

SUBCHAPTER I—GENERAL PROVISIONS

§ 6901. Findings

The Congress finds the following:

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

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

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

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

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

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

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

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

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

(10) The record of the People's Republic of China in implementing trade-related commitments has been mixed. While the People's Republic of China has generally met the requirements of the 1992 market access memorandum of understanding and the 1992 and 1995 agreements on intellectual property rights protection, other measures remain in place or have been put into place which tend to diminish the benefit to United States businesses, farmers, and workers from the People's Republic of China's implementation of those earlier commitments. Notably, administration of tariff-rate quotas and other trade-related laws re-

mains opaque, new local content requirements have proliferated, restrictions on importation of animal and plant products are not always supported by sound science, and licensing requirements for importation and distribution of goods remain common. Finally, the Government of the People's Republic of China has failed to cooperate with the United States Customs Service in implementing a 1992 memorandum of understanding prohibiting trade in products made by prison labor.

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

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

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

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116-145, §1(a), June 17, 2020, 134 Stat. 648, provided that: "This Act [enacting provisions set out as a note under this section] may be cited as the 'Uyghur Human Rights Policy Act of 2020'."

SHORT TITLE OF 2003 AMENDMENT

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

SHORT TITLE

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

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department

of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

IMPOSITION OF SANCTIONS

Pub. L. 116-145, §6, June 17, 2020, 134 Stat. 651, provided that:

“(a) REPORT REQUIRED.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [June 17, 2020], and not less frequently than annually thereafter, the President shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives that identifies each foreign person, including any official of the Government of the People’s Republic of China, that the President determines is responsible for any of the following with respect to Uyghurs, ethnic Kazakhs, Kyrgyz, members of other Muslim minority groups, or other persons in Xinjiang Uyghur Autonomous Region:

“(A) Torture.

“(B) Cruel, inhuman, or degrading treatment or punishment.

“(C) Prolonged detention without charges and trial.

“(D) Causing the disappearance of persons by the abduction and clandestine detention of those persons.

“(E) Other flagrant denial of the right to life, liberty, or the security of persons.

“(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

“(b) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (c) with respect to each foreign person identified in the report required under subsection (a)(1).

“(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

“(1) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person identified in the report required under subsection (a)(1) if such property and interests in property—

“(A) are in the United States;

“(B) come within the United States; or

“(C) come within the possession or control of a United States person.

“(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

“(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

“(i) inadmissible to the United States;

“(ii) ineligible to receive a visa or other documentation to enter the United States; and

“(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(B) CURRENT VISAS REVOKED.—

“(i) IN GENERAL.—An alien described in subsection (a)(1) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

“(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

“(I) take effect immediately; and

“(II) cancel any other valid visa or entry documentation that is in the alien’s possession.

“(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a foreign person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

“(d) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

“(e) WAIVER.—The President may waive the application of sanctions under this section with respect to a person identified in the report required under subsection (a)(1) if the President determines and certifies to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives that such a waiver is in the national interest of the United States.

“(f) EXCEPTIONS.—

“(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

“(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under subsection (c)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

“(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

“(B) to carry out or assist law enforcement activity in the United States.

“(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

“(A) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

“(B) GOOD DEFINED.—In this paragraph, the term ‘good’ means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

“(g) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives not later than 15 days before the termination takes effect that—

“(1) information exists that the person did not engage in the activity for which sanctions were imposed;

“(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

“(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a)(1) in the future; or

“(4) the termination of the sanctions is in the national security interests of the United States.

“(h) SUNSET.—This section, and any sanctions imposed under this section, shall terminate on the date that is 5 years after the date of the enactment of this Act [June 17, 2020].

“(i) DEFINITIONS.—In this section:

“(1) ADMISSION; ADMITTED; ALIEN.—The terms ‘admission’, ‘admitted’, and ‘alien’ have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

“(2) FOREIGN PERSON.—The term ‘foreign person’ means a person that is not a United States person.

“(3) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

“(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.”

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

Pub. L. 107-314, div. A, title XII, §1207, Dec. 2, 2002, 116 Stat. 2666, as amended by Pub. L. 114-323, title VII, §715(b)(4), Dec. 16, 2016, 130 Stat. 1946, provided that:

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

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

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

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

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

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

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

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

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

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

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

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

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence com-

munity deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.]

