

106TH CONGRESS  
2D SESSION

# H. R. 4444

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## AN ACT

To authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.



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## AN ACT

To authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. ORGANIZATION OF ACT INTO DIVISIONS; TABLE**  
 4               **OF CONTENTS.**

5       (a) DIVISIONS.—This Act is organized into two divi-  
 6       sions as follows:

7               (1) Division A—Normal trade relations for the  
 8       People’s Republic of China.

9               (2) Division B—United States-China Relations.

10       (b) TABLE OF CONTENTS.—The table of contents for  
 11       this Act is as follows:

Sec. 1. Organization of Act into divisions; table of contents.

**DIVISION A—NORMAL TRADE RELATIONS FOR THE  
 PEOPLE’S REPUBLIC OF CHINA**

**TITLE I—NORMAL TRADE RELATIONS**

Sec. 101. Termination of application of chapter 1 of title IV of the Trade Act  
 of 1974 to the People’s Republic of China.

Sec. 102. Effective date.

Sec. 103. Relief from market disruption.

Sec. 104. Amendment to section 123 of the Trade Act of 1974—compensation  
 authority.

**DIVISION B—UNITED STATES-CHINA RELATIONS**

**TITLE II—GENERAL PROVISIONS**

Sec. 201. Short title of division; table of contents of division.

Sec. 202. Findings.

Sec. 203. Policy.

Sec. 204. Definitions.

**TITLE III—CONGRESSIONAL-EXECUTIVE COMMISSION ON THE  
 PEOPLE’S REPUBLIC OF CHINA**

Sec. 301. Establishment of Congressional-Executive Commission on the Peo-  
 ple’s Republic of China.

Sec. 302. Functions of the Commission.

Sec. 303. Membership of the Commission.

Sec. 304. Votes of the Commission.

Sec. 305. Expenditure of appropriations.

- Sec. 306. Testimony of witnesses, production of evidence; issuance of subpoenas; administration of oaths.
- Sec. 307. Appropriations for the Commission.
- Sec. 308. Staff of the Commission.
- Sec. 309. Printing and binding costs.

#### TITLE IV—MONITORING AND ENFORCEMENT OF THE PEOPLE'S REPUBLIC OF CHINA'S WTO COMMITMENTS

##### Subtitle A—Review of Membership of the People's Republic of China in the WTO

- Sec. 401. Review within the WTO.

##### Subtitle B—Authorization To Promote Compliance With Trade Agreements

- Sec. 411. Findings.
- Sec. 412. Purpose.
- Sec. 413. Authorization of appropriations.

##### Subtitle C—Report on Compliance by the People's Republic of China With WTO Obligations

- Sec. 421. Report on compliance.

#### TITLE V—TRADE AND RULE OF LAW ISSUES IN THE PEOPLE'S REPUBLIC OF CHINA

##### Subtitle A—Task Force on Prohibition of Importation of Products of Forced or Prison Labor From the People's Republic of China

- Sec. 501. Establishment of Task Force.
- Sec. 502. Functions of Task Force.
- Sec. 503. Composition of Task Force.
- Sec. 504. Authorization of appropriations.
- Sec. 505. Reports to Congress.

##### Subtitle B—Assistance To Develop Commercial and Labor Rule of Law

- Sec. 511. Establishment of technical assistance and rule of law programs.
- Sec. 512. Administrative authorities.
- Sec. 513. Prohibition relating to human rights abuses.
- Sec. 514. Authorization of appropriations.

#### TITLE VI—ACCESSION OF TAIWAN TO THE WTO

- Sec. 601. Accession of Taiwan to the WTO.

#### TITLE VII—RELATED ISSUES

- Sec. 701. Authorizations of appropriations for broadcasting capital improvements and international broadcasting operations.

1 **DIVISION A—NORMAL TRADE**  
2 **RELATIONS FOR THE PEO-**  
3 **PLE’S REPUBLIC OF CHINA**  
4 **TITLE I—NORMAL TRADE**  
5 **RELATIONS**

6 **SEC. 101. TERMINATION OF APPLICATION OF CHAPTER 1**  
7 **OF TITLE IV OF THE TRADE ACT OF 1974 TO**  
8 **THE PEOPLE’S REPUBLIC OF CHINA.**

9 (a) PRESIDENTIAL DETERMINATIONS AND EXTEN-  
10 SION OF NONDISCRIMINATORY TREATMENT.—Notwith-  
11 standing any provision of chapter 1 of title IV of the  
12 Trade Act of 1974 (19 U.S.C. 2431 et seq.), as designated  
13 by section 3(a)(2) of this Act, the President may—

14 (1) determine that such chapter should no  
15 longer apply to the People’s Republic of China; and

16 (2) after making a determination under para-  
17 graph (1) with respect to the People’s Republic of  
18 China, proclaim the extension of nondiscriminatory  
19 treatment (normal trade relations treatment) to the  
20 products of that country.

21 (b) ACCESSION OF THE PEOPLE’S REPUBLIC OF  
22 CHINA TO THE WORLD TRADE ORGANIZATION.—Prior to  
23 making the determination provided for in subsection  
24 (a)(1) and pursuant to the provisions of section 122 of  
25 the Uruguay Round Agreements Act (19 U.S.C. 3532),

1 the President shall transmit a report to Congress certi-  
2 fying that the terms and conditions for the accession of  
3 the People’s Republic of China to the World Trade Orga-  
4 nization are at least equivalent to those agreed between  
5 the United States and the People’s Republic of China on  
6 November 15, 1999.

7 **SEC. 102. EFFECTIVE DATE.**

8 (a) **EFFECTIVE DATE OF NONDISCRIMINATORY**  
9 **TREATMENT.**—The extension of nondiscriminatory treat-  
10 ment pursuant to section 101(a) shall be effective no ear-  
11 lier than the effective date of the accession of the People’s  
12 Republic of China to the World Trade Organization.

13 (b) **TERMINATION OF APPLICABILITY OF TITLE**  
14 **IV.**—On and after the effective date under subsection (a)  
15 of the extension of nondiscriminatory treatment to the  
16 products of the People’s Republic of China, chapter 1 of  
17 title IV of the Trade Act of 1974 (as designated by section  
18 103(a)(2) of this Act) shall cease to apply to that country.

19 **SEC. 103. RELIEF FROM MARKET DISRUPTION.**

20 (a) **IN GENERAL.**—Title IV of the Trade Act of 1974  
21 (19 U.S.C. 2431 et seq.) is amended—

22 (1) in the title heading, by striking “**CUR-**  
23 **RENTLY**”;

24 (2) by inserting before section 401 the fol-  
25 lowing:

1   **“CHAPTER 1—TRADE RELATIONS WITH CERTAIN**  
2                                   **COUNTRIES”;**

3           and

4                   (3) by adding at the end the following new  
5           chapter:

6   **“CHAPTER 2—RELIEF FROM MARKET DISRUP-**  
7           **TION TO INDUSTRIES AND DIVERSION OF**  
8           **TRADE TO THE UNITED STATES MARKET**

9   **“SEC. 421. ACTION TO ADDRESS MARKET DISRUPTION.**

10           “(a) PRESIDENTIAL ACTION.—If a product of the  
11 People’s Republic of China is being imported into the  
12 United States in such increased quantities or under such  
13 conditions as to cause or threaten to cause market disrup-  
14 tion to the domestic producers of a like or directly com-  
15 petitive product, the President shall, in accordance with  
16 the provisions of this section, proclaim increased duties or  
17 other import restrictions with respect to such product, to  
18 the extent and for such period as the President considers  
19 necessary to prevent or remedy the market disruption.

20           “(b) INITIATION OF AN INVESTIGATION.—(1) Upon  
21 the filing of a petition by an entity described in section  
22 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)),  
23 upon the request of the President or the United States  
24 Trade Representative (in this subtitle referred to as the  
25 ‘Trade Representative’), upon resolution of either the  
26 Committee on Ways and Means of the House of Rep-



1 representatives, or the Committee on Finance of the Senate  
2 (in this subtitle referred to as the ‘Committees’) or on its  
3 own motion, the United States International Trade Com-  
4 mission (in this subtitle referred to as the ‘Commission’)  
5 shall promptly make an investigation to determine whether  
6 products of the People’s Republic of China are being im-  
7 ported into the United States in such increased quantities  
8 or under such conditions as to cause or threaten to cause  
9 market disruption to the domestic producers of like or di-  
10 rectly competitive products.

11 “(2) The limitations on investigations set forth in  
12 section 202(h)(1) of the Trade Act of 1974 (19 U.S.C.  
13 2252(h)(1)) shall apply to investigations conducted under  
14 this section.

15 “(3) The provisions of subsections (a)(8) and (i) of  
16 section 202 of the Trade Act of 1974 (19 U.S.C.  
17 2252(a)(8) and (i)), relating to treatment of confidential  
18 business information, shall apply to investigations con-  
19 ducted under this section.

20 “(4) Whenever a petition is filed, or a request or reso-  
21 lution is received, under this subsection, the Commission  
22 shall transmit a copy thereof to the President, the Trade  
23 Representative, the Committee on Ways and Means of the  
24 House of Representatives, and the Committee of Finance  
25 of the Senate, except that in the case of confidential busi-

1   ness information, the copy may include only nonconfiden-  
2   tial summaries of such information.

3       “(5) The Commission shall publish notice of the com-  
4   mencement of any proceeding under this subsection in the  
5   Federal Register and shall, within a reasonable time there-  
6   after, hold public hearings at which the Commission shall  
7   afford interested parties an opportunity to be present, to  
8   present evidence, to respond to the presentations of other  
9   parties, and otherwise to be heard.

