) the right to be tried without undue delay; and

(6) to highlight in the United Nations Human Rights Commission and in other appropriate fora violations of human rights by foreign governments and to seek the support of other governments in urging improvements in human rights practices.

(Pub. L. 106–286, div. B, title II, § 203, Oct. 10, 2000, 114 Stat. 893.)

§ 6903. Definitions

In this chapter:

(1) Dispute Settlement Understanding

The term ''Dispute Settlement Understanding'' means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 3511(d)(16) of title 19.

(2) Government of the People's Republic of China

The term ''Government of the People's Republic of China'' means the central Government of the People's Republic of China and any other governmental entity, including any provincial, prefectural, or local entity and any enterprise that is controlled by the central Government or any such governmental entity or as to which the central Government or any such governmental entity is entitled to receive a majority of the profits.

(3) Internationally recognized worker rights

The term ''internationally recognized worker rights'' has the meaning given that term in section 2467(4) of title 19 and includes the right to the elimination of the ''worst forms of child labor'', as defined in section 2467(6) of title 19.

(4) Trade Representative

The term ''Trade Representative'' means the United States Trade Representative.

(5) WTO; World Trade Organization

The terms ''WTO'' and ''World Trade Organization'' mean the organization established pursuant to the WTO Agreement.

(6) WTO Agreement

The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(7) WTO member

The term ''WTO member'' has the meaning given that term in section 3501(10) of title 19.

(Pub. L. 106–286, div. B, title II, § 204, Oct. 10, 2000, 114 Stat. 894.)

SUBCHAPTER II—CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

§ 6911. Establishment of Congressional-Executive Commission on the People's Republic of China

There is established a Congressional-Executive Commission on the People's Republic of China (in this subchapter referred to as the ''Commission'').

(Pub. L. 106–286, div. B, title III, § 301, Oct. 10, 2000, 114 Stat. 895.)

§ 6912. Functions of the Commission

(a) Monitoring compliance with human rights

The Commission shall monitor the acts of the People's Republic of China which reflect compliance with or violation of human rights, in particular, those contained in the International Covenant on Civil and Political Rights and in the Universal Declaration of Human Rights, including, but not limited to, effectively affording—

(1) the right to engage in free expression without fear of any prior restraints;

(2) the right to peaceful assembly without restrictions, in accordance with international law;

(3) religious freedom, including the right to worship free of involvement of and interference by the government;

(4) the right to liberty of movement and freedom to choose a residence within the People's Republic of China and the right to leave from and return to the People's Republic of China;

(5) the right of a criminal defendant—

(A) to be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing;

(B) to be informed, if he or she does not have legal assistance, of the right set forth in subparagraph (A);

(C) to have legal assistance assigned to him or her in any case in which the interests of justice so require and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(D) to a fair and public hearing by a competent, independent, and impartial tribunal established by the law;

(E) to be presumed innocent until proved guilty according to law; and

(F) to be tried without undue delay;

(6) the right to be free from torture and other forms of cruel or unusual punishment;

(7) protection of internationally recognized worker rights;

(8) freedom from incarceration as punishment for political opposition to the government;

(9) freedom from incarceration as punishment for exercising or advocating human rights (including those described in this section);

(10) freedom from arbitrary arrest, detention, or exile;

(11) the right to fair and public hearings by an independent tribunal for the determination of a citizen's rights and obligations; and

(12) free choice of employment.

(b) Victims lists

The Commission shall compile and maintain lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of the People's Republic of China due to their pursuit of the rights described in subsection (a) of this section. In compiling such lists, the Commission shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families.

(c) Monitoring development of rule of law

The Commission shall monitor the development of the rule of law in the People's Republic of China, including, but not limited to—

(1) progress toward the development of institutions of democratic governance;

(2) processes by which statutes, regulations, rules, and other legal acts of the Government of the People's Republic of China are developed and become binding within the People's Republic of China;

(3) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of the People's Republic of China are published and are made accessible to the public;

(4) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules, and other legal acts of the Government of the People's Republic of China;

(5) the extent to which individuals are treated equally under the laws of the of the[1] People's Republic of China without regard to citizenship;

(6) the extent to which administrative and judicial decisions are independent of political pressure or governmental interference and are reviewed by entities of appellate jurisdiction; and

(7) the extent to which laws in the People's Republic of China are written and administered in ways that are consistent with international human rights standards, including the requirements of the International Covenant on Civil and Political Rights.

[1] So in original.

(d) Bilateral cooperation

The Commission shall monitor and encourage the development of programs and activities of the United States Government and private organizations with a view toward increasing the interchange of people and ideas between the United States and the People's Republic of China and expanding cooperation in areas that include, but are not limited to—

(1) increasing enforcement of human rights described in subsection (a) of this section; and

(2) developing the rule of law in the People's Republic of China.

(e) Contacts with nongovernmental organizations

In performing the functions described in subsections (a) through (d) of this section, the Commission shall, as appropriate, seek out and maintain contacts with nongovernmental organizations, including receiving reports and updates from such organizations and evaluating such reports.

(f) Cooperation with Special Coordinator

In performing the functions described in subsections (a) through (d) of this section, the Commission shall cooperate with the Special Coordinator for Tibetan Issues in the Department of State.

(g) Annual reports

The Commission shall issue a report to the President and the Congress not later than 12 months after October 10, 2000, and not later than the end of each 12-month period thereafter, setting forth the findings of the Commission during the preceding 12-month period, in carrying out subsections (a) through (c) of this section. The Commission's report may contain recommendations for legislative or executive action.

(h) Specific information in annual reports

The Commission's report under subsection (g) of this section shall include—

(1) specific information as to the nature and implementation of laws or policies concerning the rights set forth in paragraphs (1) through (12) of subsection (a) of this section, and as to restrictions applied to or discrimination against persons exercising any of the rights set forth in such paragraphs; and

(2) a description of the status of negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives, and measures taken to safeguard Tibet's distinct historical, religious, cultural, and linguistic identity and the protection of human rights.

