

**Congressional Interests in Making China Policy: An Analysis of the  
Post-Cold War Evolution of Congressional Policymaking toward China**

A Thesis

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by

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## **Abstract**

The development of official Sino-U.S. relations during the Cold War occurred in the shadow of an assertive Soviet power, when Washington and Beijing found common geopolitical ground in opposing Soviet expansion and overlooked longstanding political disagreements. The Soviet demise, however, put the United States and China on a new geostrategic footing, and the changing international environment forced Washington to approach China policy in a different context. What explains the evolution of congressional policymaking in U.S. policy toward China since the end of the Cold War? My review of legislation vis-à-vis China since 1992 revealed that congressional policy can be divided into four main issue areas: cross-strait relations, proliferation of weapons of mass destruction, human rights, and trade. Each chapter explored congressional policy in each area through floor voting to explain congressional interests, how congressional policymaking evolved, and what domestic political factors influenced this legislation. The conclusions of this study provide insight into congressional policymaking and its potential future evolution, because China's growth had a profound influence on legislation. When China was relatively weaker, Congress was much more assertive in: (1) pursuing a separate relationship with Taiwan, (2) confronting China's proliferation activities, and (3) targeting perceived unfair trade practices that blocked American access to Chinese markets. As China's strength grew, however, Congress became: (1) much less active in cross-strait policymaking, (2) less prone to naming China as a proliferator, and (3) more focused on protecting American markets. The only

issue area that appeared immune from this effect was human rights policy. This dissertation also shed light on the influence of domestic political factors on congressional policymaking. The only factor that influenced all four issue areas was the interbranch rivalry. Elections affected policymaking in cross-strait and trade policy, and partisan competition influenced policymaking in proliferation and human rights policy. These findings indicate that, while the struggle over policy control will generally affect congressional policymaking in all issue areas, upcoming elections are more likely to affect cross-strait relations and trade policy, and a politically divided White House and Congress are more likely to affect proliferation and human rights policy.

For my wife, Stephanie,  
who has most closely witnessed, and bore, the toll of my scholarly pursuits,  
and unfailingly encouraged me nonetheless.

## Acknowledgments

I am most grateful to Professor Alan Wachman, my dissertation advisor and professional mentor. Most graduate students hold their advisors in the highest regard, but only those who know Alan well can fully appreciate the personal investment that he so readily offers. I look back on the first meeting when I approached him about entering the PhD program, and with so little academic training prior to Fletcher, I am still amazed that he agreed to such a daunting task. Throughout the doctoral professionalization process, I credit him entirely with developing my academic abilities.

I am also grateful to Professor Alan Henrikson and Professor Bill Martel for cheerfully agreeing to serve as readers on my committee. I studied under Professor Martel in the course of pursuing the International Security Studies field during the MALD program, and I enjoyed the opportunity to continue working with him through the dissertation writing process. While I did not have the pleasure of studying under Professor Henrikson, which was driven more by field requirements than choice, he was an ideal fit for the topic of this dissertation. Both gentlemen perfectly complemented Professor Wachman's style of advising, and I am particularly indebted to them for stepping in to guide me through to completion upon the direst turn of events. I know that Professor Wachman is thankful as well.

Upon finishing my comprehensive examinations, I was called back to active duty in Washington, where I began the initial research toward my dissertation proposal. I was fortunate to work alongside two PhDs, Dr. Randy Papadopoulos, an historian, and Dr. Neil Jenkins, a chemist. Although not in my field, their friendship and mentorship were invaluable during an unexpectedly lengthy proposal writing process. The bumps I encountered along the way were often put in perspective, as they laughed and assured me that, although doctoral fields of study vary greatly in standards and methodology, some procedural challenges and academic oddities are universal. In addition, I am grateful to my supervisor, Bryan Clark, who was both interested and inquisitive about my academic interests, as well as Vice Admiral Bill Burke and Rear Admiral David



Woods, who permitted flexible hours that allowed me to research and write during less demanding periods of the Pentagon rat race.

I should also note that my academic pursuits might not have begun without the support of Admiral Jim Stavridis. During a chance encounter with him when I was a young lieutenant, I expressed an interest in applying for the Navy's politico-military specialist scholarship so that I could attend Fletcher. He revealed that he was a Fletcher alumnus and took a surprisingly keen interest in my academic aspirations. I have since learned that this interest is "classic Stavridis," as he has gained a reputation for investing personal time to assist junior officers in their professional development. Admiral Stavridis was not bound to give this young lieutenant anything more than a handshake and good luck wishes, but he provided invaluable letters of recommendation, advice and words of encouragement.

If there was ever an unsung heroine in the Fletcher PhD program, she is Jenifer Burkett-Picker. From the moment that I was accepted into the program, Jenifer made herself available to guide me through the myriad obstacles. She was instrumental in helping navigate, for me, a lengthy dissertation proposal phase. Once my research and writing began in earnest, she would check in every so-often to ensure that I was making progress. Her steadfast dedication to doctoral candidates was particularly helpful after the Navy pulled me away from Massachusetts, as she often seemed like my most ardent advocate on campus. Without her support, I could have easily fallen victim to the old adage, "out of sight, out of mind."