10       “(c) MARKET DISRUPTION.—(1) For purposes of this  
11   section, market disruption exists whenever imports of an  
12   article like or directly competitive with an article produced  
13   by a domestic industry are increasing rapidly, either abso-  
14   lutely or relatively, so as to be a significant cause of mate-  
15   rial injury, or threat of material injury, to the domestic  
16   industry.

17       “(2) For purposes of paragraph (1), the term ‘signifi-  
18   cant cause’ refers to a cause which contributes signifi-  
19   cantly to the material injury of the domestic industry, but  
20   need not be equal to or greater than any other cause.

21       “(d) FACTORS IN DETERMINATION.—In determining  
22   whether market disruption exists, the Commission shall  
23   consider objective factors, including—

24               “(1) the volume of imports of the product which  
25       is the subject of the investigation;

1           “(2) the effect of imports of such product on  
2       prices in the United States for like or directly com-  
3       petitive articles; and

4           “(3) the effect of imports of such product on  
5       the domestic industry producing like or directly com-  
6       petitive articles.

7       The presence or absence of any factor under paragraph  
8       (1), (2), or (3) is not necessarily dispositive of whether  
9       market disruption exists.

10       “(e) TIME FOR COMMISSION DETERMINATIONS.—  
11       The Commission shall make and transmit to the President  
12       and the Trade Representative its determination under  
13       subsection (b)(1) at the earliest practicable time, but in  
14       no case later than 60 days (or 90 days in the case of a  
15       petition requesting relief under subsection (i)) after the  
16       date on which the petition is filed, the request or resolu-  
17       tion is received, or the motion is adopted, under subsection  
18       (b). If the Commissioners voting are equally divided with  
19       respect to its determination, then the determination  
20       agreed upon by either group of Commissioners may be  
21       considered by the President and the Trade Representative  
22       as the determination of the Commission.

23       “(f) RECOMMENDATIONS OF COMMISSION ON PRO-  
24       POSED REMEDIES.—If the Commission makes an affirma-  
25       tive determination under subsection (b), or a determina-

1 tion which the President or the Trade Representative may  
2 consider as affirmative under subsection (e), the Commis-  
3 sion shall propose the amount of increase in, or imposition  
4 of, any duty or other import restrictions necessary to pre-  
5 vent or remedy the market disruption. Only those mem-  
6 bers of the Commission who agreed to the affirmative de-  
7 termination under subsection (b) are eligible to vote on  
8 the proposed action to prevent or remedy market disrup-  
9 tion. Members of the Commission who did not agree to  
10 the affirmative determination may submit, in the report  
11 required under subsection (g), separate views regarding  
12 what action, if any, should be taken to prevent or remedy  
13 market disruption.

14 “(g) REPORT BY COMMISSION.—(1) Not later than  
15 20 days after a determination under subsection (b) is  
16 made, the Commission shall submit a report to the Presi-  
17 dent and the Trade Representative.

18 “(2) The Commission shall include in the report re-  
19 quired under paragraph (1) the following:

20 “(A) The determination made under subsection  
21 (b) and an explanation of the basis for the deter-  
22 mination.

23 “(B) If the determination under subsection (b)  
24 is affirmative, or may be considered by the President  
25 or the Trade Representative as affirmative under

1 subsection (e), the recommendations of the Commis-  
2 sion on proposed remedies under subsection (f) and  
3 an explanation of the basis for each recommenda-  
4 tion.

5 “(C) Any dissenting or separate views by mem-  
6 bers of the Commission regarding the determination  
7 and any recommendation referred to in subpara-  
8 graphs (A) and (B).

9 “(D) A description of—

10 “(i) the short- and long-term effects that  
11 implementation of the action recommended  
12 under subsection (f) is likely to have on the pe-  
13 titioning domestic industry, on other domestic  
14 industries, and on consumers; and

15 “(ii) the short- and long-term effects of not  
16 taking the recommended action on the peti-  
17 tioning domestic industry, its workers, and the  
18 communities where production facilities of such  
19 industry are located, and on other domestic in-  
20 dustries.

21 “(3) The Commission, after submitting a report to  
22 the President under paragraph (1), shall promptly make  
23 it available to the public (but shall not include confidential  
24 business information) and cause a summary thereof to be  
25 published in the Federal Register.

1       “(h) OPPORTUNITY TO PRESENT VIEWS AND EVI-  
2       DENCE ON PROPOSED MEASURE AND RECOMMENDATION  
3       TO THE PRESIDENT.—(1) Within 20 days after receipt of  
4       the Commission’s report under subsection (g) (or 15 days  
5       in the case of an affirmative preliminary determination  
6       under subsection (i)(1)(B)), the Trade Representative  
7       shall publish in the Federal Register notice of any meas-  
8       ure proposed by the Trade Representative to be taken pur-  
9       suant to subsection (a) and of the opportunity, including  
10      a public hearing, if requested, for importers, exporters,  
11      and other interested parties to submit their views and evi-  
12      dence on the appropriateness of the proposed measure and  
13      whether it would be in the public interest.

14      “(2) Within 55 days after receipt of the report under  
15      subsection (g) (or 35 days in the case of an affirmative  
16      preliminary determination under subsection (i)(1)(B)), the  
17      Trade Representative, taking into account the views and  
18      evidence received under paragraph (1) on the measure  
19      proposed by the Trade Representative, shall make a rec-  
20      ommendation to the President concerning what action, if  
21      any, to take to prevent or remedy the market disruption.

22      “(i) CRITICAL CIRCUMSTANCES.—(1) When a peti-  
23      tion filed under subsection (b) alleges that critical cir-  
24      cumstances exist and requests that provisional relief be  
25      provided under this subsection with respect to the product

1 identified in the petition, the Commission shall, not later  
2 than 45 days after the petition containing the request is  
3 filed—

4 “(A) determine whether delay in taking action  
5 under this section would cause damage to the rel-  
6 evant domestic industry which would be difficult to  
7 repair; and

8 “(B) if the determination under subparagraph  
9 (A) is affirmative, make a preliminary determination  
10 of whether imports of the product which is the sub-  
11 ject of the investigation have caused or threatened to  
12 cause market disruption.

13 If the Commissioners voting are equally divided with re-  
14 spect to either of its determinations, then the determina-  
15 tion agreed upon by either group of Commissioners may  
16 be considered by the President and the Trade Representa-  
17 tive as the determination of the Commission.

18 “(2) On the date on which the Commission completes  
19 its determinations under paragraph (1), the Commission  
20 shall transmit a report on the determinations to the Presi-  
21 dent and the Trade Representative, including the reasons  
22 for its determinations. If the determinations under para-  
23 graph (1) are affirmative, or may be considered by the  
24 President or the Trade Representative as affirmative  
25 under paragraph (1), the Commission shall include in its

1 report its recommendations on proposed provisional meas-  
2 ures to be taken to prevent or remedy the market disrup-  
3 tion. Only those members of the Commission who agreed  
4 to the affirmative determinations under paragraph (1) are  
5 eligible to vote on the proposed provisional measures to  
6 prevent or remedy market disruption. Members of the  
7 Commission who did not agree to the affirmative deter-  
8 minations may submit, in the report, dissenting or sepa-  
9 rate views regarding the determination and any rec-  
10 ommendation of provisional measures referred to in this  
11 paragraph.

12 “(3) If the determinations under paragraph (1) are  
13 affirmative, or may be considered by the President or the  
14 Trade Representative as affirmative under paragraph (1),  
15 the Trade Representative shall, within 10 days after re-  
16 ceipt of the Commission’s report, determine the amount  
17 or extent of provisional relief that is necessary to prevent  
18 or remedy the market disruption and shall provide a rec-  
19 ommendation to the President on what provisional meas-  
20 ures, if any, to take.

21 “(4)(A) The President shall determine whether to  
22 provide provisional relief and proclaim such relief, if any,  
23 within 10 days after receipt of the recommendation from  
24 the Trade Representative.

25 “(B) Such relief may take the form of—



1 “(i) the imposition of or increase in any duty;

2 “(ii) any modification, or imposition of any  
3 quantitative restriction on the importation of an ar-  
4 ticle into the United States; or

5 “(iii) any combination of actions under clauses  
6 (i) and (ii).

7 “(C) Any provisional action proclaimed by the Presi-  
8 dent pursuant to a determination of critical circumstances  
9 shall remain in effect not more than 200 days.

10 “(D) Provisional relief shall cease to apply upon the  
11 effective date of relief proclaimed under subsection (a),  
12 upon a decision by the President not to provide such relief,  
13 or upon a negative determination by the Commission  
14 under subsection (b).

15 “(j) AGREEMENTS WITH THE PEOPLE’S REPUBLIC  
16 OF CHINA.—(1) The Trade Representative is authorized  
17 to enter into agreements for the People’s Republic of  
18 China to take such action as necessary to prevent or rem-  
19 edy market disruption, and should seek to conclude such  
20 agreements before the expiration of the 60-day consulta-  
21 tion period provided for under the product-specific safe-  
22 guard provision of the Protocol of Accession of the Peo-  
23 ple’s Republic of China to the WTO, which shall com-  
24 mence not later than 5 days after the Trade Representa-  
25 tive receives an affirmative determination provided for in

1 subsection (e) or a determination which the Trade Rep-  
2 resentative considers to be an affirmative determination  
3 pursuant to subsection (e).

4 “(2) If no agreement is reached with the People’s Re-  
5 public of China pursuant to consultations under para-  
6 graph (1), or if the President determines that an agree-  
7 ment reached pursuant to such consultations is not pre-  
8 venting or remedying the market disruption at issue, the  
9 President shall provide import relief in accordance with  
10 subsection (a).