(i) Congressional hearings on annual reports

(1) The Committee on International Relations of the House of Representatives shall, not later than 30 days after the receipt by the Congress of the report referred to in subsection (g) of this section, hold hearings on the contents of the report, including any recommendations contained therein, for the purpose of receiving testimony from Members of Congress, and such appropriate representatives of Federal departments and agencies, and interested persons and groups, as the committee deems advisable, with a view to

reporting to the House of Representatives any appropriate legislation in furtherance of such recommendations. If any such legislation is considered by the Committee on International Relations within 45 days after receipt by the Congress of the report referred to in subsection (g) of this section, it shall be reported by the committee not later than 60 days after receipt by the Congress of such report.

(2) The provisions of paragraph (1) are enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such are deemed a part of the rules of the House, and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of the House to change the rules (so far as relating to the procedure of the House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

(j) Supplemental reports

The Commission may submit to the President and the Congress reports that supplement the reports described in subsection (g) of this section, as appropriate, in carrying out subsections (a) through (c) of this section.

(Pub. L. 106–286, div. B, title III, § 302, Oct. 10, 2000, 114 Stat. 895; Pub. L. 107–228, div. A, title VI, § 615, Sept. 30, 2002, 116 Stat. 1396.)

AMENDMENTS

2002—Subsec. (h). Pub. L. 107–228 substituted ''shall include—'' for ''shall include'', inserted par. (1) designation before ''specific information'', and added par. (2).

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 6913. Membership of the Commission

(a) Selection and appointment of members

The Commission shall be composed of 23 members as follows:

(1) Nine Members of the House of Representatives appointed by the Speaker of the House of Representatives. Five members shall be selected from the majority party and four members shall be selected, after consultation with the minority leader of the House, from the minority party.

(2) Nine Members of the Senate appointed by the President of the Senate. Five members shall be selected, after consultation with the majority leader of the Senate, from the majority party, and four members shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(3) One representative of the Department of State, appointed by the President of the United States from among officers and employees of that Department.

(4) One representative of the Department of Commerce, appointed by the President of the United States from among officers and employees of that Department.

(5) One representative of the Department of Labor, appointed by the President of the United States from among officers and employees of that Department.

(6) Two at-large representatives, appointed by the President of the United States, from among the officers and employees of the executive branch.

(b) Chairman and Cochairman

(1) Designation of Chairman

At the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the members of the Commission from the Senate as Chairman of the Commission. At the beginning of each even-numbered Congress, the Speaker of the House of Representatives shall designate one of the members of the Commission from the House as Chairman of the Commission.

(2) Designation of Cochairman

At the beginning of each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the members of the Commission from the House as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the members of the Commission from the Senate as Cochairman of the Commission.

(Pub. L. 106–286, div. B, title III, § 303, Oct. 10, 2000, 114 Stat. 898.)

§ 6914. Votes of the Commission

Decisions of the Commission, including adoption of reports and recommendations to the executive branch or to the Congress, shall be made by a majority vote of the members of the Commission present and voting. Two-thirds of the Members[1] of the Commission shall constitute a quorum for purposes of conducting business.

(Pub. L. 106–286, div. B, title III, § 304, Oct. 10, 2000, 114 Stat. 899.)

§ 6915. Expenditure of appropriations

For each fiscal year for which an appropriation is made to the Commission, the Commission shall issue a report to the Congress on its expenditures under that appropriation.

(Pub. L. 106–286, div. B, title III, § 305, Oct. 10, 2000, 114 Stat. 899.)

§ 6916. Testimony of witnesses, production of evidence; issuance of subpoenas; administration of oaths

In carrying out this subchapter, the Commission may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and electronically recorded data as it considers necessary. Subpoenas may be issued only pursuant to a two-thirds vote of members of the Commission present and voting. Subpoenas may be issued over the signature of the Chairman of the Commission or any member designated by the

[1] So in original. Probably should not be capitalized.

Chairman, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by the Chairman, may administer oaths to any witness.

(Pub. L. 106–286, div. B, title III, § 306, Oct. 10, 2000, 114 Stat. 899.)

§ 6917. Appropriations for the Commission

(a) Authorization; disbursements

(1) Authorization

There are authorized to be appropriated to the Commission for fiscal year 2001, and each fiscal year thereafter, such sums as may be necessary to enable it to carry out its functions. Appropriations to the Commission are authorized to remain available until expended.

(2) Disbursements

Appropriations to the Commission shall be disbursed on vouchers approved—

(A) jointly by the Chairman and the Cochairman; or

(B) by a majority of the members of the personnel and administration committee established pursuant to section 6918 of this title.

(b) Foreign travel for official purposes

Foreign travel for official purposes by members and staff of the Commission may be authorized by either the Chairman or the Cochairman.

(Pub. L. 106–286, div. B, title III, § 307, Oct. 10, 2000, 114 Stat. 899.)

§ 6918. Staff of the Commission

(a) Personnel and administration committee

The Commission shall have a personnel and administration committee composed of the Chairman, the Cochairman, the senior member of the Commission from the minority party of the House of Representatives, and the senior member of the Commission from the minority party of the Senate.

(b) Committee functions

All decisions pertaining to the hiring, firing, and fixing of pay of personnel of the Commission shall be by a majority vote of the personnel and administration committee, except that—

(1) the Chairman shall be entitled to appoint and fix the pay of the staff director, and the Cochairman shall be entitled to appoint and fix the pay of the Cochairman's senior staff member; and

(2) the Chairman and Cochairman shall each have the authority to appoint, with the approval of the personnel and administration committee, at least four professional staff members who shall be responsible to the Chairman or the Cochairman (as the case may be) who appointed them.