When I think back on the last three years of research and writing, I can remember many meetings that are likely a faint memory to those who gave me their time, but their graciousness was more impactful than they probably know. Included in this list are: Professor Robert Sutter, then at the School of Foreign Service, Georgetown University; Ronald O'Rourke, Congressional Research Service; Kerry Dumbaugh, Congressional Research Service; Professor Wendy Schiller-Kalunian, Brown University; and Professor Solomon Major, U.S. Naval War College. I am particularly grateful to Wendy Schiller and Solomon Major

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Despite my separation from Fletcher since completing the comprehensive examinations, the peer support that I received was an extraordinarily important element of the dissertation writing process. I am indebted to Courtney Richardson for the many Skype-support sessions; Liz Mandeville for the many breakfasts at Renee's; and Nancy Gleason for her unending encouragement; not to mention the friendship of Kei Koga and Geoffrey Gresh.

And finally, to whom this dissertation is dedicated, I am eternally grateful to my wife, Stephanie, for her endless support throughout this endeavor. I began the Fletcher MALD program six months before we were married, so our engagement and our marriage has been marked by GREs, graduate school applications, classes, exams, summer school, PhD applications, comprehensive exams, and dissertation proposals, followed by writing, writing, and more writing. Every weekend and weekday evening, for the entirety of our marriage, has involved some form of studying, researching or writing. Stephanie left her job in Washington to permit my enrollment at Fletcher; and then left her job in Massachusetts when I was called back to active duty in Washington; and then left another job in Washington for me to take residency at the Naval War College in Newport, allowing me the time to finish this dissertation. All along this journey, she picked me up at the low points, and more importantly, encouraged me to take time to celebrate the high points. While she would never take credit for the pages that follow, this work is as much Stephanie's as it is mine.

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## CHAPTER ONE

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### INTRODUCTION

What explains the post-Cold War evolution of congressional policymaking in U.S. policy toward China, when the dissolution of the Soviet Union removed what had been the foundation of an implicit Sino-U.S. alliance? The development of official relations between Washington and Beijing during the Cold War occurred in the shadow of an assertive Soviet power, so the United States and China were able to find common geopolitical ground in opposing Soviet expansion while overlooking longstanding political disagreements. The dissolution of the Soviet empire, however, put the United States and China on a new geostrategic footing. Political disagreements were no longer exempted in light of a counter-Soviet strategy, and the reduction in concern for the Soviet threat allowed policymakers in both Washington and Beijing to focus on competing trade interests. As such, the changing international environment after 1991 forced policymakers in Washington to approach China policy in a different context.<sup>1</sup> As summarized by Assistant Secretary of State Winston Lord, “How do

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<sup>1</sup> This change has been noted in, but not the subject of, several important studies over the last decade. Politically, the strategic value of the Sino-U.S. partnership did not outweigh the political price of overlooking American ideals. Consider how the United States was faced with the dilemma of responding to the Tiananmen incident. China had previously held strategic value, but it became a strategic liability in 1989, because the United States wanted to be recognized as the leading proponent of democratization and human rights. This change in the international context also affected the U.S. approach to cross-strait relations. The United States had abrogated its treaty with Taiwan as a prerequisite for normalization of relations with China, but Taiwan transformed itself into a democratic state in the 1990s, which attracted the interest of U.S. lawmakers who favored promotion of democracy. Now that the Soviet threat had dissipated, lawmakers were actively questioning the turn away from Taipei in favor of Beijing, reminiscent of the pre-normalization congressional policy that supported defense of the island. Economically, the communist regime based its legitimacy on export-led economic success since reforms began under Deng Xiaoping, which was one of the few attractive aspects of communist rule in the aftermath of Tiananmen. To

we reconcile our competing goals in a post-Cold War agenda when security concerns no longer lend us a clear hierarchy?"<sup>2</sup> This dissertation will examine policy toward China between 1992 and 2008, with a particular focus on policymaking in Congress, which has been insufficiently studied in the realm of China policymaking.<sup>3</sup>

### **WHY THE POST-COLD WAR PERIOD?**

The post-Cold War period has special significance in the Sino-U.S. relationship because of the power transition that has occurred between the United States and China. Shifts in the distribution of power among great powers have been a recurring source of great power war, and the U.S.-China relative power

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understand the Chinese perspective in the last two decades of the 20th century, and even into the beginning decade of the 21st century, it is imperative to understand the impact of Deng Xiaoping, who arguably had the most influence on the course of modern China. For example, see Ezra Vogel, *Deng Xiaoping and the Transformation of China*, (Cambridge, MA: The Belknap Press of Harvard University Press, 2011). In the United States, the end of the Cold War brought popular calls to achieve a "peace dividend" by focusing less on building strong defenses and more on restructuring the U.S. economy to increase its competitiveness in the international market. John W. Garver, *The Sino-American Alliance: Nationalist China and American Cold War Strategy in Asia*, (Armonk, N.Y.: M.E. Sharpe, 1997), 129-130; David M. Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, (Berkeley: University of California Press, 2001), 95 and Kindle Edition 1595-1604; Steven G. Livingston, "The Limits of High Politics: When National Security & International Economic Goals Conflict in American Foreign Policymaking," *Polity* 26, no. 3 (1994): 418; Stanley Lubman, "The Dragon as Demon: Images of China on Capitol Hill," *Journal of Contemporary China* 13, no. 40 (2004): 545; Robert Sutter, "The U.S. Congress: Personal, Partisan, Political," in *Making China Policy: Lessons from the Bush and Clinton Administrations*, ed. Ramon Hawley Myers, Michel Oksenberg, and David L. Shambaugh (Lanham, Md.: Rowman & Littlefield Publishers, 2001), 78-82; Xie Tao, *U.S.-China Relations: China Policy on Capitol Hill*, Routledge Contemporary China Series (London/New York: Routledge, 2009), Kindle Edition 6773-6812.