11 “(k) STANDARD FOR PRESIDENTIAL ACTION.—(1)  
12 Within 15 days after receipt of a recommendation from  
13 the Trade Representative under subsection (h) on the ap-  
14 propriate action, if any, to take to prevent or remedy the  
15 market disruption, the President shall provide import re-  
16 lief for such industry pursuant to subsection (a), unless  
17 the President determines that provision of such relief is  
18 not in the national economic interest of the United States  
19 or, in extraordinary cases, that the taking of action pursu-  
20 ant to subsection (a) would cause serious harm to the na-  
21 tional security of the United States.

22 “(2) The President may determine under paragraph  
23 (1) that providing import relief is not in the national eco-  
24 nomic interest of the United States only if the President  
25 finds that the taking of such action would have an adverse

1 impact on the United States economy clearly greater than  
2 the benefits of such action.

3 “(l) PUBLICATION OF DECISION AND REPORTS.—(1)  
4 The President’s decision, including the reasons therefor  
5 and the scope and duration of any action taken, shall be  
6 published in the Federal Register.

7 “(2) The Commission shall promptly make public any  
8 report transmitted under this section, but shall not make  
9 public any information which the Commission determines  
10 to be confidential, and shall publish notice of such report  
11 in the Federal Register.

12 “(m) EFFECTIVE DATE OF RELIEF.—Import relief  
13 under this section shall take effect not later than 15 days  
14 after the President’s determination to provide such relief.

15 “(n) MODIFICATIONS OF RELIEF.—(1) At any time  
16 after the end of the 6-month period beginning on the date  
17 on which relief under subsection (m) first takes effect, the  
18 President may request that the Commission provide a re-  
19 port on the probable effect of the modification, reduction,  
20 or termination of the relief provided on the relevant indus-  
21 try. The Commission shall transmit such report to the  
22 President within 60 days of the request.

23 “(2) The President may, after receiving a report from  
24 the Commission under paragraph (1), take such action to  
25 modify, reduce, or terminate relief that the President de-

1 terminates is necessary to continue to prevent or remedy the  
2 market disruption at issue.

3 “(3) Upon the granting of relief under subsection (k),  
4 the Commission shall collect such data as is necessary to  
5 allow it to respond rapidly to a request by the President  
6 under paragraph (1).

7 “(o) EXTENSION OF ACTION.—(1) Upon request of  
8 the President, or upon petition on behalf of the industry  
9 concerned filed with the Commission not earlier than the  
10 date which is 9 months, and not later than the date which  
11 is 6 months, before the date any relief provided under sub-  
12 section (k) is to terminate, the Commission shall inves-  
13 tigate to determine whether action under this section con-  
14 tinues to be necessary to prevent or remedy market dis-  
15 ruption.

16 “(2) The Commission shall publish notice of the com-  
17 mencement of any proceeding under this subsection in the  
18 Federal Register and shall, within a reasonable time there-  
19 after, hold a public hearing at which the Commission shall  
20 afford interested parties and consumers an opportunity to  
21 be present, to present evidence, and to respond to the  
22 presentations of other parties and consumers, and other-  
23 wise to be heard.

24 “(3) The Commission shall transmit to the President  
25 a report on its investigation and determination under this

1 subsection not later than 60 days before the action under  
2 subsection (m) is to terminate.

3 “(4) The President, after receiving an affirmative de-  
4 termination from the Commission under paragraph (3),  
5 may extend the effective period of any action under this  
6 section if the President determines that the action con-  
7 tinues to be necessary to prevent or remedy the market  
8 disruption.

9 **“SEC. 422. ACTION IN RESPONSE TO TRADE DIVERSION.**

10 “(a) MONITORING BY CUSTOMS SERVICE.—In any  
11 case in which a WTO member other than the United  
12 States requests consultations with the People’s Republic  
13 of China under the product-specific safeguard provision of  
14 the Protocol of Accession of the People’s Republic of  
15 China to the World Trade Organization, the Trade Rep-  
16 resentative shall inform the United States Customs Serv-  
17 ice, which shall monitor imports into the United States  
18 of those products of Chinese origin that are the subject  
19 of the consultation request. Data from such monitoring  
20 shall promptly be made available to the Commission upon  
21 request by the Commission.

22 “(b) INITIATION OF INVESTIGATION.—(1) Upon the  
23 filing of a petition by an entity described in section 202(a)  
24 of the Trade Act of 1974, upon the request of the Presi-  
25 dent or the Trade Representative, upon resolution of ei-

1 ther of the Committees, or on its own motion, the Commis-  
2 sion shall promptly make an investigation to determine  
3 whether an action described in subsection (c) has caused,  
4 or threatens to cause, a significant diversion of trade into  
5 the domestic market of the United States.

6 “(2) The Commission shall publish notice of the com-  
7 mencement of any proceeding under this subsection in the  
8 Federal Register and shall, within a reasonable time there-  
9 after, hold public hearings at which the Commission shall  
10 afford interested parties an opportunity to be present, to  
11 present evidence, to respond to the presentations of other  
12 parties, and otherwise to be heard.

13 “(3) The provisions of subsections (a)(8) and (i) of  
14 section 202 of the Trade Act of 1974 (19 U.S.C.  
15 2252(a)(8) and (i)), relating to treatment of confidential  
16 business information, shall apply to investigations con-  
17 ducted under this section.

18 “(c) ACTIONS DESCRIBED.—An action is described in  
19 this subsection if it is an action—

20 “(1) by the People’s Republic of China to pre-  
21 vent or remedy market disruption in a WTO mem-  
22 ber other than the United States;

23 “(2) by a WTO member other than the United  
24 States to withdraw concessions under the WTO

1 Agreement or otherwise to limit imports to prevent  
2 or remedy market disruption;

3 “(3) by a WTO member other than the United  
4 States to apply a provisional safeguard within the  
5 meaning of the product-specific safeguard provision  
6 of the Protocol of Accession of the People’s Republic  
7 of China to the WTO; or

8 “(4) any combination of actions described in  
9 paragraphs (1) through (3).

10 “(d) BASIS FOR DETERMINATION OF SIGNIFICANT  
11 DIVERSION.—(1) In determining whether significant di-  
12 version or the threat thereof exists for purposes of this  
13 section, the Commission shall take into account, to the ex-  
14 tent such evidence is reasonably available—

15 “(A) the monitoring conducted under sub-  
16 section (a);

17 “(B) the actual or imminent increase in United  
18 States market share held by such imports from the  
19 People’s Republic of China;

20 “(C) the actual or imminent increase in volume  
21 of such imports into the United States;

22 “(D) the nature and extent of the action taken  
23 or proposed by the WTO member concerned;

1           “(E) the extent of exports from the People’s  
2       Republic of China to that WTO member and to the  
3       United States;

4           “(F) the actual or imminent changes in exports  
5       to that WTO member due to the action taken or  
6       proposed;

7           “(G) the actual or imminent diversion of ex-  
8       ports from the People’s Republic of China to coun-  
9       tries other than the United States;

10          “(H) cyclical or seasonal trends in import vol-  
11       umes into the United States of the products at  
12       issue; and

13          “(I) conditions of demand and supply in the  
14       United States market for the products at issue.

15       The presence or absence of any factor under any of sub-  
16       paragraphs (A) through (I) is not necessarily dispositive  
17       of whether a significant diversion of trade or the threat  
18       thereof exists.

19          “(2) For purposes of making its determination, the  
20       Commission shall examine changes in imports into the  
21       United States from the People’s Republic of China since  
22       the time that the WTO member commenced the investiga-  
23       tion that led to a request for consultations described in  
24       subsection (a).



1       “(3) If more than one action by a WTO member or  
2 WTO members against a particular product is identified  
3 in the petition, request, or resolution under subsection (b)  
4 or during the investigation, the Commission may cumula-  
5 tively assess the actual or likely effects of such actions  
6 jointly in determining whether a significant diversion of  
7 trade or threat thereof exists.

8       “(e) COMMISSION DETERMINATION; AGREEMENT  
9 AUTHORITY.—(1) The Commission shall make and trans-  
10 mit to the President and the Trade Representative its de-  
11 termination under subsection (b) at the earliest prac-  
12 ticable time, but in no case later than 45 days after the  
13 date on which the petition is filed, the request or resolu-  
14 tion is received, or the motion is adopted, under subsection  
15 (b). If the Commissioners voting are equally divided with  
16 respect to its determination, then the determination  
17 agreed upon by either group of Commissioners may be  
18 considered by the President and the Trade Representative  
19 as the determination of the Commission.

20       “(2) The Trade Representative is authorized to enter  
21 into agreements with the People’s Republic of China or  
22 the other WTO members concerned to take such action  
23 as necessary to prevent or remedy significant trade diver-  
24 sion or threat thereof into the domestic market of the  
25 United States, and should seek to conclude such agree-

1 ments before the expiration of the 60-day consultation pe-  
2 riod provided for under the product-specific safeguard pro-  
3 vision of the Protocol of Accession of the People's Republic  
4 of China to the WTO, which shall commence not later  
5 than 5 days after the Trade Representative receives an  
6 affirmative determination provided for in paragraph (1)  
7 or a determination which the Trade Representative con-  
8 siders to be an affirmative determination pursuant to  
9 paragraph (1).

10 “(3) REPORT BY COMMISSION.—

11 “(A) Not later than 10 days after a determina-  
12 tion under subsection (b), is made, the Commission  
13 shall transmit a report to the President and the  
14 Trade Representative.

15 “(B) The Commission shall include in the re-  
16 port required under subparagraph (A) the following:

17 “(i) The determination made under sub-  
18 section (b) and an explanation of the basis for  
19 the determination.