Subject to subsection (d) of this section, the personnel and administration committee may appoint and fix the pay of such other personnel as it considers desirable.

(c) Staff appointments

All staff appointments shall be made without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

(d) Qualifications of professional staff

The personnel and administration committee shall ensure that the professional staff of the Commission consists of persons with expertise in areas including human rights, internationally recognized worker rights, international economics, law (including international law), rule of law and other foreign assistance programming, Chinese politics, economy and culture, and the Chinese language.

(e) Commission employees as congressional employees

(1) In general

For purposes of pay and other employment benefits, rights, and privileges, and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5.

(2) Competitive status

For purposes of section 3304(c)(1)[1] of title 5, employees of the Commission shall be considered as if they are in positions in which they are paid by the Secretary of the Senate or the Clerk of the House of Representatives.

(Pub. L. 106–286, div. B, title III, § 308, Oct. 10, 2000, 114 Stat. 899.)

REFERENCES IN TEXT

Section 3304(c)(1) of title 5, referred to in subsec. (e)(2), probably means section 3304(c)(1) of title 5 prior to amendment by Pub. L. 104–65, § 16(a), (b), Dec. 19, 1995, 109 Stat. 703, which struck out section 3304(c) of title 5 and redesignated section 3304(d) of title 5 as 3304(c). Prior to amendment section 3304(c)(1) related to acquisition of competitive status by an individual who served for at least 3 years in the legislative branch in a position in which he was paid by the Secretary of the Senate or the Clerk of the House of Representatives.

§ 6919. Printing and binding costs

For purposes of costs relating to printing and binding, including the costs of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

(Pub. L. 106–286, div. B, title III, § 309, Oct. 10, 2000, 114 Stat. 900.)

SUBCHAPTER III—MONITORING AND ENFORCEMENT OF THE PEOPLE'S REPUBLIC OF CHINA'S WTO COMMITMENTS

PART A—REVIEW OF MEMBERSHIP OF THE PEOPLE'S REPUBLIC OF CHINA IN THE WTO

§ 6931. Review within the WTO

It shall be the objective of the United States to obtain as part of the Protocol of Accession of the People's Republic of China to the WTO, an annual review within the WTO of the compliance by the People's Republic of China with its terms of accession to the WTO.

(Pub. L. 106–286, div. B, title IV, § 401, Oct. 10, 2000, 114 Stat. 900.)

[1] See References in Text note below.

PART B—AUTHORIZATION TO PROMOTE COMPLIANCE WITH TRADE AGREEMENTS

§ 6941. Findings

The Congress finds as follows:

(1) The opening of world markets through the elimination of tariff and nontariff barriers has contributed to a 56-percent increase in exports of United States goods and services since 1992.

(2) Such export expansion, along with an increase in trade generally, has helped fuel the longest economic expansion in United States history.

(3) The United States Government must continue to be vigilant in monitoring and enforcing the compliance by our trading partners with trade agreements in order for United States businesses, workers, and farmers to continue to benefit from the opportunities created by market-opening trade agreements.

(4) The People's Republic of China, as part of its accession to the World Trade Organization, has committed to eliminating significant trade barriers in the agricultural, services, and manufacturing sectors that, if realized, would provide considerable opportunities for United States farmers, businesses, and workers.

(5) For these opportunities to be fully realized, the United States Government must effectively monitor and enforce its rights under the agreements on the accession of the People's Republic of China to the WTO.

(Pub. L. 106–286, div. B, title IV, § 411, Oct. 10, 2000, 114 Stat. 901.)

§ 6942. Purpose

The purpose of this part is to authorize additional resources for the agencies and departments engaged in monitoring and enforcement of United States trade agreements and trade laws with respect to the People's Republic of China.

(Pub. L. 106–286, div. B, title IV, § 412, Oct. 10, 2000, 114 Stat. 901.)

§ 6943. Authorization of appropriations

(a) Department of Commerce

There is authorized to be appropriated to the Department of Commerce, in addition to amounts otherwise available for such purposes, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, for additional staff for—

(1) monitoring compliance by the People's Republic of China with its commitments under the WTO, assisting United States negotiators with ongoing negotiations in the WTO, and defending United States antidumping and countervailing duty measures with respect to products of the People's Republic of China;

(2) enforcement of United States trade laws with respect to products of the People's Republic of China; and

(3) a Trade Law Technical Assistance Center to assist small- and medium-sized businesses, workers, and unions in evaluating potential remedies available under the trade laws of the United States with respect to trade involving the People's Republic of China.

(b) Overseas Compliance Program

(1) Authorization of appropriation

There are authorized to be appropriated to the Department of Commerce and the Department of State, in addition to amounts otherwise available, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, to provide staff for monitoring in the People's Republic of China that country's compliance with its international trade obligations and to support the enforcement of the trade laws of the United States, as part of an Overseas Compliance Program which monitors abroad compliance with international trade obligations and supports the enforcement of United States trade laws.

(2) Reporting

The annual report on compliance by the People's Republic of China submitted to the Congress under section 6951 of this title shall include the findings of the Overseas Compliance Program with respect to the People's Republic of China.

(c) United States Trade Representative

There are authorized to be appropriated to the Office of the United States Trade Representative, in addition to amounts otherwise available for such purposes, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, for additional staff in—

(1) the Office of the General Counsel, the Monitoring and Enforcement Unit, and the Office of the Deputy United States Trade Representative in Geneva, Switzerland, to investigate, prosecute, and defend cases before the WTO, and to administer United States trade laws, including title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) and other trade laws relating to intellectual property, government procurement, and telecommunications, with respect to the People's Republic of China;

(2) the Office of Economic Affairs, to analyze the impact on the economy of the United States, including United States exports, of acts of the Government of the People's Republic of China affecting access to markets in the People's Republic of China and to support the Office of the General Counsel in presenting cases to the WTO involving the People's Republic of China;

(3) the geographic office for the People's Republic of China; and

(4) offices relating to the WTO and to different sectors of the economy, including agriculture, industry, services, and intellectual property rights protection, to monitor and enforce the trade agreement obligations of the People's Republic of China in those sectors.