<sup>2</sup> Winston Lord, "Emerging Malaise in Our Relations with Asia," undated memorandum to Secretary of State Warren Christopher, as quoted in David M. Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, (Berkeley: University of California Press, 2001), 135.

<sup>3</sup> Most scholarship in this field has narrowly focused on executive branch behavior. The content of this literature is covered in more detail later in this chapter.

transition has the possibility of considerable economic and political conflicts of interest within the larger strategic competition.<sup>4</sup>

The scholarly tradition of studying power shifts dates back as far as Thucydides' examination of the Peloponnesian War and is based on the argument that a redistribution of power results in strategic instability that frequently leads to war, as changing relative capabilities lead to changing ambitions.<sup>5</sup> By one measure in the power transition literature, if China's power were to increase in strength to 80 percent of the United States, it would be defined as a "challenger" to Washington's ability to control the international system.<sup>6</sup> In fact, power transition theory has implied that there is inevitability to China's rise past the United States, because it rests on an assumption that societies with high populations will ultimately overtake less populated states.<sup>7</sup> This approach toward power transition portends that China's increasing power will result in more assertive policy from Washington to maintain its international standing. Once the power transition is further along, U.S. policy could even become protective to prevent Chinese infringement of American sovereignty.

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<sup>4</sup> Robert S. Ross and Zhu Feng, *China's Ascent: Power, Security, and the Future of International Politics*, Cornell Studies in Security Affairs (Ithaca: Cornell University Press, 2008), 1-2.

<sup>5</sup> Robert Ross and Zhu Feng, "The Rise of China: Theoretical and Policy Perspectives," in *China's Ascent: Power, Security, and the Future of International Politics*, ed. Robert S. Ross and Zhu Feng (Ithaca: Cornell University Press, 2008), 293.

<sup>6</sup> Jack S. Levy, "Power Transition Theory and the Rise of China," in *China's Ascent: Power, Security, and the Future of International Politics*, ed. Robert S. Ross and Zhu Feng (Ithaca: Cornell University Press, 2008), 13.

<sup>7</sup> *Ibid.*, 16.

Economists such as Jonathan Kirshner have argued that China's expanding economy creates greater turmoil with the United States because of Beijing's increasing money and influence. Relying on the theoretical work of Albert Hirschman, Kirshner explained that China's attractiveness as a source of foreign exports and a destination of foreign investment translates into greater political influence.<sup>8</sup> While this growth may not contribute to the prospect for war, it does act as an irritant to bilateral relations, stoking international rivalry and political conflict.<sup>9</sup> Hirschman's study has been used to explain how an asymmetric economic relationship can result in a coercive lever employed to threaten a disruption in trade, but Kirshner contended that there was a more important argument to be had about influence. He described it as the "less-visible mechanism" that is more common and more consequential in the conduct of international relations, where expanding trade relations shapes the way that a state perceives its own interests. Domestic interests become more involved as economic issues attain more importance, and those who favor warm relations are empowered to affect the trajectory of the national interest.<sup>10</sup> This assertion serves as the basis for scholars who contend that interest group politics are a critical factor in policymaking toward China.

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<sup>8</sup> Albert O. Hirschman, *National Power and the Structure of Foreign Trade*, (Berkeley and Los Angeles: University of California press, 1945).

<sup>9</sup> Jonathan Kirshner, "The Consequences of China's Economic Rise for Sino-U.S. Relations," in *China's Ascent: Power, Security, and the Future of International Politics*, ed. Robert S. Ross and Zhu Feng (Ithaca: Cornell University Press, 2008), 239.

<sup>10</sup> *Ibid.*, 241-242.

This period of power transition is also informed by the logic of the security dilemma, as China's increased military capabilities triggered nervous reactions in the United States. Leaders in Washington were constrained to hedge against possible conflict with an increasingly powerful China, because it is easier to judge observable capabilities than unobservable future intentions.<sup>11</sup>

Another factor in this period was American unipolarity, which provided a strong incentive for China to address the dangers of a suspicious U.S. power determined to maintain its hegemony.<sup>12</sup> In examining this power dyad as a competition for hegemony, Robert Art found that the potential for stability between the United States and China can be measured through three factors: the level of security each feels vis-à-vis the other; the level of economic interdependence; and the ideological differences that exist between the two. He argued that instability from security dilemma dynamics and arms racing will result from lower levels of security, lower levels of economic interdependence, and higher levels of ideological differences. Conversely, stability will result from higher levels of security, greater economic interdependence and ideological similarity.<sup>13</sup> This argument bounds the theoretical spectrum of variables at each end, but in practice, the Sino-U.S. relationship since 1992 has been characterized

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<sup>11</sup> Avery Goldstein, "Parsing China's Rise: International Circumstances and National Attributes," in *China's Ascent: Power, Security, and the Future of International Politics*, ed. Robert S. Ross and Zhu Feng (Ithaca: Cornell University Press, 2008), 57.