20 “(ii) If the determination under subsection  
21 (b) is affirmative, or may be considered by the  
22 President or the Trade Representative as af-  
23 firmative under subsection (e)(1), the rec-  
24 ommendations of the Commission on increased  
25 tariffs or other import restrictions to be im-

1 posed to prevent or remedy the trade diversion  
2 or threat thereof, and explanations of the bases  
3 for such recommendations. Only those members  
4 of the Commission who agreed to the affirma-  
5 tive determination under subsection (b) are eli-  
6 gible to vote on the proposed action to prevent  
7 or remedy the trade diversion or threat thereof.

8 “(iii) Any dissenting or separate views by  
9 members of the Commission regarding the de-  
10 termination and any recommendation referred  
11 to in clauses (i) and (ii).

12 “(iv) A description of—

13 “(I) the short- and long-term effects  
14 that implementation of the action rec-  
15 ommended under clause (ii) is likely to  
16 have on the petitioning domestic industry,  
17 on other domestic industries, and on con-  
18 sumers; and

19 “(II) the short- and long-term effects  
20 of not taking the recommended action on  
21 the petitioning domestic industry, its work-  
22 ers and the communities where production  
23 facilities of such industry are located, and  
24 on other domestic industries.

1           “(C) The Commission, after submitting a re-  
2           port to the President under subparagraph (A), shall  
3           promptly make it available to the public (with the  
4           exception of confidential business information) and  
5           cause a summary thereof to be published in the Fed-  
6           eral Register.

7           “(f) PUBLIC COMMENT.—If consultations fail to lead  
8           to an agreement with the People’s Republic of China or  
9           the WTO member concerned within 60 days, the Trade  
10          Representative shall promptly publish notice in the Fed-  
11          eral Register of any proposed action to prevent or remedy  
12          the trade diversion, and provide an opportunity for inter-  
13          ested persons to present views and evidence on whether  
14          the proposed action is in the public interest.

15          “(g) RECOMMENDATION TO THE PRESIDENT.—With-  
16          in 20 days after the end of consultations pursuant to sub-  
17          section (e), the Trade Representative shall make a rec-  
18          ommendation to the President on what action, if any,  
19          should be taken to prevent or remedy the trade diversion  
20          or threat thereof.

21          “(h) PRESIDENTIAL ACTION.—Within 20 days after  
22          receipt of the recommendation from the Trade Represent-  
23          ative, the President shall determine what action to take  
24          to prevent or remedy the trade diversion or threat thereof.

1       “(i) DURATION OF ACTION.—Action taken under  
2 subsection (h) shall be terminated not later than 30 days  
3 after expiration of the action taken by the WTO member  
4 or members involved against imports from the People’s  
5 Republic of China.

6       “(j) REVIEW OF CIRCUMSTANCES.—(1) The Commis-  
7 sion shall review the continued need for action taken under  
8 subsection (h) if the WTO member or members involved  
9 notify the Committee on Safeguards of the WTO of any  
10 modification in the action taken by them against the Peo-  
11 ple’s Republic of China pursuant to consultation referred  
12 to in subsection (a). The Commission shall, not later than  
13 60 days after such notification, determine whether a sig-  
14 nificant diversion of trade continues to exist and report  
15 its determination to the President. The President shall de-  
16 termine, within 15 days after receiving the Commission’s  
17 report, whether to modify, withdraw, or keep in place the  
18 action taken under subsection (h).

19       **“SEC. 423. REGULATIONS; TERMINATION OF PROVISION.**

20       “(a) TO CARRY OUT RESTRICTIONS AND MONI-  
21 TORING.—The President shall by regulation provide for  
22 the efficient and fair administration of any restriction pro-  
23 claimed pursuant to the subtitle and to provide for effec-  
24 tive monitoring of imports under section 422(a).

1       “(b) TO CARRY OUT AGREEMENTS.—To carry out  
 2 an agreement concluded pursuant to consultations under  
 3 section 421(j) or 422(e)(2), the President is authorized  
 4 to prescribe regulations governing the entry or withdrawal  
 5 from warehouse of articles covered by such agreement.

6       “(c) TERMINATION DATE.—This subtitle and any  
 7 regulations issued under this subtitle shall cease to be ef-  
 8 fective 12 years after the date of entry into force of the  
 9 Protocol of Accession of the People’s Republic of China  
 10 to the WTO.”.

11       (b) CONFORMING AMENDMENT.—The table on con-  
 12 tents of the Trade Act of 1974 is amended—

13               (1) in the item relating to title IV, by striking  
 14 the following:

“CURRENTLY”;

15               (2) by inserting before the item relating to sec-  
 16 tion 401 the following:

“CHAPTER 1—TRADE RELATIONS WITH CERTAIN COUNTRIES”;

17 and

18               (3) by adding after the item relating to section  
 19 409 the following:

“CHAPTER 2—RELIEF FROM MARKET DISRUPTION TO INDUSTRIES AND  
 DIVERSION OF TRADE TO THE UNITED STATES MARKET

“Sec. 421. Action to address market disruption.

“Sec. 422. Action in response to trade diversion.

“Sec. 423. Regulations; termination of provision.”.

1 **SEC. 104. AMENDMENT TO SECTION 123 OF THE TRADE ACT**  
 2 **OF 1974—COMPENSATION AUTHORITY.**

3 Section 123(a)(1) of the Trade Act of 1974 (19  
 4 U.S.C. 2133(a)(1)) is amended by inserting after “title  
 5 III” the following: “, or under chapter 2 of title IV of  
 6 the Trade Act of 1974”.

7 **DIVISION B—UNITED STATES-**  
 8 **CHINA RELATIONS**  
 9 **TITLE II—GENERAL PROVISIONS**

10 **SEC. 201. SHORT TITLE OF DIVISION; TABLE OF CONTENTS**  
 11 **OF DIVISION.**

12 (a) SHORT TITLE OF DIVISION.—This division may  
 13 be cited as the “U.S.-China Relations Act of 2000”.

14 (b) TABLE OF CONTENTS OF DIVISION.—The table  
 15 of contents of this division is as follows:

**DIVISION B—UNITED STATES-CHINA RELATIONS**

**TITLE II—GENERAL PROVISIONS**

Sec. 201. Short title of division; table of contents of division.

Sec. 202. Findings.

Sec. 203. Policy.

Sec. 204. Definitions.

**TITLE III—CONGRESSIONAL-EXECUTIVE COMMISSION ON THE  
 PEOPLE’S REPUBLIC OF CHINA**

Sec. 301. Establishment of Congressional-Executive Commission on the Peo-  
 ple’s Republic of China.

Sec. 302. Functions of the Commission.

Sec. 303. Membership of the Commission.

Sec. 304. Votes of the Commission.

Sec. 305. Expenditure of appropriations.

Sec. 306. Testimony of witnesses, production of evidence; issuance of sub-  
 poenas; administration of oaths.

Sec. 307. Appropriations for the Commission.

Sec. 308. Staff of the Commission.

Sec. 309. Printing and binding costs.

TITLE IV—MONITORING AND ENFORCEMENT OF THE PEOPLE'S  
REPUBLIC OF CHINA'S WTO COMMITMENTS

Subtitle A—Review of Membership of the People's Republic of China in the  
WTO

Sec. 401. Review within the WTO.

Subtitle B—Authorization To Promote Compliance With Trade Agreements

Sec. 411. Findings.

Sec. 412. Purpose.

Sec. 413. Authorization of appropriations.

Subtitle C—Report on Compliance by the People's Republic of China With  
WTO Obligations

Sec. 421. Report on compliance.

TITLE V—TRADE AND RULE OF LAW ISSUES IN THE PEOPLE'S  
REPUBLIC OF CHINA

Subtitle A—Task Force on Prohibition of Importation of Products of Forced  
or Prison Labor From the People's Republic of China

Sec. 501. Establishment of Task Force.

Sec. 502. Functions of Task Force.

Sec. 503. Composition of Task Force.

Sec. 504. Authorization of appropriations.

Sec. 505. Reports to Congress.

Subtitle B—Assistance To Develop Commercial and Labor Rule of Law

Sec. 511. Establishment of technical assistance and rule of law programs.

Sec. 512. Administrative authorities.

Sec. 513. Prohibition relating to human rights abuses.

Sec. 514. Authorization of appropriations.

TITLE VI—ACCESSION OF TAIWAN TO THE WTO

Sec. 601. Accession of Taiwan to the WTO.

TITLE VII—RELATED ISSUES

Sec. 701. Authorizations of appropriations for broadcasting capital improvements and international broadcasting operations.

**1 SEC. 202. FINDINGS.**

**2       The Congress finds the following:**

**3               (1) In 1980, the United States opened trade re-**  
**4       lations with the People's Republic of China by enter-**  
**5       ing into a bilateral trade agreement, which was ap-**



1       proved by joint resolution enacted pursuant to sec-  
2       tion 405(c) of the Trade Act of 1974.

3           (2) Since 1980, the President has consistently  
4       extended nondiscriminatory treatment to products of  
5       the People's Republic of China, pursuant to his au-  
6       thority under section 404 of the Trade Act of 1974.

7           (3) Since 1980, the United States has entered  
8       into several additional trade-related agreements with  
9       the People's Republic of China, including a memo-  
10      randum of understanding on market access in 1992,  
11      two agreements on intellectual property rights pro-  
12      tection in 1992 and 1995, and an agreement on ag-  
13      ricultural cooperation in 1999.

14          (4) Trade in goods between the People's Repub-  
15      lic of China and the United States totaled almost  
16      \$95,000,000,000 in 1999, compared with approxi-  
17      mately \$18,000,000,000 in 1989, representing  
18      growth of approximately 428 percent over 10 years.