(d) Department of Agriculture

There are authorized to be appropriated to the Department of Agriculture, in addition to amounts otherwise available for such purposes, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, for additional staff to increase legal and technical expertise in areas covered by trade agreements

and United States trade law, including food safety and biotechnology, for purposes of monitoring compliance by the People's Republic of China with its trade agreement obligations.

(Pub. L. 106–286, div. B, title IV, § 413, Oct. 10, 2000, 114 Stat. 901.)

REFERENCES IN TEXT

The Trade Act of 1974, referred to in subsec. (c)(1), is Pub. L. 93–618, Jan. 3, 1975, 88 Stat. 1978, as amended. Title III of the Act is classified principally to subchapter III (§ 2411 et seq.) of chapter 12 of Title 19, Customs Duties. For complete classification of this Act to the Code, see section 2101 of Title 19 and Tables.

PART C—REPORT ON COMPLIANCE BY THE PEOPLE'S REPUBLIC OF CHINA WITH WTO OBLIGATIONS

§ 6951. Report on compliance

(a) In general

Not later than 1 year after the entry into force of the Protocol of Accession of the People's Republic of China to the WTO, and annually thereafter, the Trade Representative shall submit a report to Congress on compliance by the People's Republic of China with commitments made in connection with its accession to the World Trade Organization, including both multilateral commitments and any bilateral commitments made to the United States.

(b) Public participation

In preparing the report described in subsection (a) of this section, the Trade Representative shall seek public participation by publishing a notice in the Federal Register and holding a public hearing.

(Pub. L. 106–286, div. B, title IV, § 421, Oct. 10, 2000, 114 Stat. 903.)

SUBCHAPTER IV—TRADE AND RULE OF LAW ISSUES IN THE PEOPLE'S REPUBLIC OF CHINA

PART A—TASK FORCE ON PROHIBITION OF IMPORTATION OF PRODUCTS OF FORCED OR PRISON LABOR FROM THE PEOPLE'S REPUBLIC OF CHINA

§ 6961. Establishment of Task Force

There is hereby established a task force on prohibition of importation of products of forced or prison labor from the People's Republic of China (hereafter in this part referred to as the ''Task Force'').

(Pub. L. 106–286, div. B, title V, § 501, Oct. 10, 2000, 114 Stat. 903.)

§ 6962. Functions of Task Force

The Task Force shall monitor and promote effective enforcement of and compliance with section 1307 of title 19 by performing the following functions:

(1) Coordinate closely with the United States Customs Service to promote maximum effectiveness in the enforcement by the Customs Service of section 1307 of title 19 with respect to the products of the People's Republic of China. In order to assure such coordination, the Customs Service shall keep the Task Force informed, on a regular basis, of the progress of its investigations of allegations that goods are being entered into the United States, or that such entry is being attempted, in violation of the prohibition in section 1307 of title 19 on entry into the United States of goods mined, produced, or manufactured wholly or in part in the People's Republic of China by convict labor, forced labor, or indentured labor under penal sanctions. Such investigations may include visits to foreign sites where goods allegedly are being mined, produced, or manufactured in a manner that would lead to prohibition of their importation into the United States under section 1307 of title 19.

(2) Make recommendations to the Customs Service on seeking new agreements with the People's Republic of China to allow Customs Service officials to visit sites where goods may be mined, produced, or manufactured by convict labor, forced labor, or indentured labor under penal sanctions.

(3) Work with the Customs Service to assist the People's Republic of China and other foreign governments in monitoring the sale of goods mined, produced, or manufactured by convict labor, forced labor, or indentured labor under penal sanctions to ensure that such goods are not exported to the United States.

(4) Coordinate closely with the Customs Service to promote maximum effectiveness in the enforcement by the Customs Service of section 1307 of title 19 with respect to the products of the People's Republic of China. In order to assure such coordination, the Customs Service shall keep the Task Force informed, on a regular basis, of the progress of its monitoring of ports of the United States to ensure that goods mined, produced, or manufactured wholly or in part in the People's Republic of China by convict labor, forced labor, or indentured labor under penal sanctions are not imported into the United States.

(5) Advise the Customs Service in performing such other functions, consistent with existing authority, to ensure the effective enforcement of section 1307 of title 19.

(6) Provide to the Customs Service all information obtained by the departments represented on the Task Force relating to the use of convict labor, forced labor, or/and indentured labor under penal sanctions in the mining, production, or manufacture of goods which may be imported into the United States.

(Pub. L. 106–286, div. B, title V, § 502, Oct. 10, 2000, 114 Stat. 903.)

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 6963. Composition of Task Force

The Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, the Secretary of State, the Commissioner of Customs, and the heads of other executive branch agencies, as appropriate, acting through their respective designees at or above the level of Deputy Assistant Secretary, or in the case of the Customs Service, at or above the level of Assistant Commissioner, shall compose the Task Force. The designee of the Secretary of the Treasury shall chair the Task Force.

(Pub. L. 106–286, div. B, title V, § 503, Oct. 10, 2000, 114 Stat. 904.)

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 6964. Authorization of appropriations

There are authorized to be appropriated for fiscal year 2001, and each fiscal year thereafter, such sums as may be necessary for the Task Force to carry out the functions described in section 6962 of this title.

(Pub. L. 106–286, div. B, title V, § 504, Oct. 10, 2000, 114 Stat. 904.)