<sup>12</sup> *Ibid.*, 61.

<sup>13</sup> Robert J. Art, "The United States and the Rise of China: Implications for the Long Haul," in *China's Ascent: Power, Security, and the Future of International Politics*, ed. Robert S. Ross and Zhu Feng (Ithaca: Cornell University Press, 2008), 268-269.



by varying security concerns, increasing economic interdependence and longstanding ideological differences.

The Sino-U.S. relationship evolved between 1992 and 2008 in a radically changing international environment marked by this relative power transition. Given that similar power shifts among great powers have been a recurring source of war, the U.S.-China relative power transition has the possibility of considerable conflicts of interest and warrants close study.

### **WHY CONGRESS?**

My review of the body of literature on Sino-U.S. relations revealed that Congress has been insufficiently studied in the realm of China policymaking, as most scholarship in this field has narrowly focused on executive branch behavior.<sup>14</sup> This observation first led me to consider whether Congress really mattered in policy vis-à-vis China, and more specifically, whether it mattered in the post-Cold War international environment since 1992.

Consider the events of 1995 that preceded the so-called “1996 Taiwan Strait Crisis.” As Taiwanese President Lee Teng-hui was engaged in a strategic effort to use diplomatic visits to win international recognition for Taiwan's independence, he visited numerous countries and lobbied for a trip to the United States to bolster bilateral relations. The Clinton administration’s generally held position was that, as Winston Lord described, “the turbulence that would be caused in our relations with Beijing wasn’t worth granting a travel permit to Lee.”

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<sup>14</sup> The content of this literature is covered in more detail later in this chapter.

This view was severely criticized on Capitol Hill, which accused the administration of failing to support a proponent of democracy in Taiwan.<sup>15</sup> Still, Christopher testified before Congress in February 1995 that the administration would not let Lee Teng-hui visit the United States, stating that it would be “inconsistent with the unofficial character of our relationship.”<sup>16</sup>

In May 1995, when Lee Teng-hui was invited to his alma mater Cornell University to speak at his class reunion, Congress weighed in with a resolution calling on the President to welcome the visit. This legislation referenced several bills passed during previous years, including the *Immigration and Nationality Technical Corrections Act of 1994*, and was passed by a vote of 396-0 in the House and 97-1 in the Senate. The measure effectively required that the Taiwan President be welcomed, and after the overwhelming votes in both chambers, it was signed into law by President Clinton.<sup>17</sup> While the White House had resolved not to permit the visit, this hortatory resolution carried the prospect of further, more substantive congressional action if the President did not concede. Winston Lord confided that the administration feared that Congress, if ignored by the President, might alter the *Taiwan Relations Act*. “We felt that Congress would be so outraged if we held out on this issue that it might tamper with the *Taiwan*

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<sup>15</sup> Nancy Bernkopf Tucker, *China Confidential: American Diplomats and Sino-American Relations, 1945-1996*, (New York: Columbia University Press, 2001), 479.

<sup>16</sup> George Gedda, “Christopher Favors Closer Links with Taiwan,” Associated Press, February 15, 1995.

<sup>17</sup> Of note, Lee Teng-hui was also considering a stop in Anchorage, Alaska to attend the USA-ROC Economic Council Conference. House, *Immigration and Nationality Technical Corrections Act of 1994*, 103rd Cong., 2nd sess., 1994, H.R.783; House, *Expressing the Sense of the Congress Regarding a Private Visit by President Lee Teng-Hui of the Republic of China on Taiwan to the United States*, 104th Cong., 1st sess., 1995, H.CON.RES.53.

*Relations Act* and might enforce other things with respect to Taiwan which could really hurt policy toward Beijing,” Lord recalled.<sup>18</sup> Robert Suettinger, National Security Council Director of Asian Affairs, also noted that with such overwhelming margins of victory in previous congressional votes, the White House believed that a veto of such legislation would likely be overridden.<sup>19</sup> Lord attested that, although the administration did not intend to issue a visa, the pressure was intense enough to allow Lee to visit.<sup>20</sup> President Lee ultimately visited Cornell, which angered Beijing just as the administration had feared.<sup>21</sup>

This series of events is just one example of congressional influence in China policymaking. While the President enjoys the preponderance of foreign policy power provided by the Constitution, Congress has demonstrated an ability to establish U.S. policy toward China through legislation. In short, Congress mattered in China policymaking during this period.

One can understand why the executive branch has received so much attention in the existing literature. The president is largely assigned to oversee U.S. foreign policy, and high-visibility crisis decisions are normally managed by small groups within the executive branch.<sup>22</sup> Outside of extra-ordinary

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<sup>18</sup> Tucker, *China Confidential: American Diplomats and Sino-American Relations, 1945-1996*, 480.