19          (5) The United States merchandise trade deficit  
20      with the People's Republic of China has grown from  
21      approximately \$6,000,000,000 in 1989 to over  
22      \$68,000,000,000 in 1999, a growth of over 1,000  
23      percent.

24          (6) The People's Republic of China currently  
25      restricts imports through relatively high tariffs and

1 nontariff barriers, including import licensing, tech-  
2 nology transfer, and local content requirements.

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

9 (8) On November 15, 1999, the United States  
10 and the People's Republic of China concluded a bi-  
11 lateral agreement concerning terms of the People's  
12 Republic of China's eventual accession to the World  
13 Trade Organization.

14 (9) The commitments that the People's Repub-  
15 lic of China made in its November 15, 1999, agree-  
16 ment with the United States promise to eliminate or  
17 greatly reduce the principal barriers to trade with  
18 and investment in the People's Republic of China, if  
19 those commitments are effectively complied with and  
20 enforced.

21 (10) The record of the People's Republic of  
22 China in implementing trade-related commitments  
23 has been mixed. While the People's Republic of  
24 China has generally met the requirements of the  
25 1992 market access memorandum of understanding

1       and the 1992 and 1995 agreements on intellectual  
2       property rights protection, other measures remain in  
3       place or have been put into place which tend to di-  
4       minish the benefit to United States businesses,  
5       farmers, and workers from the People’s Republic of  
6       China’s implementation of those earlier commit-  
7       ments. Notably, administration of tariff-rate quotas  
8       and other trade-related laws remains opaque, new  
9       local content requirements have proliferated, restric-  
10      tions on importation of animal and plant products  
11      are not always supported by sound science, and li-  
12      censing requirements for importation and distribu-  
13      tion of goods remain common. Finally, the Govern-  
14      ment of the People’s Republic of China has failed to  
15      cooperate with the United States Customs Service in  
16      implementing a 1992 memorandum of under-  
17      standing prohibiting trade in products made by pris-  
18      on labor.

19           (11) The human rights record of the People’s  
20      Republic of China is a matter of very serious con-  
21      cern to the Congress. The Congress notes that the  
22      Department of State’s 1999 Country Reports on  
23      Human Rights Practices for the People’s Republic  
24      of China finds that “[t]he Government’s poor human  
25      rights record deteriorated markedly throughout the

1 year, as the Government intensified efforts to sup-  
2 press dissent, particularly organized dissent.”.

3 (12) The Congress deplores violations by the  
4 Government of the People’s Republic of China of  
5 human rights, religious freedoms, and worker rights  
6 that are referred to in the Department of State’s  
7 1999 Country Reports on Human Rights Practices  
8 for the People’s Republic of China, including the  
9 banning of the Falun Gong spiritual movement, de-  
10 nial in many cases, particularly politically sensitive  
11 ones, of effective representation by counsel and pub-  
12 lic trials, extrajudicial killings and torture, forced  
13 abortion and sterilization, restriction of access to  
14 Tibet and Xinjiang, perpetuation of “reeducation  
15 through labor”, denial of the right of workers to or-  
16 ganize labor unions or bargain collectively with their  
17 employers, and failure to implement a 1992 memo-  
18 randum of understanding prohibiting trade in prod-  
19 ucts made by prison labor.

20 **SEC. 203. POLICY.**

21 It is the policy of the United States—

22 (1) to develop trade relations that broaden the  
23 benefits of trade, and lead to a leveling up, rather  
24 than a leveling down, of labor, environmental, com-

1       mercian rule of law, market access, anticorruption,  
2       and other standards across national borders;

3           (2) to pursue effective enforcement of trade-re-  
4       lated and other international commitments by for-  
5       eign governments through enforcement mechanisms  
6       of international organizations and through the appli-  
7       cation of United States law as appropriate;

8           (3) to encourage foreign governments to con-  
9       duct both commercial and noncommercial affairs ac-  
10      cording to the rule of law developed through demo-  
11      cratic processes;

12          (4) to encourage the Government of the Peo-  
13      ple's Republic of China to afford its workers inter-  
14      nationally recognized worker rights;

15          (5) to encourage the Government of the Peo-  
16      ple's Republic of China to protect the human rights  
17      of people within the territory of the People's Repub-  
18      lic of China, and to take steps toward protecting  
19      such rights, including, but not limited to—

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

22           (B) protecting the right to liberty of move-  
23           ment and freedom to choose a residence within  
24           the People's Republic of China and the right to

1 leave from and return to the People's Republic  
2 of China; and

3 (C) affording a criminal defendant—

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

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

11 (iii) the right to have legal assistance  
12 assigned to him or her in any case in  
13 which the interests of justice so require  
14 and without payment by him or her in any  
15 such case if he or she does not have suffi-  
16 cient means to pay for it;

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

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

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

24 (6) to highlight in the United Nations Human  
25 Rights Commission and in other appropriate fora

1 violations of human rights by foreign governments  
2 and to seek the support of other governments in  
3 urging improvements in human rights practices.

4 **SEC. 204. DEFINITIONS.**

5 In this division:

6 (1) DISPUTE SETTLEMENT UNDERSTANDING.—

7 The term “Dispute Settlement Understanding”  
8 means the Understanding on Rules and Procedures  
9 Governing the Settlement of Disputes referred to in  
10 section 101(d)(16) of the Uruguay Round Agree-  
11 ments Act (19 U.S.C. 3511(16)).

12 (2) GOVERNMENT OF THE PEOPLE’S REPUBLIC  
13 OF CHINA.—The term “Government of the People’s  
14 Republic of China” means the central Government  
15 of the People’s Republic of China and any other gov-  
16 ernmental entity, including any provincial, prefec-  
17 tural, or local entity and any enterprise that is con-  
18 trolled by the central Government or any such gov-  
19 ernmental entity or as to which the central Govern-  
20 ment or any such governmental entity is entitled to  
21 receive a majority of the profits.

22 (3) INTERNATIONALLY RECOGNIZED WORKER  
23 RIGHTS.—The term “internationally recognized  
24 worker rights” has the meaning given that term in  
25 section 507(4) of the Trade Act of 1974 (19 U.S.C.

1       2467(4)) and includes the right to the elimination of  
2       the “worst forms of child labor”, as defined in sec-  
3       tion 507(6) of the Trade Act of 1974 (19 U.S.C.  
4       2467(6)).

5           (4) TRADE REPRESENTATIVE.—The term  
6       “Trade Representative” means the United States  
7       Trade Representative.

8           (5) WTO; WORLD TRADE ORGANIZATION.—The  
9       terms “WTO” and “World Trade Organization”  
10      mean the organization established pursuant to the  
11      WTO Agreement.

12          (6) WTO AGREEMENT.—The term “WTO  
13      Agreement” means the Agreement Establishing the  
14      World Trade Organization entered into on April 15,  
15      1994.

16          (7) WTO MEMBER.—The term “WTO mem-  
17      ber” has the meaning given that term in section  
18      2(10) of the Uruguay Round Agreements Act (19  
19      U.S.C. 3501(10)).



1 **TITLE III—CONGRESSIONAL-EX-**  
2 **ECUTIVE COMMISSION ON**  
3 **THE PEOPLE’S REPUBLIC OF**  
4 **CHINA**

5 **SEC. 301. ESTABLISHMENT OF CONGRESSIONAL-EXECU-**  
6 **TIVE COMMISSION ON THE PEOPLE’S REPUB-**  
7 **LIC OF CHINA.**

8 There is established a Congressional-Executive Com-  
9 mission on the People’s Republic of China (in this title  
10 referred to as the “Commission”).

11 **SEC. 302. FUNCTIONS OF THE COMMISSION.**

12 (a) MONITORING COMPLIANCE WITH HUMAN  
13 RIGHTS.—The Commission shall monitor the acts of the  
14 People’s Republic of China which reflect compliance with  
15 or violation of human rights, in particular, those contained  
16 in the International Covenant on Civil and Political Rights  
17 and in the Universal Declaration of Human Rights, in-  
18 cluding, but not limited to, effectively affording—

19 (1) the right to engage in free expression with-  
20 out fear of any prior restraints;

21 (2) the right to peaceful assembly without re-  
22 strictions, in accordance with international law;

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

1           (4) the right to liberty of movement and free-  
2           dom to choose a residence within the People's Re-  
3           public of China and the right to leave from and re-  
4           turn to the People's Republic of China;

5           (5) the right of a criminal defendant—

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

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

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

18                (D) to a fair and public hearing by a com-  
19                petent, independent, and impartial tribunal es-  
20                tablished by the law;

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

23                (F) to be tried without undue delay;

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

1           (7) protection of internationally recognized  
2 worker rights;

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

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

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

10           (11) the right to fair and public hearings by an  
11 independent tribunal for the determination of a citi-  
12 zen's rights and obligations; and

13           (12) free choice of employment.

14       (b) VICTIMS LISTS.—The Commission shall compile  
15 and maintain lists of persons believed to be imprisoned,  
16 detained, or placed under house arrest, tortured, or other-  
17 wise persecuted by the Government of the People's Repub-  
18 lic of China due to their pursuit of the rights described  
19 in subsection (a). In compiling such lists, the Commission  
20 shall exercise appropriate discretion, including concerns  
21 regarding the safety and security of, and benefit to, the  
22 persons who may be included on the lists and their fami-  
23 lies.

