

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

“SEC. 205. DEFINITIONS.

“In this title:

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

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

**§ 6902. Policy**

It is the policy of the United States—

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

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

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

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

(5) to encourage the Government of the People’s Republic of China to protect the human rights of people within the territory of the People’s Republic of China, and to take steps toward protecting such rights, including, but not limited to—

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

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

(C) affording a criminal defendant—

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

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

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

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

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

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

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

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

**§ 6903. Definitions**

In this chapter:

**(1) Dispute Settlement Understanding**

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

**(2) Government of the People’s Republic of China**

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

**(3) Internationally recognized worker rights**

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

**(4) Trade Representative**

The term “Trade Representative” means the United States Trade Representative.

**(5) WTO; World Trade Organization**

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

**(6) WTO Agreement**

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

**(7) WTO member**

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

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

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

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

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

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

### § 6912. Functions of the Commission

#### (a) Monitoring compliance with human rights

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

- (1) the right to engage in free expression without fear of any prior restraints;
- (2) the right to peaceful assembly without restrictions, in accordance with international law;
- (3) religious freedom, including the right to worship free of involvement of and interference by the government;
- (4) the right to liberty of movement and freedom to choose a residence within the People's Republic of China and the right to leave from and return to the People's Republic of China;
- (5) the right of a criminal defendant—
  - (A) to be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing;
  - (B) to be informed, if he or she does not have legal assistance, of the right set forth in subparagraph (A);
  - (C) to have legal assistance assigned to him or her in any case in which the interests of justice so require and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;
  - (D) to a fair and public hearing by a competent, independent, and impartial tribunal established by the law;
  - (E) to be presumed innocent until proved guilty according to law; and
  - (F) to be tried without undue delay;
- (6) the right to be free from torture and other forms of cruel or unusual punishment;
- (7) protection of internationally recognized worker rights;
- (8) freedom from incarceration as punishment for political opposition to the government;
- (9) freedom from incarceration as punishment for exercising or advocating human rights (including those described in this section);
- (10) freedom from arbitrary arrest, detention, or exile;
- (11) the right to fair and public hearings by an independent tribunal for the determination of a citizen's rights and obligations; and
- (12) free choice of employment.

#### (b) Victims lists

The Commission shall compile and maintain lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of the People's Republic of China due to their pursuit of the rights described in subsection (a). In

compiling such lists, the Commission shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families.

#### (c) Monitoring development of rule of law

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

- (1) progress toward the development of institutions of democratic governance;
- (2) processes by which statutes, regulations, rules, and other legal acts of the Government of the People's Republic of China are developed and become binding within the People's Republic of China;
- (3) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of the People's Republic of China are published and are made accessible to the public;
- (4) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules, and other legal acts of the Government of the People's Republic of China;
- (5) the extent to which individuals are treated equally under the laws of the of the<sup>1</sup> People's Republic of China without regard to citizenship;
- (6) the extent to which administrative and judicial decisions are independent of political pressure or governmental interference and are reviewed by entities of appellate jurisdiction; and
- (7) the extent to which laws in the People's Republic of China are written and administered in ways that are consistent with international human rights standards, including the requirements of the International Covenant on Civil and Political Rights.

#### (d) Bilateral cooperation

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

- (1) increasing enforcement of human rights described in subsection (a); and
- (2) developing the rule of law in the People's Republic of China.

#### (e) Contacts with nongovernmental organizations

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

#### (f) Cooperation with Special Coordinator

In performing the functions described in subsections (a) through (d), the Commission shall

<sup>1</sup> So in original.