<sup>19</sup> Robert Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*, (Washington, D.C.: Brookings Institution Press, 2003), 215.

<sup>20</sup> Tucker, *China Confidential: American Diplomats and Sino-American Relations, 1945-1996*, 480.

<sup>21</sup> Suettinger, *Beyond Tiananmen*, 215.

<sup>22</sup> Such sweeping statements about the foreign policy power of the president are in fact commentary on complex constitutional arrangements, which could not be adequately covered in

circumstances, however, lies a non-crisis foreign policy making system that is not dominated by the executive branch. Therefore, considering foreign policy as exclusively in the portfolio of the president does not reflect the ambiguity and complexity created by the Constitution and fails to capture important features of making foreign policy.<sup>23</sup>

The foreign policymaking relationship between the President and Congress is important to consider, as these two branches comprise one U.S. government foreign policymaking system. As such, there is not “congressional policy,” nor is there “presidential policy,” but rather, there is U.S. policy, which is composed of policymaking from both the President and Congress. This arrangement is important to appreciate, and further references in this dissertation to “congressional policymaking” do not imply that Congress is creating policy separate from the administration. Instead, “congressional policymaking” conveys that Congress is an active participant with the President in creating U.S. foreign policy.

It is also important to point out that this study is not an examination of the relative impact of the executive or legislative branches in foreign policy. James Lindsay aptly noted that it is futile to argue against the point that the executive branch matters *more* in this realm, but acknowledging this fact does not justify the

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this introductory section. For further reading on the presidential-congressional arrangement of foreign policy power, see Louis Henkin, *Foreign Affairs and the US Constitution*, (New York: Oxford University Press, USA, 1997); Thomas M. Franck, Michael J. Glennon, and Sean D. Murphy, *Foreign Relations and National Security Law*, (Eagan, MN: Thomson West, 2007); Michael J. Glennon, *Constitutional Diplomacy*, (Princeton: Princeton University Press, 1991); and Xie Tao, *U.S.-China Relations: China Policy on Capitol Hill*, Kindle Edition, loc. 417-423.

<sup>23</sup> James M. Scott, "Interbranch Rivalry and the Reagan Doctrine in Nicaragua," *Political Science Quarterly* 112, no. 2 (1997): 238.

conclusion that Congress is irrelevant.<sup>24</sup> Narrowing the debate over which branch *controls* China policy distracts from understanding congressional policy behavior in the Sino-U.S. relationship. Still, this dissertation notes interbranch struggles over policy when relevant, particularly when this rivalry explains why Congress passed certain legislation.

### LEVELS-OF-ANALYSIS IN STUDYING CONGRESS

There are many approaches toward studying Congress. At the highest level, Congress can be examined as a unitary actor by focusing on policy

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<sup>24</sup> Although this thesis has been thoroughly debated, it is widely accepted in the existing literature that the president is the more dominant actor in foreign policy making. This relative power advantage has been attributed to monopoly of intelligence analysis, the single-actor of the executive, presidential power to deploy armed forces, domination of the public debate through the “bully pulpit,” and the norm of congressional deference for the office of the president. The congressional role, as compared to the executive, has been described as simply amending or vetoing presidential proposals. However, some scholars have disagreed with the conclusion that the president is always dominant in foreign policy making. They argued that control over foreign policy swings, and previous conclusions have been based on observations at a moment in time when the pendulum had swung toward the executive. They particularly noted that studies about control over foreign policy tend to use crises as case studies, when power tends to gravitate toward the president. In the aftermath of the Vietnam War, Congress began to reassert itself in foreign policy making, and follow on studies reflected this change. The pendulum thesis gained a foothold in the literature in the 1970s and persisted well into the 1990s. Another hypothesis contends that the president seizes the most power during policymaking to address a crisis and Congress has the most power in domestic structural policymaking. For more in-depth discussion of these competing arguments, see: James M. Lindsay, “Congress and Foreign Policy: Why the Hill Matters,” *Political Science Quarterly* 107, no. 4 (1992); D. A. Peppers, “The Two Presidencies: Eight Years Later,” in *Perspectives on the Presidency*, ed. Aaron B. Wildavsky (Boston: Little, Brown, 1975); Randall B. Ripley and James M. Lindsay, *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, (Ann Arbor: University of Michigan Press, 1993); James Arthur Robinson, *Congress and Foreign Policy-Making*, Rev. ed., The Dorsey Series in Political Science (Homewood, Ill.: Dorsey Press, 1967); Arthur M. Schlesinger and Alfred De Grazia, *Congress and the Presidency: Their Role in Modern Times*, Rational Debate Seminars (Washington, DC: American Enterprise Institute for Public Policy Research, 1967); Lee Sigelman, “A Reassessment of the Two Presidencies Thesis,” *The Journal of Politics* 41, no. 4 (1979); John W. Spanier and Eric M. Uslaner, *How American Foreign Policy Is Made*, 2d ed. (Huntington, N.Y.: R. E. Krieger Pub. Co., 1978); John W. Spanier and Eric M. Uslaner, *American Foreign Policy Making and the Democratic Dilemmas*, 4th ed. (New York: Holt, Rinehart and Winston, 1985); Aaron Wildavsky, “The Two Presidencies,” *Transaction* IV (1966): 7-14; Xie Tao, *U.S.-China Relations: China Policy on Capitol Hill*, Kindle Edition, loc. 311-317.