24       (c) MONITORING DEVELOPMENT OF RULE OF  
25 LAW.—The Commission shall monitor the development of

1 the rule of law in the People's Republic of China, includ-  
2 ing, but not limited to—

3 (1) progress toward the development of institu-  
4 tions of democratic governance;

5 (2) processes by which statutes, regulations,  
6 rules, and other legal acts of the Government of the  
7 People's Republic of China are developed and be-  
8 come binding within the People's Republic of China;

9 (3) the extent to which statutes, regulations,  
10 rules, administrative and judicial decisions, and  
11 other legal acts of the Government of the People's  
12 Republic of China are published and are made acces-  
13 sible to the public;

14 (4) the extent to which administrative and judi-  
15 cial decisions are supported by statements of reasons  
16 that are based upon written statutes, regulations,  
17 rules and other legal acts of the Government of the  
18 People's Republic of China;

19 (5) the extent to which individuals are treated  
20 equally under the laws of the of the People's Repub-  
21 lic of China without regard to citizenship;

22 (6) the extent to which administrative and judi-  
23 cial decisions are independent of political pressure or  
24 governmental interference and are reviewed by enti-  
25 ties of appellate jurisdiction; and

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

6       (d) BILATERAL COOPERATION.—The Commission  
7       shall monitor and encourage the development of programs  
8       and activities of the United States Government and pri-  
9       vate organizations with a view toward increasing the inter-  
10      change of people and ideas between the United States and  
11      the People's Republic of China and expanding cooperation  
12      in areas that include, but are not limited to—

13           (1) increasing enforcement of human rights de-  
14      scribed in subsection (a); and

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

17      (e) CONTACTS WITH NONGOVERNMENTAL ORGANI-  
18      ZATIONS.—In performing the functions described in sub-  
19      sections (a) through (d), the Commission shall, as appro-  
20      priate, seek out and maintain contacts with nongovern-  
21      mental organizations, including receiving reports and up-  
22      dates from such organizations and evaluating such re-  
23      ports.

24      (f) COOPERATION WITH SPECIAL COORDINATOR.—  
25      In performing the functions described in subsections (a)

1 through (d), the Commission shall cooperate with the Spe-  
2 cial Coordinator for Tibetan Issues in the Department of  
3 State.

4 (g) ANNUAL REPORTS.—The Commission shall issue  
5 a report to the President and the Congress not later than  
6 12 months after the date of the enactment of this Act,  
7 and not later than the end of each 12-month period there-  
8 after, setting forth the findings of the Commission during  
9 the preceding 12-month period, in carrying out sub-  
10 sections (a) through (c). The Commission’s report may  
11 contain recommendations for legislative or executive ac-  
12 tion.

13 (h) SPECIFIC INFORMATION IN ANNUAL REPORTS.—  
14 The Commission’s report under subsection (g) shall in-  
15 clude specific information as to the nature and implemen-  
16 tation of laws or policies concerning the rights set forth  
17 in paragraphs (1) through (12) of subsection (a), and as  
18 to restrictions applied to or discrimination against persons  
19 exercising any of the rights set forth in such paragraphs.

20 (i) CONGRESSIONAL HEARINGS ON ANNUAL RE-  
21 PORTS.—(1) The Committee on International Relations of  
22 the House of Representatives shall, not later than 30 days  
23 after the receipt by the Congress of the report referred  
24 to in subsection (g), hold hearings on the contents of the  
25 report, including any recommendations contained therein,

1 for the purpose of receiving testimony from Members of  
2 Congress, and such appropriate representatives of Federal  
3 departments and agencies, and interested persons and  
4 groups, as the committee deems advisable, with a view to  
5 reporting to the House of Representatives any appropriate  
6 legislation in furtherance of such recommendations. If any  
7 such legislation is considered by the Committee on Inter-  
8 national Relations within 45 days after receipt by the Con-  
9 gress of the report referred to in subsection (g), it shall  
10 be reported by the committee not later than 60 days after  
11 receipt by the Congress of such report.

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

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

19 (B) with full recognition of the constitutional  
20 right of the House to change the rules (so far as re-  
21 lating to the procedure of the House) at any time,  
22 in the same manner and to the same extent as in  
23 the case of any other rule of the House.

24 (j) SUPPLEMENTAL REPORTS.—The Commission  
25 may submit to the President and the Congress reports

1 that supplement the reports described in subsection (g),  
2 as appropriate, in carrying out subsections (a) through  
3 (c).

4 **SEC. 303. MEMBERSHIP OF THE COMMISSION.**

5 (a) SELECTION AND APPOINTMENT OF MEMBERS.—

6 The Commission shall be composed of 23 members as fol-  
7 lows:

8 (1) Nine Members of the House of Representa-  
9 tives appointed by the Speaker of the House of Rep-  
10 resentatives. Five members shall be selected from  
11 the majority party and four members shall be se-  
12 lected, after consultation with the minority leader of  
13 the House, from the minority party.

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

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



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

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

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

12      (b) CHAIRMAN AND COCHAIRMAN.—

13           (1) DESIGNATION OF CHAIRMAN.—At the be-  
14      ginning of each odd-numbered Congress, the Presi-  
15      dent of the Senate, on the recommendation of the  
16      majority leader, shall designate one of the members  
17      of the Commission from the Senate as Chairman of  
18      the Commission. At the beginning of each even-num-  
19      bered Congress, the Speaker of the House of Rep-  
20      resentatives shall designate one of the members of  
21      the Commission from the House as Chairman of the  
22      Commission.

23           (2) DESIGNATION OF COCHAIRMAN.—At the be-  
24      ginning of each odd-numbered Congress, the Speak-  
25      er of the House of Representatives shall designate

1       one of the members of the Commission from the  
2       House as Cochairman of the Commission. At the be-  
3       ginning of each even-numbered Congress, the Presi-  
4       dent of the Senate, on the recommendation of the  
5       majority leader, shall designate one of the members  
6       of the Commission from the Senate as Cochairman  
7       of the Commission.

8       **SEC. 304. VOTES OF THE COMMISSION.**

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

15      **SEC. 305. EXPENDITURE OF APPROPRIATIONS.**

16      For each fiscal year for which an appropriation is  
17      made to the Commission, the Commission shall issue a  
18      report to the Congress on its expenditures under that ap-  
19      propriation.

20      **SEC. 306. TESTIMONY OF WITNESSES, PRODUCTION OF EVI-**  
21                   **DENCE; ISSUANCE OF SUBPOENAS; ADMINIS-**  
22                   **TRATION OF OATHS.**

23      In carrying out this title, the Commission may re-  
24      quire, by subpoena or otherwise, the attendance and testi-  
25      mony of such witnesses and the production of such books,

1 records, correspondence, memoranda, papers, documents,  
2 and electronically recorded data as it considers necessary.  
3 Subpoenas may be issued only pursuant to a two-thirds  
4 vote of members of the Commission present and voting.  
5 Subpoenas may be issued over the signature of the Chair-  
6 man of the Commission or any member designated by the  
7 Chairman, and may be served by any person designated  
8 by the Chairman or such member. The Chairman of the  
9 Commission, or any member designated by the Chairman,  
10 may administer oaths to any witness.

11 **SEC. 307. APPROPRIATIONS FOR THE COMMISSION.**

12 (a) AUTHORIZATION; DISBURSEMENTS.—

13 (1) AUTHORIZATION.—There are authorized to  
14 be appropriated to the Commission for fiscal year  
15 2001, and each fiscal year thereafter, such sums as  
16 may be necessary to enable it to carry out its func-  
17 tions. Appropriations to the Commission are author-  
18 ized to remain available until expended.

19 (2) DISBURSEMENTS.—Appropriations to the  
20 Commission shall be disbursed on vouchers  
21 approved—

22 (A) jointly by the Chairman and the Co-  
23 chairman; or

1 (B) by a majority of the members of the  
2 personnel and administration committee estab-  
3 lished pursuant to section 308.

4 (b) FOREIGN TRAVEL FOR OFFICIAL PURPOSES.—  
5 Foreign travel for official purposes by members and staff  
6 of the Commission may be authorized by either the Chair-  
7 man or the Cochairman.

8 **SEC. 308. STAFF OF THE COMMISSION.**

9 (a) PERSONNEL AND ADMINISTRATION COM-  
10 MITTEE.—The Commission shall have a personnel and ad-  
11 ministration committee composed of the Chairman, the  
12 Cochairman, the senior member of the Commission from  
13 the minority party of the House of Representatives, and  
14 the senior member of the Commission from the minority  
15 party of the Senate.

16 (b) COMMITTEE FUNCTIONS.—All decisions per-  
17 taining to the hiring, firing, and fixing of pay of personnel  
18 of the Commission shall be by a majority vote of the per-  
19 sonnel and administration committee, except that—

20 (1) the Chairman shall be entitled to appoint  
21 and fix the pay of the staff director, and the Co-  
22 chairman shall be entitled to appoint and fix the pay  
23 of the Cochairman's senior staff member; and

24 (2) the Chairman and Cochairman shall each  
25 have the authority to appoint, with the approval of

1 the personnel and administration committee, at least  
2 four professional staff members who shall be respon-  
3 sible to the Chairman or the Cochairman (as the  
4 case may be) who appointed them.

5 Subject to subsection (d), the personnel and administra-  
6 tion committee may appoint and fix the pay of such other  
7 personnel as it considers desirable.

8 (c) STAFF APPOINTMENTS.—All staff appointments  
9 shall be made without regard to the provisions of title 5,  
10 United States Code, governing appointments in the com-  
11 petitive service, and without regard to the provisions of  
12 chapter 51 and subchapter III of chapter 53 of such title  
13 relating to classification and general schedule pay rates.

14 (d) QUALIFICATIONS OF PROFESSIONAL STAFF.—  
15 The personnel and administration committee shall ensure  
16 that the professional staff of the Commission consists of  
17 persons with expertise in areas including human rights,  
18 internationally recognized worker rights, international eco-  
19 nomics, law (including international law), rule of law and  
20 other foreign assistance programming, Chinese politics,  
21 economy and culture, and the Chinese language.