§ 6965. Reports to Congress

(a) Frequency of reports

Not later than the date that is 1 year after October 10, 2000, and not later than the end of each 1-year period thereafter, the Task Force shall submit to the Congress a report on the work of the Task Force during the preceding 1-year period.

(b) Contents of reports

Each report under subsection (a) of this section shall set forth, at a minimum—

(1) the number of allegations of violations of section 1307 of title 19 with respect to products of the Peoples'[1] Republic of China that were investigated during the preceding 1-year period;

(2) the number of actual violations of section 1307 of title 19 with respect to the products of the People's Republic of China that were discovered during the preceding 1-year period;

(3) in the case of each attempted entry of products of the People's Republic of China in violation of such section 1307 of title 19 discovered during the preceding 1-year period—

(A) the identity of the exporter of the goods;

(B) the identity of the person or persons who attempted to sell the goods for export; and

(C) the identity of all parties involved in transshipment of the goods; and

(4) such other information as the Task Force considers useful in monitoring and enforcing compliance with section 1307 of title 19.

(Pub. L. 106–286, div. B, title V, § 505, Oct. 10, 2000, 114 Stat. 904.)

PART B—ASSISTANCE TO DEVELOP COMMERCIAL AND LABOR RULE OF LAW

§ 6981. Establishment of technical assistance and rule of law programs

(a) Commerce rule of law program

The Secretary of Commerce, in consultation with the Secretary of State, is authorized to establish a program to conduct rule of law training and technical assistance related to commercial activities in the People's Republic of China.

(b) Labor rule of law program

(1) In general

The Secretary of Labor, in consultation with the Secretary of State, is authorized to establish a program to conduct rule of law training and technical assistance related to the protection of internationally recognized worker rights in the People's Republic of China.

(2) Use of amounts

In carrying out paragraph (1), the Secretary of Labor shall focus on activities including, but not limited to—

(A) developing,[1] laws, regulations, and other measures to implement internationally recognized worker rights;

(B) establishing national mechanisms for the enforcement of national labor laws and regulations;

(C) training government officials concerned with implementation and enforcement of national labor laws and regulations; and

(D) developing an educational infrastructure to educate workers about their legal rights and protections under national labor laws and regulations.

(3) Limitation

The Secretary of Labor may not provide assistance under the program established under this subsection to the All-China Federation of Trade Unions.

(c) Legal system and civil society rule of law program

The Secretary of State is authorized to establish a program to conduct rule of law training and technical assistance related to development of the legal system and civil society generally in the People's Republic of China.

(d) Conduct of programs

The programs authorized by this section may be used to conduct activities such as seminars and workshops, drafting of commercial and labor codes, legal training, publications, financing the operating costs for nongovernmental organizations working in this area, and funding the travel of individuals to the United States and to the People's Republic of China to provide and receive training.

[1] So in original. Probably should be "People's".

[1] So in original. Comma probably should not appear.

(Pub. L. 106–286, div. B, title V, § 511, Oct. 10, 2000, 114 Stat. 905.)

§ 6982. Administrative authorities

In carrying out the programs authorized by section 6981 of this title, the Secretary of Commerce and the Secretary of Labor (in consultation with the Secretary of State) may utilize any of the authorities contained in the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] and the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.].

(Pub. L. 106–286, div. B, title V, § 512, Oct. 10, 2000, 114 Stat. 906.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in text, is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Foreign Service Act of 1980, referred to in text, is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

§ 6983. Prohibition relating to human rights abuses

Amounts made available to carry out this part may not be provided to a component of a ministry or other administrative unit of the national, provincial, or other local governments of the People's Republic of China, to a nongovernmental organization, or to an official of such governments or organizations, if the President has credible evidence that such component, administrative unit, organization or official has been materially responsible for the commission of human rights violations.

(Pub. L. 106–286, div. B, title V, § 513, Oct. 10, 2000, 114 Stat. 906.)

§ 6984. Authorization of appropriations

(a) Commercial law program

There are authorized to be appropriated to the Secretary of Commerce to carry out the program described in section 6981(a) of this title such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter.

(b) Labor law program

There are authorized to be appropriated to the Secretary of Labor to carry out the program described in section 6981(b) of this title such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter.

(c) Legal system and civil society rule of law program

There are authorized to be appropriated to the Secretary of State to carry out the program described in section 6981(c) of this title such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter.

(d) Construction with other laws

Except as provided in this chapter, funds may be made available to carry out the purposes of this part notwithstanding any other provision of law.

(Pub. L. 106–286, div. B, title V, § 514, Oct. 10, 2000, 114 Stat. 906.)

SUBCHAPTER V—ACCESSION OF TAIWAN TO THE WTO

§ 6991. Accession of Taiwan to the WTO

It is the sense of the Congress that—

(1) immediately upon approval by the General Council of the WTO of the terms and conditions of the accession of the People's Republic of China to the WTO, the United States representative to the WTO should request that the General Council of the WTO consider Taiwan's accession to the WTO as the next order of business of the Council during the same session; and

(2) the United States should be prepared to aggressively counter any effort by any WTO member, upon the approval of the General Council of the WTO of the terms and conditions of the accession of the People's Republic of China to the WTO, to block the accession of Taiwan to the WTO.

(Pub. L. 106–286, div. B, title VI, § 601, Oct. 10, 2000, 114 Stat. 906.)

SUBCHAPTER VI—RELATED ISSUES

§ 7001. Authorizations of appropriations for broadcasting capital improvements and international broadcasting operations

(a) Broadcasting capital improvements

In addition to such sums as may otherwise be authorized to be appropriated, there are authorized to be appropriated for ''Department of State and Related Agency, Related Agency, Broadcasting Board of Governors, Broadcasting Capital Improvements'' $65,000,000 for the fiscal year 2003.

