

POLITICAL FREEDOM IN CHINA ACT OF 1997

OCTOBER 6, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GILMAN, from the Committee on International Relations,
submitted the following

R E P O R T

[To accompany H.R. 2358]

[Including cost estimate of the Congressional Budget Office]

The Committee on International Relations, to whom was referred the bill (H.R. 2358) to provide for improved monitoring of human rights violations in the People's Republic of China, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

On page 3, line 5, strike "state' and" and insert "state' or".

On page 3, line 8, strike "[n]on-approved" and insert "[n]onapproved".

On page 3, line 12, strike "Zinjiang," and insert "Xinjiang,".

On page 3, line 22, strike "residents" and insert "dissidents".

On page 4, line 2, strike "1996," and insert "1995,".

On page 5, strike lines 18-23.

BACKGROUND AND PURPOSE

H.R. 2358, the "Political Freedom in China Act of 1997," authorizes to be appropriated to State Department additional funds to support personnel to monitor political repression in the People's Republic of China (PRC) in the United States Embassy in Beijing, as well as the American consulates in Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong, \$2,200,000 for fiscal year 1998 and \$2,200,000 for fiscal year 1999.

The China section of the State Department Country Reports on Human Rights Practices for 1996 states that “[o]verall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year’s end.”

Testimony and reports from both private non-governmental organizations (NGOs) and the Administration called attention to the importance of having more State Department personnel assigned solely to monitor human rights of the people living under the rule of the Government of the People’s Republic of China. H.R. 2358 attempts to address this need and the important question of whether the cornerstone of our foreign policy should be the promotion of American values—that is, the protection and advancement of fundamental human rights of people around the world.

The Bureau of Democracy, Human Rights, and Labor has 52 employees and a budget of a little over \$6 million. It is disturbing that the Public Affairs office is approximately twice as large, with 115 employees and a budget of over \$10 million. In addition, the Protocol office has 62 employees, ten more than the whole Human Rights bureau. Moreover, each of the six regional bureaus has an average of about 1500 employees. In many instances, these are the bureaus the Human Rights bureau has to contend with in ensuring that human rights is given a prominent role against competing concerns, and they have a combined budget of about a billion dollars, or about 160 times the budget of the Human Rights bureau.

State Department regional bureau officials based in Washington enhance their expertise by traveling to the regions in which they specialize. Officials in the Human Rights Bureau below the rank of Deputy Assistant Secretary have very little funds at their disposal for such important trips.

COMMITTEE ACTION

The Subcommittee on International Operations and Human Rights during the 104th and 105th Congresses held the following hearings or markups related to the human rights problems of individuals living under the rule of the Government of the People’s Republic of China:

1. February 2, 15, 1995—Country Reports on Human Rights Practices for 1994
2. March 16, 1995—Human Rights and Democratization in Asia
3. April 3, 1995—Chinese Prison System, “LAOGAI”
4. July 18, 1997—Beijing Conference on Women
5. August 2, 1995—Beijing Conference on Women
6. September 8, 1995—Experiences of Harry Wu as a Political Prisoner in the People’s Republic of China
7. December 7, 1995—Resolution Concerning Writer, Philosopher, Human Rights Advocate Wei Jingsheng
8. December 18, 1995—Trial, Conviction, and Imprisonment of Wei Jingsheng: How Should it Affect U.S. Policy?
9. February 15, 1996—Persecution of Christians Worldwide

10. March 26, 1996—Country Reports on Human Rights Practices for 1995

11. June 18, 1996—China MFN: Human Rights Consequences

12. December 18, 1996—Was There a Tiananmen Massacre?

On September 25, 1997, the Subcommittee on Human Rights and International Operations met in open session and agreed by voice vote to favorably report H.R. 2358 to the full Committee for consideration.

On September 29, 1997, the full Committee adopted by voice vote an amendment offered by Representative Bereuter to strike the provision in the bill that stated that there is only one State Department official in the PRC who is assigned to monitoring human rights. An amendment by Representative Campbell to strike the findings section of the bill was defeated by voice vote. Finally, on September 29, 1997, the Committee adopted by voice vote a motion to report favorably H.R. 2358, as amended, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

The Committee adopts the cost estimate of the Congressional Budget Office, set out below, as its submission of any required information on new budget authority, new spending authority, new credit authority, or an increase or decrease in the national debt required by clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or

accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

CONSTITUTIONAL AUTHORITY STATEMENT

In compliance with clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee cites the following specific powers granted to the Congress in the Constitution as authority for enactment of H.R. 2358 as reported by the Committee: Article I, section 8, clause 3 (relating to the regulation of commerce with foreign nations and among the several states); and Article I, section 8, clause 18 (relating to making all laws necessary and proper for carrying into execution powers vested by the Constitution in the government of the United States).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth with respect to H.R. 2358 as reported by the Committee the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 3, 1997.

Hon. BENJAMIN A. GILMAN,
*Chairman, Committee on International Relations,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2358, the Political Freedom in China Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 2358—Political Freedom in China Act of 1997

H.R. 2358 would authorize appropriations of \$2.2 million each year in 1998 and 1999 to fund additional personnel at diplomatic posts in China to monitor human rights. Assuming appropriations of the authorized amounts, CBO estimates that enacting the bill would raise outlays in each year by the amount of the authorization. Because H.R. 2358 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. The bill does not contain any intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act of 1995 and would not affect the budgets of state, local, or tribal governments.

The authorization in this bill would be in addition to amounts provided in other legislation. H.R. 1757, as passed by the House of Representatives on June 11, 1997, would authorize \$1,747 million each year in 1998 and 1999 for diplomatic and consular activities. Together H.R. 2358 and H.R. 1757 would raise annual funding for

comparable activities by \$47 million over the amount provided in 1997.

The estimate was prepared by Sunita D'Monte. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Provides that the Act may be cited as the "Political Freedom in China Act of 1997."

Section 2. Findings

Sets forth relevant findings of Congress. In particular, Congress concurs in many of the conclusions of the Department of State in its 1996 human rights report with respect to the People's Republic of China, including that China is "an authoritarian state"; that the government of China has "continued to commit widespread and well documented human rights abuses"; that "[a]buses include torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention"; that the number of persons detained "are believed to number in the thousands"; and that "[o]verall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end." Among those dissidents who have been arrested are Wang Dan (sentenced to 11 years in prison); Li Hai (sentenced to 9 years in prison); Liu Nianchun (sentenced to 3 years of "re-education through labor"); Wei Jingsheng (sentenced to 14 years in prison); Gao Yu (sentenced to 6 years in prison); and Chen Longde (sentenced to 3 years of "re-education through labor").

Section 3. Authorization of appropriations for additional personnel at diplomatic posts to monitor human rights in the People's Republic of China

Authorizes the appropriation of \$2,200,000 in fiscal year 1998 and \$2,200,000 in fiscal year 1999 to support personnel at the U.S. embassy in Beijing and at the U.S. consulates in Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong to monitor Chinese political repression.