22 (e) COMMISSION EMPLOYEES AS CONGRESSIONAL  
23 EMPLOYEES.—

24 (1) IN GENERAL.—For purposes of pay and  
25 other employment benefits, rights, and privileges,

1 and for all other purposes, any employee of the  
2 Commission shall be considered to be a congressional  
3 employee as defined in section 2107 of title 5,  
4 United States Code.

5 (2) COMPETITIVE STATUS.—For purposes of  
6 section 3304(c)(1) of title 5, United States Code,  
7 employees of the Commission shall be considered as  
8 if they are in positions in which they are paid by the  
9 Secretary of the Senate or the Clerk of the House  
10 of Representatives.

11 **SEC. 309. PRINTING AND BINDING COSTS.**

12 For purposes of costs relating to printing and bind-  
13 ing, including the costs of personnel detailed from the  
14 Government Printing Office, the Commission shall be  
15 deemed to be a committee of the Congress.

16 **TITLE IV—MONITORING AND EN-**  
17 **FORCEMENT OF THE PEO-**  
18 **PLE’S REPUBLIC OF CHINA’S**  
19 **WTO COMMITMENTS**

20 **Subtitle A—Review of Membership**  
21 **of the People’s Republic of**  
22 **China in the WTO**

23 **SEC. 401. REVIEW WITHIN THE WTO.**

24 It shall be the objective of the United States to obtain  
25 as part of the Protocol of Accession of the People’s Repub-

1 lie of China to the WTO, an annual review within the  
2 WTO of the compliance by the People's Republic of China  
3 with its terms of accession to the WTO.

4 **Subtitle B—Authorization To Pro-**  
5 **mote Compliance With Trade**  
6 **Agreements**

7 **SEC. 411. FINDINGS.**

8 The Congress finds as follows:

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

13 (2) Such export expansion, along with an in-  
14 crease in trade generally, has helped fuel the longest  
15 economic expansion in United States history.

16 (3) The United States Government must con-  
17 tinue to be vigilant in monitoring and enforcing the  
18 compliance by our trading partners with trade agree-  
19 ments in order for United States businesses, work-  
20 ers, and farmers to continue to benefit from the op-  
21 portunities created by market-opening trade agree-  
22 ments.

23 (4) The People's Republic of China, as part of  
24 its accession to the World Trade Organization, has  
25 committed to eliminating significant trade barriers

1 in the agricultural, services, and manufacturing sec-  
2 tors that, if realized, would provide considerable op-  
3 portunities for United States farmers, businesses,  
4 and workers.

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

10 **SEC. 412. PURPOSE.**

11 The purpose of this subtitle is to authorize additional  
12 resources for the agencies and departments engaged in  
13 monitoring and enforcement of United States trade agree-  
14 ments and trade laws with respect to the People's Republic  
15 of China.

16 **SEC. 413. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) DEPARTMENT OF COMMERCE.—There is author-  
18 ized to be appropriated to the Department of Commerce,  
19 in addition to amounts otherwise available for such pur-  
20 poses, such sums as may be necessary for fiscal year 2001,  
21 and each fiscal year thereafter, for additional staff for—

22 (1) monitoring compliance by the People's Re-  
23 public of China with its commitments under the  
24 WTO, assisting United States negotiators with ongo-  
25 ing negotiations in the WTO, and defending United



1 States antidumping and countervailing duty meas-  
2 ures with respect to products of the People's Repub-  
3 lic of China;

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

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

13 (b) OVERSEAS COMPLIANCE PROGRAM.—

14 (1) AUTHORIZATION OF APPROPRIATION.—

15 There are authorized to be appropriated to the De-  
16 partment of Commerce and the Department of  
17 State, in addition to amounts otherwise available,  
18 such sums as may be necessary for fiscal year 2001,  
19 and each fiscal year thereafter, to provide staff for  
20 monitoring in the People's Republic of China that  
21 country's compliance with its international trade ob-  
22 ligations and to support the enforcement of the  
23 trade laws of the United States, as part of an Over-  
24 seas Compliance Program which monitors abroad  
25 compliance with international trade obligations and

1 supports the enforcement of United States trade  
2 laws.

3 (2) REPORTING.—The annual report on compli-  
4 ance by the People’s Republic of China submitted to  
5 the Congress under section 421 of this Act shall in-  
6 clude the findings of the Overseas Compliance Pro-  
7 gram with respect to the People’s Republic of China.

8 (c) UNITED STATES TRADE REPRESENTATIVE.—  
9 There are authorized to be appropriated to the Office of  
10 the United States Trade Representative, in addition to  
11 amounts otherwise available for such purposes, such sums  
12 as may be necessary for fiscal year 2001, and each fiscal  
13 year thereafter, for additional staff in—

14 (1) the Office of the General Counsel, the Moni-  
15 toring and Enforcement Unit, and the Office of the  
16 Deputy United States Trade Representative in Ge-  
17 neva, Switzerland, to investigate, prosecute, and de-  
18 fend cases before the WTO, and to administer  
19 United States trade laws, including title III of the  
20 Trade Act of 1974 (19 U.S.C. 2411 et seq.) and  
21 other trade laws relating to intellectual property,  
22 government procurement, and telecommunications,  
23 with respect to the People’s Republic of China;

24 (2) the Office of Economic Affairs, to analyze  
25 the impact on the economy of the United States, in-

1 including United States exports, of acts of the Govern-  
2 ment of the People's Republic of China affecting ac-  
3 cess to markets in the People's Republic of China  
4 and to support the Office of the General Counsel in  
5 presenting cases to the WTO involving the People's  
6 Republic of China;

7 (3) the geographic office for the People's Re-  
8 public of China; and

9 (4) offices relating to the WTO and to different  
10 sectors of the economy, including agriculture, indus-  
11 try, services, and intellectual property rights protec-  
12 tion, to monitor and enforce the trade agreement ob-  
13 ligations of the People's Republic of China in those  
14 sectors.

15 (d) DEPARTMENT OF AGRICULTURE.—There are au-  
16 thorized to be appropriated to the Department of Agri-  
17 culture, in addition to amounts otherwise available for  
18 such purposes, such sums as may be necessary for fiscal  
19 year 2001, and each fiscal year thereafter, for additional  
20 staff to increase legal and technical expertise in areas cov-  
21 ered by trade agreements and United States trade law,  
22 including food safety and biotechnology, for purposes of  
23 monitoring compliance by the People's Republic of China  
24 with its trade agreement obligations.

1 **Subtitle C—Report on Compliance**  
2 **by the People’s Republic of**  
3 **China With WTO Obligations**

4 **SEC. 421. REPORT ON COMPLIANCE.**

5 (a) IN GENERAL.—Not later than 1 year after the  
6 entry into force of the Protocol of Accession of the Peo-  
7 ple’s Republic of China to the WTO, and annually there-  
8 after, the Trade Representative shall submit a report to  
9 Congress on compliance by the People’s Republic of China  
10 with commitments made in connection with its accession  
11 to the World Trade Organization, including both multilat-  
12 eral commitments and any bilateral commitments made to  
13 the United States.

14 (b) PUBLIC PARTICIPATION.—In preparing the re-  
15 port described in subsection (a), the Trade Representative  
16 shall seek public participation by publishing a notice in  
17 the Federal Register and holding a public hearing.

1 **TITLE V—TRADE AND RULE OF**  
2 **LAW ISSUES IN THE PEOPLE’S**  
3 **REPUBLIC OF CHINA**

4 **Subtitle A—Task Force on Prohibi-**  
5 **tion of Importation of Products**  
6 **of Forced or Prison Labor From**  
7 **the People’s Republic of China**

8 **SEC. 501. ESTABLISHMENT OF TASK FORCE.**

9       There is hereby established a task force on prohibi-  
10 tion of importation of products of forced or prison labor  
11 from the People’s Republic of China (hereafter in this sub-  
12 title referred to as the “Task Force”).

13 **SEC. 502. FUNCTIONS OF TASK FORCE.**

14       The Task Force shall monitor and promote effective  
15 enforcement of and compliance with section 307 of the  
16 Tariff Act of 1930 (19 U.S.C. 1307) by performing the  
17 following functions:

18           (1) Coordinate closely with the United States  
19 Customs Service to promote maximum effectiveness  
20 in the enforcement by the Customs Service of section  
21 307 of the Tariff Act of 1930 with respect to the  
22 products of the People’s Republic of China. In order  
23 to assure such coordination, the Customs Service  
24 shall keep the Task Force informed, on a regular  
25 basis, of the progress of its investigations of allega-

1        tions that goods are being entered into the United  
2        States, or that such entry is being attempted, in vio-  
3        lation of the prohibition in section 307 of the Tariff  
4        Act of 1930 on entry into the United States of  
5        goods mined, produced, or manufactured wholly or  
6        in part in the People’s Republic of China by convict  
7        labor, forced labor, or indentured labor under penal  
8        sanctions. Such investigations may include visits to  
9        foreign sites where goods allegedly are being mined,  
10       produced, or manufactured in a manner that would  
11       lead to prohibition of their importation into the  
12       United States under section 307 of the Tariff Act of  
13       1930.

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

20            (3) Work with the Customs Service to assist the  
21       People’s Republic of China and other foreign govern-  
22       ments in monitoring the sale of goods mined, pro-  
23       duced, or manufactured by convict labor, forced  
24       labor, or indentured labor under penal sanctions to

1 ensure that such goods are not exported to the  
2 United States.