outcomes rather than the individuals or groups that comprise the legislature. Congress can also be studied as two chambers, with the House and Senate passing legislation that must ultimately be reconciled in conference before it becomes policy. Each chamber can be viewed as a collection of legislation-generating committees, where bills originate before reaching a floor vote. Each committee can be considered as a group of individuals who introduce the legislation and committee chairmen who are powerful enough to determine which bills might emerge from committee consideration. These individuals can also be viewed as exhibiting legislative and non-legislative behavior, where the later aims to influence policymaking through activities such as speaking to constituents, official foreign travel, and active participation in international negotiations.<sup>25</sup> Outside of the lineal organizational arrangement, Congress can be studied as a collection of political parties, formal caucuses, and informal coalitions; and congressional policymaking can even be examined as an outcome of interest group influence. This list does not exhaust all the approaches to studying Congress, but it is useful to consider the existing literature regarding congressional policymaking toward China within this spectrum of analysis to identify the gap in the literature and determine how this dissertation might contribute to the field.

The individual level-of-analysis has been popular in the existing literature, with a primary thesis arguing that the lack of a superpower security threat

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<sup>25</sup> As will be discussed later in this chapter, Xu Guangqiu identified these “non-legislative instruments” as part of the policymaking process. Xu Guangqiu, *Congress and the U.S.-China Relationship, 1949-1979* 1st ed., Series on International, Political, and Economic History (Akron, OH: University of Akron Press, 2007), 10.

following the dissolution of the Soviet Union left a vacuum for foreign policy debate that permitted individual members to pursue economic and human rights interests.<sup>26</sup> For example, Stanley Lubman found that the ensuing shift in the policy debate included participants who represented new interests, which resulted in a greater appetite for political, ideological and economic arguments. This allowed individual congressional members supporting these interests to seek wider influence over larger policy debates about how to balance competing interests affecting U.S. policy toward China.<sup>27</sup>

Scholars including Mike Lampton examined the impact of domestic politics on individual members in policymaking toward China. Lampton concluded that the connection between domestic politics and China policy was the underlying cause of the contradictions within that link, because congressmen often use China policy for domestic gain. Notably, when addressing domestic audiences, China policy can be used by members as a metaphor to extol American ideals, such as democracy or universal human rights. Using China to energize an activist base of support is convenient, because no matter what the accusations, Chinese policymakers cannot vote and do not directly threaten the congressmen's political survival.<sup>28</sup>

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<sup>26</sup> This view has been articulated by scholars including Robert Sutter, Michael Lampton, Steven Livingston and Stanley Lubman. See Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, 95; Livingston, "The Limits of High Politics: When National Security & International Economic Goals Conflict in American Foreign Policymaking," 418; Lubman, "The Dragon as Demon: Images of China on Capitol Hill," 545; Sutter, "The U.S. Congress: Personal, Partisan, Political," 78-82.

<sup>27</sup> Lubman, "The Dragon as Demon: Images of China on Capitol Hill," 545.

<sup>28</sup> Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, Kindle Edition, loc. 4084.

A separate area of scholarship has concentrated on specific factors underlying the policy preferences and legislative behavior of congressional members during foreign policy making, spanning from the influence of constituencies, ideology, and party principles. For example, Xie Tao examined the role of Congress in setting policy with a focus on the latter years of the Sino-U.S. relationship from 1976 to 2006. His research sought to explain what he described as “legislative activism,” looking at the policymaking behavior of individual members. More specifically, Xie Tao explored what factors caused individual members to vote in certain ways, and he uncovered the three major determinants as partisanship, ideology and constituency interests. He found that some were more consequential than others. For example, partisanship was not as important in intra-congressional policy debate as it was in issues involving the inter-branch struggle for power. Ideology was particularly important in issues involving Taiwan, but as China’s power increased, the role of ideology decreased. Interestingly, he found that constituency interests had only a weak impact on voting.<sup>29</sup>

Individual analysis has also looked at specific congressional leaders and their ability to influence policymaking outcomes. For example, Lampton identified members such as Senator Jesse Helms (R-SC) and Representative Christopher Smith (R-NJ) as congressional “guardians of the strategic passes.”<sup>30</sup> Additional studies that examined the influence of party leaders in defense and

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<sup>29</sup> Xie Tao, *U.S.-China Relations: China Policy on Capitol Hill*, Kindle Edition, loc. 6803-6900.