TIBETAN POLICY

Pub. L. 116-260, div. FF, title III, §342, Dec. 27, 2020, 134 Stat. 3122, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) Tibetan Buddhism is practiced in many countries including Bhutan, India, Mongolia, Nepal, the People’s Republic of China, the Russian Federation, and the United States, yet the Government of the People’s Republic of China has repeatedly insisted on its role in managing the selection of Tibet’s next spiritual leader, the Dalai Lama, through actions such as those described in the ‘Measures on the Management of the Reincarnation of Living Buddhas’ in 2007.

“(2) On March 19, 2019, Chinese Ministry of Affairs spokesperson reiterated that the ‘reincarnation of living Buddhas including the Dalai Lama must comply with Chinese laws and regulations and follow religious rituals and historical conventions’.

“(3) The Government of the People’s Republic of China has interfered in the process of recognizing a successor or reincarnation of Tibetan Buddhist leaders, including in 1995 by arbitrarily detaining Gedhun Choekyi Nyima, a 6-year old boy who was identified as the 11th Panchen Lama, and purporting to install its own candidate as the Panchen Lama.

“(4) The 14th Dalai Lama, Tenzin Gyatso, issued a statement on September 24, 2011, explaining the traditions and spiritual precepts of the selection of Dalai Lamas, setting forth his views on the considerations and process for selecting his successor, and providing a response to the Chinese government’s claims that only the Chinese government has the ultimate authority in the selection process of the Dalai Lama.

“(5) The 14th Dalai Lama said in his statement that the person who reincarnates has sole legitimate authority over where and how he or she takes rebirth and how that reincarnation is to be recognized and if there is a need for a 15th Dalai Lama to be recognized, then the responsibility shall primarily rest with the officers of the Dalai Lama’s Gaden Phodrang Trust, who will be informed by the written instructions of the 14th Dalai Lama.

“(6) Since 2011, the 14th Dalai Lama has reiterated publicly on numerous occasions that decisions on the successions, emanations, or reincarnations of the Dalai Lama belongs to the Tibetan Buddhist faith community alone.

“(7) On June 8, 2015, the United States House of Representatives unanimously approved House Resolution 337 which calls on the United States Government to ‘underscore that government interference in the Tibetan reincarnation process is a violation of the internationally recognized right to religious freedom . . . and to highlight the fact that other countries besides China have long Tibetan Buddhist traditions, and that matters related to reincarnations in Tibetan Buddhism are of keen interest to Tibetan Buddhist populations worldwide’.

“(8) On April 25, 2018, the United States Senate unanimously approved Senate Resolution 429 which ‘expresses its sense that the identification and installation of Tibetan Buddhist religious leaders, including a future 15th Dalai Lama, is a matter that should be determined solely within the Tibetan Buddhist faith community, in accordance with the inalienable right to religious freedom’.

“(9) The Department of State’s Report on International Religious Freedom for 2018 reported on poli-

cies and efforts of the Government of the People's Republic of China to exert control over the selection of Tibetan Buddhist religious leaders, including reincarnate lamas, and stated that '[United States] officials underscored that decisions on the reincarnation of the Dalai Lama should be made solely by faith leaders.'

“(b) STATEMENT OF POLICY.—It is the policy of the United States that—

“(1) decisions regarding the selection, education, and veneration of Tibetan Buddhist religious leaders are exclusively spiritual matters that should be made by the appropriate religious authorities within the Tibetan Buddhist tradition and in the context of the will of practitioners of Tibetan Buddhism;

“(2) the wishes of the 14th Dalai Lama, including any written instructions, should play a key role in the selection, education, and veneration of a future 15th Dalai Lama; and

“(3) interference by the Government of the People's Republic of China or any other government in the process of recognizing a successor or reincarnation of the 14th Dalai Lama and any future Dalai Lamas would represent a clear abuse of the right to religious freedom of Tibetan Buddhists and the Tibetan people.

“(c) HOLDING CHINESE OFFICIALS RESPONSIBLE FOR RELIGIOUS FREEDOM ABUSES TARGETING TIBETAN BUDDHISTS.—It is the policy of the United States to take all appropriate measures to hold accountable senior officials of the Government of the People's Republic of China or the Chinese Communist Party who directly interfere with the identification and installation of the future 15th Dalai Lama of Tibetan Buddhism, successor to the 14th Dalai Lama, including by—

“(1) imposing sanctions pursuant to the Global Magnitsky Human Rights Accountability Act [subtitle F of title XII of div. A of Pub. L. 114-328] (22 U.S.C. 2656 note); and

“(2) prohibiting admission to the United States under section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)).