(b) International broadcasting operations

(1) Authorization of appropriations

In addition to such sums as are otherwise authorized to be appropriated, there are authorized to be appropriated $34,000,000 for each of the fiscal years 2001, 2002, and 2003 for ''Department of State and Related Agency, Related Agency, Broadcasting Board of Governors, International Broadcasting Operations'' for the purposes under paragraph (2).

(2) Uses of funds

In addition to other authorized purposes, funds appropriated pursuant to paragraph (1) shall be used for the following:

(A) To increase personnel for the program development office to enhance marketing programming in the People's Republic of China and neighboring countries.

(B) To enable Radio Free Asia's expansion of news research, production, call-in show capability, and web site/Internet enhancement for the People's Republic of China and neighboring countries.

(C) VOA enhancements, including the opening of new news bureaus in Taipei and Shanghai, enhancement of TV Mandarin, and an increase of stringer presence abroad.

(Pub. L. 106–286, div. B, title VII, § 701, Oct. 10, 2000, 114 Stat. 907; Pub. L. 107–228, div. A, title I, § 121(b), Sept. 30, 2002, 116 Stat. 1361.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–228, § 121(b)(1), substituted ''2003'' for ''2001''.

Subsec. (b)(1). Pub. L. 107–228, § 121(b)(2), substituted ''2001, 2002, and 2003'' for ''2001 and 2002''.

§ 7002. United States-China Economic and Security Review Commission

(a) Purposes

The purposes of this section are as follows:

(1) To establish the United States-China Economic and Security Review Commission to review the national security implications of trade and economic ties between the United States and the People's Republic of China.

(2) To facilitate the assumption by the United States-China Economic and Security Review Commission of its duties regarding the review referred to in paragraph (1) by providing for the transfer to that Commission of staff, materials, and infrastructure (including leased premises) of the Trade Deficit Review Commission that are appropriate for the review upon the submittal of the final report of the Trade Deficit Review Commission.

(b) Establishment of United States-China Economic and Security Review Commission

(1) In general

There is hereby established a commission to be known as the United States-China Economic and Security Review Commission (in this section referred to as the ''Commission'').

(2) Purpose

The purpose of the Commission is to monitor, investigate, and report to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.

(3) Membership

The Commission shall be composed of 12 members, who shall be appointed in the same manner provided for the appointment of members of the Trade Deficit Review Commission under section 127(c)(3) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note), except that—

(A) appointment of members by the Speaker of the House of Representatives shall be made after consultation with the chairman of the Committee on Armed Services of the House of Representatives, in addition to consultation with the chairman of the Committee on Ways and Means of the House of Representatives provided for under clause (iii) of subparagraph (A) of that section;

(B) appointment of members by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate shall be made after consultation with the chairman of the Committee on Armed Services of the Senate, in addition to consultation with the chairman of the Committee on Finance of the Senate provided for under clause (i) of that subparagraph;

(C) appointment of members by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate shall be made after consultation with the ranking minority member of the Committee on Armed Services of the Senate, in addition to consultation with the ranking minority member of the Committee on Finance of the Senate provided for under clause (ii) of that subparagraph;

(D) appointment of members by the minority leader of the House of Representatives shall be made after consultation with the ranking minority member of the Committee on Armed Services of the House of Representatives, in addition to consultation with the ranking minority member of the Committee on Ways and Means of the House of Representatives provided for under clause (iv) of that subparagraph;

(E) persons appointed to the Commission shall have expertise in national security matters and United States-China relations, in addition to the expertise provided for under subparagraph (B)(i)(I) of that section;

(F) each appointing authority referred to under subparagraphs (A) through (D) of this paragraph shall—

(i) appoint 3 members to the Commission;

(ii) make the appointments on a staggered term basis, such that—

(I) 1 appointment shall be for a term expiring on December 31, 2003;

(II) 1 appointment shall be for a term expiring on December 31, 2004; and

(III) 1 appointment shall be for a term expiring on December 31, 2005;

(iii) make all subsequent appointments on an approximate 2-year term basis to expire on December 31 of the applicable year; and

(iv) make appointments not later than 30 days after the date on which each new Congress convenes;

(G) members of the Commission may be reappointed for additional terms of service as members of the Commission; and

(H) members of the Trade Deficit Review Commission as of October 30, 2000, shall serve as members of the Commission until such time as members are first appointed to the Commission under this paragraph.

(4) Retention of support

The Commission shall retain and make use of such staff, materials, and infrastructure (including leased premises) of the Trade Deficit Review Commission as the Commission determines, in the judgment of the members of the Commission, are required to facilitate the ready commencement of activities of the Commission under subsection (c) of this section or to carry out such activities after the commencement of such activities.

(5) Chairman and Vice Chairman

The members of the Commission shall select a Chairman and Vice Chairman of the Commission from among the members of the Commission.

(6) Meetings

(A) Meetings

The Commission shall meet at the call of the Chairman of the Commission.

(B) Quorum

A majority of the members of the Commission shall constitute a quorum for the transaction of business of the Commission.

(7) Voting

Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(c) Duties

(1) Annual report

Not later than December 1 each year (beginning in 2002), the Commission shall submit to Congress a report, in both unclassified and classified form, regarding the national security implications and impact of the bilateral trade and economic relationship between the United States and the People's Republic of China. The report shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions, if any, of the national security implications for the United States of the trade and current balances with the People's Republic of China in goods and services, financial transactions, and technology transfers. The Commission shall also take into account patterns of trade and transfers through third countries to the extent practicable.

(2) Contents of report

Each report under paragraph (1) shall include, at a minimum, a full discussion of the following:

(A) The portion of trade in goods and services with the United States that the People's Republic of China dedicates to military systems or systems of a dual nature that could be used for military purposes.