<sup>30</sup> Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, 332-340.



foreign affairs policy found a rising trend of homogeneity in voting within parties. This trend was primarily attributed to the increasing role of party leadership in agenda setting and securing votes.<sup>31</sup>

This individual level-of-analysis has been beneficial to the body of literature, as it exposed fascinating divergences between individual policy preferences in seemingly disparate legislative outcomes. As an example, the so-called "Cox Commission" — a special House commission established to investigate alleged Chinese theft of U.S. technology and sensitive information — enjoyed widespread support among congressional members for its criticism of both China and the White House. Congressmen supporting this commission expressed a sentiment that the executive branch was turning a blind eye toward Chinese espionage in order to prevent the disruption of economic relations with China. Nonetheless, a large majority of the same legislators who expressed this sentiment voted for granting Permanent Normal Trade Relations (PNTR) status to China, in turn supporting a critical moment in China's economic growth.<sup>32</sup>

There has also been interest in studying policymaking behavior below the individual voting level, examining the non-voting behavior of policymakers. For example, Xu Guangqiu conducted an extensive study of Congress' role in forming China policy from the 1949 Communist revolution to the 1979 normalization of relations with the United States. Xu pursued this level-of-analysis, because he

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<sup>31</sup> Barbara Sinclair, "Congressional Party Leaders in the Foreign and Defense Policy Arena," in *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, ed. Randall B. Ripley and James M. Lindsay (Ann Arbor: University of Michigan Press, 1993); Xie Tao, *U.S.-China Relations: China Policy on Capitol Hill*,

<sup>32</sup> Of note, Robert Sutter attributed this divergence to the powerful lobbying effort by the business community with interests in China. Sutter, "The U.S. Congress: Personal, Partisan, Political," 88.

argued that scholars focused too narrowly on legislation and the interaction between the administration and Congress, while ignoring non-legislative instruments that shape China policy.<sup>33</sup> He identified several key non-legislative instruments, which included speaking to constituents, the press and foreign audiences; official foreign travel; and active participation in international negotiations.<sup>34</sup>

Beyond the individual level-of-analysis, there has been a recent focus on interest group influence, which is supported by the broader international relations research on two-level games. The interest group model dates back as far as the interwar period, when E. E. Schattschneider examined the influence of “pressure groups” to explain the Smoot-Hawley Tariff Act of 1930.<sup>35</sup> Contemporary research argues that the complex interdependence between the United States and China shifts power away from certain government institutions, such as Congress, and toward private actors outside of government. Policymaking, therefore, evolves into a storm of forces, where government institutions become components alongside organizations including interest groups, corporations and unions. This

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<sup>33</sup> Xu Guangqiu, *Congress and the U.S.-China Relationship, 1949-1979* .

<sup>34</sup> *Ibid.*, 10.

<sup>35</sup> See E. E. Schattschneider, *Politics, Pressures and the Tariff; a Study of Free Private Enterprise in Pressure Politics, as Shown in the 1929-1930 Revision of the Tariff*, Prentice-Hall Political Science Series (New York,: Prentice-Hall, inc., 1935). He continued this scholarship later with E. E. Schattschneider, "Pressure Groups Versus Political Parties," *Annals of the American Academy of Political and Social Science* 259 (1948).

literature argues that it is not completely anarchic, but rather, that new policy forces yield new policymaking patterns.<sup>36</sup>

For example, scholars including Robert Ross, Ramon Myers, Michel Oksenberg and David Shambaugh concluded that the complex process by which the executive and legislative branches interact to make China policy has drawn interest groups from both outside and within Congress that are eager to participate in policymaking.<sup>37</sup> They argued that interest groups and bureaucratic politics have developed considerable importance in the process, threatening to make U.S. foreign policy less consistent and less coherent. These studies found this effect particularly pronounced in U.S.-China policy, which makes critically examining the influence of domestic factors on U.S. policymaking essential to understanding the Sino-U.S. security relationship and the potential for stability.<sup>38</sup>

Robert Sutter has been the leading scholar in exploring the multiplicity of actors in congressional policy toward China, examining the role of interest groups, as well as the political and partisan nature of Congress.<sup>39</sup> While measuring the influence of interest groups on U.S.-China policy remains a subjective exercise, he found that U.S. decision-making in China policy in recent

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<sup>36</sup> Peter Gourevitch, "The Second Image Reversed: The International Sources of Domestic Politics," *International Organization* 32, no. 4 (1978): 893.

<sup>37</sup> Ramon Hawley Myers, Michel Oksenberg, and David L. Shambaugh, *Making China Policy: Lessons from the Bush and Clinton Administrations* (Lanham, Md.: Rowman & Littlefield Publishers, 2001), 8.

<sup>38</sup> Robert S. Ross, *After the Cold War: Domestic Factors and U.S.-China Relations* (Armonk, N.Y.: M.E. Sharpe, 1998), viii.

<sup>39</sup> Sutter, "The U.S. Congress: Personal, Partisan, Political"; Robert G. Sutter, *U.S. Policy toward China: An Introduction to the Role of Interest Groups* (Lanham, Md.: Rowman & Littlefield Publishers, 1998).

years points to growing domestic influence.<sup>40</sup> Interest groups can be divided into those focused on economic interests, values or causes, ethnic issues, and foreign government interests. Of note, the organizational capabilities of business and trade interest groups in lobbying for more liberal trade practices with China contrast with the less successful efforts of opposing labor and human rights groups.<sup>41</sup>

Overall, these interest group studies conclude that Congress is a pluralistic government institution, where social forces are robust and well-organized. With fragmented power that is formally distributed, this public institution consists of pieces of state power which are captured by different private interests that employ them to exercise veto power over policy or even acquire policy control of a certain issue. This perspective on policymaking has been referred to as “coalitional analysis,” because it seeks to explain policy by examining the content of group interests and their efforts to form alliances. Policy, these scholars would argue, is primarily driven by complex public-private linkages.<sup>42</sup>

After reviewing this literature, I have concluded that the studies surveyed here cannot adequately explain the research question that I explore in this dissertation: Since the end of the Cold War, what explains the evolution of congressional policymaking in U.S. policy toward China? The scholarship that

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<sup>40</sup> Ibid., 3.