“(d) DEPARTMENT OF STATE PROGRAMMING TO PROMOTE RELIGIOUS FREEDOM FOR TIBETAN BUDDHISTS.—Consistent with section 401 of the Frank R. Wolf International Religious Freedom Act (Public Law 114-281; 130 Stat. 1436), the Ambassador-at-Large for International Religious Freedom should support efforts to protect and promote international religious freedom in China and for programs to protect Tibetan Buddhism in China and elsewhere.”

Pub. L. 107-228, div. A, title VI, subtitle B, Sept. 30, 2002, 116 Stat. 1396, as amended by Pub. L. 114-323, title VII, §715(b)(1), Dec. 16, 2016, 130 Stat. 1946; Pub. L. 115-94, §13, Dec. 18, 2017, 131 Stat. 2041; Pub. L. 116-260, div. FF, title III, §341, Dec. 27, 2020, 134 Stat. 3119, provided that:

“SEC. 611. SHORT TITLE.

“This subtitle may be cited as ‘Tibetan Policy Act of 2002’.

“SEC. 612. STATEMENT OF PURPOSE.

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

“SEC. 613. TIBET NEGOTIATIONS.

“(a) POLICY.—

“(1) IN GENERAL.—The President and the Secretary should encourage the Government of the People's Republic of China to enter into a dialogue without preconditions with the Dalai Lama or his representatives or democratically-elected leaders of the Tibetan community leading to a negotiated agreement on Tibet and should coordinate with other governments in multilateral efforts toward this goal.

“(2) POLICY COMMUNICATION.—The Secretary of State shall ensure that, in accordance with this Act, United States policy on Tibet, as coordinated by the United States Special Coordinator for Tibetan Issues, is communicated to all Federal departments and

agencies in contact with the Government of the People's Republic of China.

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

“(b) PERIODIC REPORTS.—Not later than 180 days after the date of the enactment of the Department of State Authorities Act, Fiscal Year 2017, Improvements Act [Dec. 18, 2017], and annually thereafter until December 31, 2031, the President shall transmit to the appropriate congressional committees and direct the Department of State to make public on its website a report on—

“(1) the steps taken by the President and the Secretary in accordance with subsection (a)(1) to implement the Tibetan Policy Act of 2002;

“(2) the status of any discussions between the People's Republic of China and the Dalai Lama or his representatives or a successor selected by a method of the 14th Dalai Lama's own choosing or the representatives of such successor; and

“(3) the steps taken by the United States Government to promote the human rights and distinct religious, cultural, linguistic, and historical identity of the Tibetan people, including the right of the Tibetan people to select, educate, and venerate their own religious leaders in accordance with their established religious practice and system.

“SEC. 614. REPORTING ON TIBET.

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

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

[Amended section 6912 of this title.]

“SEC. 616. ECONOMIC DEVELOPMENT IN TIBET.

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

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

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

“(d) TIBET PROJECT PRINCIPLES.—Projects in Tibet supported by international financial institutions, other international organizations, nongovernmental organizations, and the United States entities referred to in subsection (c), should—

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

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

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

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

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

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

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

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

“(9) neither provide incentive for, nor facilitate the involuntary or coerced transfer of ownership of, Tibetan land or natural resources to non-Tibetans; and

“(10) neither provide incentive for, nor facilitate the involuntary or coerced relocation of, Tibetan nomads from their traditional pasturelands into concentrated settlements.

“(e) UNITED STATES ASSISTANCE.—

“(1) IN GENERAL.—The President is authorized to provide assistance to nongovernmental organizations to support inclusive economic growth, resilience, global health, education, environmental stewardship, and cultural and historical preservation for Tibetan communities in Tibet, in accordance with the principles specified in subsection (d).

“(2) COORDINATION.—Assistance authorized under paragraph (1) shall be carried out in coordination with the United States Special Coordinator for Tibetan Issues in accordance with section 621(d).

“(f) PRIVATE SECTOR INVESTMENT.—The Secretary of State, in coordination with the Secretary of Commerce, should—

“(1) encourage United States businesses and individuals that are engaged in commerce or investing in enterprises in Tibet to be guided by the principles specified in subsection (d) and the United Nations Guiding Principles on Business and Human Rights; and

“(2) hold regular consultations with businesses and individuals that are engaged in commerce or are investing in enterprises in Tibet about the principles referenced in paragraph (1) and the business practices of such businesses and individuals in Tibet.