(B) The acquisition by the People's Republic of China of advanced military or dual-use technologies from the United States by trade (including procurement) and other technology transfers, especially those transfers, if any, that contribute to the proliferation of weapons of mass destruction or their delivery systems, or that undermine international agreements or United States laws with respect to nonproliferation.

(C) Any transfers, other than those identified under subparagraph (B), to the military systems of the People's Republic of China made by United States firms and United States-based multinational corporations.

(D) An analysis of the statements and writing of the People's Republic of China officials and officially-sanctioned writings that bear on the intentions, if any, of the Government of the People's Republic of China regarding the pursuit of military competition with, and leverage over, or cooperation with, the United States and the Asian allies of the United States.

(E) The military actions taken by the Government of the People's Republic of China during the preceding year that bear on the national security of the United States and the regional stability of the Asian allies of the United States.

(F) The effects, if any, on the national security interests of the United States of the use by the People's Republic of China of financial transactions and capital flow and currency manipulations.

(G) Any action taken by the Government of the People's Republic of China in the context of the World Trade Organization that is adverse or favorable to the United States national security interests.

(H) Patterns of trade and investment between the People's Republic of China and its major trading partners, other than the United States, that appear to be substantively different from trade and investment patterns with the United States and whether the differences have any national security implications for the United States.

(I) The extent to which the trade surplus of the People's Republic of China with the United States enhances the military budget of the People's Republic of China.

(J) An overall assessment of the state of the security challenges presented by the People's Republic of China to the United States and whether the security challenges are increasing or decreasing from previous years.

(3) Recommendations of report

Each report under paragraph (1) shall also include recommendations for action by Congress or the President, or both, including specific recommendations for the United States to invoke Article XXI (relating to security exceptions) of the General Agreement on Tariffs and Trade 1994 with respect to the People's Republic of China, as a result of any adverse impact on the national security interests of the United States.

(d) Hearings

(1) In general

The Commission or, at its direction, any panel or member of the Commission, may for the purpose of carrying out the provisions of this section, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(2) Information

The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its duties under this section, except the provision of intelligence information to the Commission shall be made with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, under procedures approved by the Director of Central Intelligence.

(3) Security

The Office of Senate Security shall—

(A) provide classified storage and meeting and hearing spaces, when necessary, for the Commission; and

(B) assist members and staff of the Commission in obtaining security clearances.

(4) Security clearances

All members of the Commission and appropriate staff shall be sworn and hold appropriate security clearances.

(e) Commission personnel matters

(1) Compensation of members

Members of the Commission shall be compensated in the same manner provided for the compensation of members of the Trade Deficit Review Commission under section 127(g)(1) and section 127(g)(6) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note).

(2) Travel expenses

Travel expenses of the Commission shall be allowed in the same manner provided for the allowance of the travel expenses of the Trade Deficit Review Commission under section 127(g)(2) of the Trade Deficit Review Commission Act.

(3) Staff

An executive director and other additional personnel for the Commission shall be appointed, compensated, and terminated in the same manner provided for the appointment, compensation, and termination of the executive director and other personnel of the Trade Deficit Review Commission under section 127(g)(3) and section 127(g)(6) of the Trade Deficit Review Commission Act. The executive director and any personnel who are employees of the United States-China Economic and Security Review Commission shall be employees under section 2105 of title 5 for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(4) Detail of government employees

Federal Government employees may be detailed to the Commission in the same manner provided for the detail of Federal Government employees to the Trade Deficit Review Commission under section 127(g)(4) of the Trade Deficit Review Commission Act.

(5) Foreign travel for official purposes

Foreign travel for official purposes by members and staff of the Commission may be authorized by either the Chairman or the Vice Chairman of the Commission.

(6) Procurement of temporary and intermittent services

The Chairman of the Commission may procure temporary and intermittent services for the Commission in the same manner provided for the procurement of temporary and intermittent services for the Trade Deficit Review Commission under section 127(g)(5) of the Trade Deficit Review Commission Act.

(f) Authorization of appropriations

(1) In general

There is authorized to be appropriated to the Commission for fiscal year 2001, and for each fiscal year thereafter, such sums as may be necessary to enable the Commission to carry out its functions under this section.

(2) Availability

Amounts appropriated to the Commission shall remain available until expended.

(g) Applicability of FACA

The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Commission.

(h) Effective date

This section shall take effect on the first day of the 107th Congress.

(Pub. L. 106–398, § 1 [[div. A], title XII, § 1238], Oct. 30, 2000, 114 Stat. 1654, 1654A–334; Pub. L. 107–67, title VI, §§ 645(a), 648, Nov. 12, 2001, 115 Stat. 556; Pub. L. 108–7, div. P, § 2(b)(1), (c)(1), Feb. 20, 2003, 117 Stat. 552; Pub. L. 109–108, title VI, § 635(b), Nov. 22, 2005, 119 Stat. 2347; Pub. L. 110–161, div. J, title I, Dec. 26, 2007, 121 Stat. 2285.)

REFERENCES IN TEXT

Section 127 of the Trade Deficit Review Commission Act, referred to in subsecs. (b)(3) and (e), is section 127 of Pub. L. 105–277, which is set out in a note under section 2213 of Title 19, Customs Duties.

The Federal Advisory Committee Act, referred to in subsec. (g), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The first day of the 107th Congress, referred to in subsec. (h), was Jan. 3, 2001.

CODIFICATION

Section was enacted as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and not as part of the U.S.-China Relations Act of 2000 which comprises this chapter.

AMENDMENTS

2007—Subsec. (c)(1). Pub. L. 110–161 substituted ''December'' for ''June''.

2005—Subsec. (g). Pub. L. 109–108 amended heading and text of subsec. (g) generally. Prior to amendment, text read as follows: ''The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.''