3 (4) Coordinate closely with the Customs Service  
4 to promote maximum effectiveness in the enforce-  
5 ment by the Customs Service of section 307 of the  
6 Tariff Act of 1930 with respect to the products of  
7 the People's Republic of China. In order to assure  
8 such coordination, the Customs Service shall keep  
9 the Task Force informed, on a regular basis, of the  
10 progress of its monitoring of ports of the United  
11 States to ensure that goods mined, produced, or  
12 manufactured wholly or in part in the People's Re-  
13 public of China by convict labor, forced labor, or in-  
14 dentured labor under penal sanctions are not im-  
15 ported into the United States.

16 (5) Advise the Customs Service in performing  
17 such other functions, consistent with existing au-  
18 thority, to ensure the effective enforcement of sec-  
19 tion 307 of the Tariff Act of 1930.

20 (6) Provide to the Customs Service all informa-  
21 tion obtained by the departments represented on the  
22 Task Force relating to the use of convict labor,  
23 forced labor, or/and indentured labor under penal  
24 sanctions in the mining, production, or manufacture

1 of goods which may be imported into the United  
2 States.

3 **SEC. 503. COMPOSITION OF TASK FORCE.**

4 The Secretary of the Treasury, the Secretary of Com-  
5 merce, the Secretary of Labor, the Secretary of State, the  
6 Commissioner of Customs, and the heads of other execu-  
7 tive branch agencies, as appropriate, acting through their  
8 respective designees at or above the level of Deputy Assist-  
9 ant Secretary, or in the case of the Customs Service, at  
10 or above the level of Assistant Commissioner, shall com-  
11 pose the Task Force. The designee of the Secretary of the  
12 Treasury shall chair the Task Force.

13 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated for fiscal  
15 year 2001, and each fiscal year thereafter, such sums as  
16 may be necessary for the Task Force to carry out the  
17 functions described in section 502.

18 **SEC. 505. REPORTS TO CONGRESS.**

19 (a) FREQUENCY OF REPORTS.—Not later than the  
20 date that is 1 year after the date of the enactment of this  
21 Act, and not later than the end of each 1-year period  
22 thereafter, the Task Force shall submit to the Congress  
23 a report on the work of the Task Force during the pre-  
24 ceding 1-year period.



1 (b) CONTENTS OF REPORTS.—Each report under  
2 subsection (a) shall set forth, at a minimum—

3 (1) the number of allegations of violations of  
4 section 307 of the Tariff Act of 1930 with respect  
5 to products of the Peoples' Republic of China that  
6 were investigated during the preceding 1-year pe-  
7 riod;

8 (2) the number of actual violations of section  
9 307 of the Tariff Act of 1930 with respect to the  
10 products of the People's Republic of China that were  
11 discovered during the preceding 1-year period;

12 (3) in the case of each attempted entry of prod-  
13 ucts of the People's Republic of China in violation  
14 of such section 307 discovered during the preceding  
15 1-year period—

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

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

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

22 (4) such other information as the Task Force  
23 considers useful in monitoring and enforcing compli-  
24 ance with section 307 of the Tariff Act of 1930.

1   **Subtitle B—Assistance To Develop**  
2   **Commercial and Labor Rule of Law**

3   **SEC. 511. ESTABLISHMENT OF TECHNICAL ASSISTANCE**  
4                   **AND RULE OF LAW PROGRAMS.**

5           (a) **COMMERCE RULE OF LAW PROGRAM.**—The Sec-  
6   retary of Commerce, in consultation with the Secretary of  
7   State, is authorized to establish a program to conduct rule  
8   of law training and technical assistance related to com-  
9   mercial activities in the People’s Republic of China.

10          (b) **LABOR RULE OF LAW PROGRAM.**—

11               (1) **IN GENERAL.**—The Secretary of Labor, in  
12   consultation with the Secretary of State, is author-  
13   ized to establish a program to conduct rule of law  
14   training and technical assistance related to the pro-  
15   tection of internationally recognized worker rights in  
16   the People’s Republic of China.

17               (2) **USE OF AMOUNTS.**—In carrying out para-  
18   graph (1), the Secretary of Labor shall focus on ac-  
19   tivities including, but not limited to—

20                   (A) developing, laws, regulations, and  
21                   other measures to implement internationally  
22                   recognized worker rights;

23                   (B) establishing national mechanisms for  
24                   the enforcement of national labor laws and reg-  
25                   ulations;

1 (C) training government officials concerned  
2 with implementation and enforcement of na-  
3 tional labor laws and regulations; and

4 (D) developing an educational infrastruc-  
5 ture to educate workers about their legal rights  
6 and protections under national labor laws and  
7 regulations.

8 (3) LIMITATION.—The Secretary of Labor may  
9 not provide assistance under the program estab-  
10 lished under this subsection to the All-China Federa-  
11 tion of Trade Unions.

12 (c) LEGAL SYSTEM AND CIVIL SOCIETY RULE OF  
13 LAW PROGRAM.—The Secretary of State is authorized to  
14 establish a program to conduct rule of law training and  
15 technical assistance related to development of the legal  
16 system and civil society generally in the People’s Republic  
17 of China.

18 (d) CONDUCT OF PROGRAMS.—The programs author-  
19 ized by this section may be used to conduct activities such  
20 as seminars and workshops, drafting of commercial and  
21 labor codes, legal training, publications, financing the op-  
22 erating costs for nongovernmental organizations working  
23 in this area, and funding the travel of individuals to the  
24 United States and to the People’s Republic of China to  
25 provide and receive training.

1 **SEC. 512. ADMINISTRATIVE AUTHORITIES.**

2 In carrying out the programs authorized by section  
3 511, the Secretary of Commerce and the Secretary of  
4 Labor (in consultation with the Secretary of State) may  
5 utilize any of the authorities contained in the Foreign As-  
6 sistance Act of 1961 and the Foreign Service Act of 1980.

7 **SEC. 513. PROHIBITION RELATING TO HUMAN RIGHTS**  
8 **ABUSES.**

9 Amounts made available to carry out this subtitle  
10 may not be provided to a component of a ministry or other  
11 administrative unit of the national, provincial, or other  
12 local governments of the People's Republic of China, to  
13 a nongovernmental organization, or to an official of such  
14 governments or organizations, if the President has cred-  
15 ible evidence that such component, administrative unit, or-  
16 ganization or official has been materially responsible for  
17 the commission of human rights violations.

18 **SEC. 514. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) **COMMERCIAL LAW PROGRAM.**—There are author-  
20 ized to be appropriated to the Secretary of Commerce to  
21 carry out the program described in section 511(a) such  
22 sums as may be necessary for fiscal year 2001, and each  
23 fiscal year thereafter.

24 (b) **LABOR LAW PROGRAM.**—There are authorized to  
25 be appropriated to the Secretary of Labor to carry out  
26 the program described in section 511(b) such sums as may

1 be necessary for fiscal year 2001, and each fiscal year  
2 thereafter.

3 (c) LEGAL SYSTEM AND CIVIL SOCIETY RULE OF  
4 LAW PROGRAM.—There are authorized to be appropriated  
5 to the Secretary of State to carry out the program de-  
6 scribed in section 511(c) such sums as may be necessary  
7 for fiscal year 2001, and each fiscal year thereafter.

8 (d) CONSTRUCTION WITH OTHER LAWS.—Except as  
9 provided in this division, funds may be made available to  
10 carry out the purposes of this subtitle notwithstanding any  
11 other provision of law.

## 12 **TITLE VI—ACCESSION OF** 13 **TAIWAN TO THE WTO**

### 14 **SEC. 601. ACCESSION OF TAIWAN TO THE WTO.**

15 It is the sense of the Congress that—

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

24 (2) the United States should be prepared to ag-  
25 gressively counter any effort by any WTO member,

1 upon the approval of the General Council of the  
2 WTO of the terms and conditions of the accession  
3 of the People's Republic of China to the WTO, to  
4 block the accession of Taiwan to the WTO.

## 5 **TITLE VII—RELATED ISSUES**

### 6 **SEC. 701. AUTHORIZATIONS OF APPROPRIATIONS FOR** 7 **BROADCASTING CAPITAL IMPROVEMENTS** 8 **AND INTERNATIONAL BROADCASTING OPER-** 9 **ATIONS.**

10 (a) BROADCASTING CAPITAL IMPROVEMENTS.—In  
11 addition to such sums as may otherwise be authorized to  
12 be appropriated, there are authorized to be appropriated  
13 for “Department of State and Related Agency, Related  
14 Agency, Broadcasting Board of Governors, Broadcasting  
15 Capital Improvements” \$65,000,000 for the fiscal year  
16 2001.

17 (b) INTERNATIONAL BROADCASTING OPERATIONS.—

18 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
19 addition to such sums as are otherwise authorized to  
20 be appropriated, there are authorized to be appro-  
21 priated \$34,000,000 for each of the fiscal years  
22 2001 and 2002 for “Department of State and Re-  
23 lated Agency, Related Agency, Broadcasting Board  
24 of Governors, International Broadcasting Oper-  
25 ations” for the purposes under paragraph (2).

1           (2) USES OF FUNDS.—In addition to other au-  
2           thorized purposes, funds appropriated pursuant to  
3           paragraph (1) shall be used for the following:

4                   (A) To increase personnel for the program  
5                   development office to enhance marketing pro-  
6                   gramming in the People’s Republic of China  
7                   and neighboring countries.

8                   (B) To enable Radio Free Asia’s expansion  
9                   of news research, production, call-in show capa-  
10                  bility, and web site/Internet enhancement for  
11                  the People’s Republic of China and neighboring  
12                  countries.

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

Passed the House of Representatives May 24, 2000.

Attest:

*Clerk.*