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

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

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

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

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

“SEC. 618. DIPLOMATIC REPRESENTATION RELATING TO TIBET.

“(a) UNITED STATES CONSULATE IN LHASA, TIBET.—The Secretary should seek to establish a United States consulate in Lhasa, Tibet—

“(1) to provide consular services to United States citizens traveling in Tibet; and

“(2) to monitor political, economic, and cultural developments in Tibet.

“(b) POLICY.—The Secretary may not authorize the establishment in the United States of any additional consulate of the People’s Republic of China until such time as a United States consulate in Lhasa, Tibet, is established under subsection (a).

“(c) WAIVER.—The Secretary may waive the requirement under subsection (b), notwithstanding the lack of a United States consulate in Lhasa, not less than 30 days after the Secretary determines and reports to the appropriate congressional committees that it is in the national security interests of the United States to waive such requirements and submits to the appropriate congressional committees a report including—

“(1) a specific and detailed rationale for the determination that the waiver is in the national security interests of the United States; and

“(2) a description of the efforts by the Department of State to seek the establishment of a United States consulate in Lhasa.

“SEC. 619. REQUIREMENT FOR TIBETAN LANGUAGE TRAINING.

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

“SEC. 620. RELIGIOUS PERSECUTION IN TIBET.

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

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

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

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

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

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

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

“(c) OBJECTIVES.—The objectives of the Special Coordinator are to—

“(1) promote substantive dialogue without preconditions, between the Government of the People’s Republic of China and the Dalai Lama, his or her representatives, or democratically elected leaders of the Tibetan community, or explore activities to improve prospects for dialogue, that leads to a negotiated agreement on Tibet;

“(2) coordinate with other governments in multilateral efforts towards the goal of a negotiated agreement on Tibet;

“(3) encourage the Government of the People’s Republic of China to address the aspirations of the Tibetan people with regard to their distinct historical, cultural, religious, and linguistic identity;

“(4) promote the human rights of the Tibetan people;

“(5) promote activities to preserve environment and water resources of the Tibetan plateau;

“(6) encourage that any initiatives or activities for Tibetan communities in the Tibet Autonomous Region are conducted in accordance with the principles espoused in section 616(d); and

“(7) promote access to Tibet in accordance with the Reciprocal Access to Tibet Act of 2018 (Public Law 115-330) [8 U.S.C. 1182 note].

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

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

“(2) vigorously promote the policy of seeking to protect the distinct religious, cultural, linguistic,

and national identity of Tibet, and pressing for improved respect for human rights;

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

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

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

“(6) provide guidance with respect to all projects carried out pursuant to assistance provided under section 616(e);

“(7) seek to establish international diplomatic coalitions to—

“(A) oppose any effort by the Government of the People’s Republic of China to select, educate, and venerate Tibetan Buddhist religious leaders in a manner inconsistent with the principle that the succession or identification of Tibetan Buddhist lamas, including the Dalai Lama, should occur without interference, in a manner consistent with traditional practice; and

“(B) ensure that the identification and installation of Tibetan Buddhist religious leaders, including any future Dalai Lama, is determined solely within the Tibetan Buddhist faith community, in accordance with the internationally-recognized right to religious freedom; and

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

“(e) PERSONNEL.—The Secretary shall ensure that the Office of the Special Coordinator is adequately staffed at all times to assist in the management of the responsibilities of this section.”

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

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

POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

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

“SEC. 201. SHORT TITLE.

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

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

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

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

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

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

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

“(5) Human rights also serve as a basis for Macau’s continued economic prosperity, and Congress takes note of Macau’s adherence to the International Con-

vention on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

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

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

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

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

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

“(a) CONTINUED APPLICATION.—

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

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

“(b) EXPORT CONTROLS.—

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

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

“(c) INTERNATIONAL AGREEMENTS.—

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

“(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally

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

“SEC. 204. REPORTING REQUIREMENT.

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

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

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

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

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

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

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

“SEC. 205. DEFINITIONS.

“In this title:

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

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

§ 6902. Policy

It is the policy of the United States—

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

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

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

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

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

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

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

(C) affording a criminal defendant—

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

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

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

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

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

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

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

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

§ 6903. Definitions

In this chapter:

(1) **Dispute Settlement Understanding**

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

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

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

(3) **Internationally recognized worker rights**

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