2003—Pub. L. 108–7, § 2(b)(1)(A), inserted ''Economic and'' before ''Security'' in section catchline.

Subsec. (a)(1), (2). Pub. L. 108–7, § 2(b)(1)(B), inserted ''Economic and'' before ''Security''.

Subsec. (b). Pub. L. 108–7, § 2(b)(1)(C)(i), inserted ''Economic and'' before ''Security'' in heading.

Subsec. (b)(1). Pub. L. 108–7, § 2(b)(1)(C)(ii), inserted ''Economic and'' before ''Security''.

Subsec. (b)(3). Pub. L. 108–7, § 2(b)(1)(C)(iii)(I), which directed the amendment of introductory provisions by inserting ''Economic and'' before ''Security'', could not be executed because ''Security'' does not appear.

Subsec. (b)(3)(F). Pub. L. 108–7, § 2(c)(1), added subpar. (F) and struck out former subpar. (F) which read as follows: ''members shall be appointed to the Commission not later than 30 days after the date on which each new Congress convenes;''.

Subsec. (b)(3)(H), (4), (e)(1), (2). Pub. L. 108–7, § 2(b)(1)(C)(iii)(II), (iv), (D)(i), (ii), which directed insertion of ''Economic and'' before ''Security'', could not be executed because ''Security'' does not appear.

Subsec. (e)(3). Pub. L. 108–7, § 2(b)(1)(D)(iii)(II), inserted ''Economic and'' before ''Security'' in second sentence.

Pub. L. 108–7, § 2(b)(1)(D)(iii)(I), which directed the amendment of first sentence by inserting ''Economic

and'' before ''Security'', could not be executed because ''Security'' does not appear.

Subsec. (e)(4), (6). Pub. L. 108–7, §2(b)(1)(D)(iv), (v), which directed the amendment of pars. (4) and (6) by inserting ''Economic and'' before ''Security'', could not be executed because ''Security'' does not appear.

2001—Subsec. (c)(1). Pub. L. 107–67, §648, substituted ''June'' for ''March''.

Subsec. (e)(3). Pub. L. 107–67, §645(a), inserted at end ''The executive director and any personnel who are employees of the United States-China Security Review Commission shall be employees under section 2105 of title 5 for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.''

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of Title 50, War and National Defense.

Pub. L. 108–7, div. P, §2(b)(2), Feb. 20, 2003, 117 Stat. 552, provided that: ''Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the United States-China Security Review Commission shall be deemed to refer to the United States-China Economic and Security Review Commission.''

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. P, §2(c)(3), Feb. 20, 2003, 117 Stat. 554, provided that: ''This section [amending this section and enacting provisions set out as notes under this section] shall take effect on the date of enactment of this Act [Feb. 20, 2003].''

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–67, title VI, §645(b), Nov. 12, 2001, 115 Stat. 556, provided that: ''The amendment made by this section [amending this section] shall take effect on January 3, 2001.''

RESPONSIBILITIES OF THE COMMISSION

Pub. L. 108–7, div. P, §2(c)(2), Feb. 20, 2003, 117 Stat. 553, provided that: ''The United States-China Commission shall focus, in lieu of any other areas of work or study, on the following:

''(A) PROLIFERATION PRACTICES.—The Commission shall analyze and assess the Chinese role in the proliferation of weapons of mass destruction and other weapons (including dual use technologies) to terrorist-sponsoring states, and suggest possible steps which the United States might take, including economic sanctions, to encourage the Chinese to stop such practices.

''(B) ECONOMIC REFORMS AND UNITED STATES ECONOMIC TRANSFERS.—The Commission shall analyze and assess the qualitative and quantitative nature of the shift of United States production activities to China, including the relocation of high-technology, manufacturing, and R&D facilities; the impact of these transfers on United States national security, including political influence by the Chinese Government over American firms, dependence of the United States national security industrial base on Chinese imports, the adequacy of United States export control laws, and the effect of these transfers on United States economic security, employment, and the standard of living of the American people; analyze China's national budget and assess China's fiscal strength to address internal instability problems and assess the likelihood of externalization of such problems.

''(C) ENERGY.—The Commission shall evaluate and assess how China's large and growing economy will impact upon world energy supplies and the role the United States can play, including joint R&D efforts and technological assistance, in influencing China's energy policy.

''(D) UNITED STATES CAPITAL MARKETS.—The Commission shall evaluate the extent of Chinese access to, and use of United States capital markets, and whether the existing disclosure and transparency rules are adequate to identify Chinese companies which are active in United States markets and are also engaged in proliferation activities or other activities harmful to United States security interests.

''(E) CORPORATE REPORTING.—The Commission shall assess United States trade and investment relationship with China, including the need for corporate reporting on United States investments in China and incentives that China may be offering to United States corporations to relocate production and R&D to China.

''(F) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The Commission shall assess the extent of China's 'hollowing-out' of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei.

''(G) UNITED STATES-CHINA BILATERAL PROGRAMS.—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community with Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate United States enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese.

''(H) WORLD TRADE ORGANIZATION COMPLIANCE.—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China.

''(I) MEDIA CONTROL.—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.''

Similar provisions were contained in the following appropriation act:

Pub. L. 109–108, title VI, §635(a), Nov. 22, 2005, 119 Stat. 2346.

CHAPTER 78—TRAFFICKING VICTIMS PROTECTION

Sec.
7101. Purposes and findings.
7102. Definitions.
7103. Interagency Task Force to Monitor and Combat Trafficking.
7104. Prevention of trafficking.
7105. Protection and assistance for victims of trafficking.
7105a. Increasing effectiveness of anti-trafficking programs.
7106. Minimum standards for the elimination of trafficking.
7107. Actions against governments failing to meet minimum standards.
7108. Actions against significant traffickers in persons.