<sup>41</sup> Ibid., 16; John T. Tierney, "Interest Groups Involvement in Congressional Foreign and Defense Policy," in *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, ed. Randall Ripley and James Lindsey (Ann Arbor: University of Michigan Press), 89-111.

<sup>42</sup> Gourevitch, "The Second Image Reversed: The International Sources of Domestic Politics," 902-905.

included Congress in the broader context of the Sino-U.S. relationship suffers from a general problem of insufficient attention to the legislative branch, where Congress is generally regarded as peripheral to the executive branch and described as a body that merely checked the foreign policy efforts of the president.<sup>43</sup> As pointed out by Xu Guangqiu, it has only examined congressional power as compared to the executive branch, where Congress is relegated to amending or vetoing presidential initiatives.<sup>44</sup>

In addition, the literature suffers from two more specific deficiencies. First, none of the literature clearly identifies congressional interests. Some issues are discussed in depth, but the analysis is limited to single issues or compares a handful of issues during the same timeframe. To adequately determine congressional interests between 1992 and 2008, I have systematically reviewed all of the legislation vis-à-vis China since the Soviet fall, uncovering consistent congressional interests, despite changes in individuals, party control and interest groups. Whereas scholars including Michel Oksenberg and David Shambaugh found that interest groups and bureaucratic politics have threatened to make U.S. foreign policy less consistent and less coherent, my systematic review revealed

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<sup>43</sup> Warren I. Cohen, *America's Response to China: A History of Sino-American Relations* 4th ed. (New York: Columbia University Press, 2000); James Mann, *About Face: A History of America's Curious Relationship with China from Nixon to Clinton* 1st ed. (New York: Alfred Knopf : Distributed by Random House, 1999); Warren Christopher, *In the Stream of History: Shaping Foreign Policy for a New Era* (Stanford, Calif.: Stanford University Press, 1998); Robert Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*, (Washington, D.C.: Brookings Institution Press, 2003).

<sup>44</sup> Ripley and Lindsay, *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*; Robinson, *Congress and Foreign Policy-Making*; Schlesinger and De Grazia, *Congress and the Presidency: Their Role in Modern Times*; Spanier and Uslaner, *How American Foreign Policy Is Made*; Spanier and Uslaner, *American Foreign Policy Making and the Democratic Dilemmas*; Xie Tao, *U.S.-China Relations: China Policy on Capitol Hill*, Kindle Edition, loc. 311-317.

that congressional interests have been remarkably consistent since 1992. It would only appear to be inconsistent and incoherent if one were to look at policymaking at the individual level rather than examining Congress as a whole. Second, the existing literature does not adequately study congressional actions in the context of the international environment. As the Soviet influence evaporated and China enjoyed rapid economic and military growth, Congress adapted U.S. policy toward China in light of Beijing's growing influence in a number of issue areas. This dissertation describes how Congress took an active role in making policy, what its interests were as expressed in legislation, and what motivated those actions.

Within the levels-of-analysis construct discussed above, this dissertation studies Congress as a unitary actor, focusing more on the congressional policymaking outcome than the individual members' policymaking preferences. I have chosen this approach, because it best identifies congressional interests over time. As one looks deeper into individual legislative and non-legislative behavior, policymaking activity *appears* less consistent and less coherent, and it becomes more difficult to draw meaningful policymaking conclusions.

This approach, however, is not blind to domestic political factors, which will be noted when necessary to amplify *why* Congress behaved in a certain way. While writing this dissertation, I have been judicious in identifying which domestic political factors were causal, because there is a danger of over-reliance on seeking explanations through other levels-of-analysis. David Singer referred to this fallacy as “vertical drift,” where scholars tend to “roam up and down the

ladder of organizational complexity, focusing upon the total system, international organizations, regions, coalitions, extra-national associations, nations, domestic pressure groups, social classes, elites, and individuals as the needs of the moment required.”<sup>45</sup> Rather than roaming about the levels-of-analysis out of convenience, this dissertation focuses on policymaking outcomes and notes when these outcomes were widely affected by domestic political factors to provide a more complete description of congressional policymaking. Xie Tao's work discussed above was most helpful in demonstrating how research can strike a balance between studying legislative outcomes and the peripheral factors that influence congressional policymaking.

Other aspects of the existing literature have also helped to guide my research. First, previous studies at the individual level-of-analysis highlighted the importance of influential people in congressional policymaking, as well as other factors such as inter-branch rivalries, partisan competition and elections. Second, the scholarship which focused on specific factors underlying the policy preferences and legislative behavior of congressional members directly contributed to my consideration of “issue areas” as an analytical construct. Third, the studies of the role of interest groups were useful, as interest groups have been particularly active in trade policymaking in Congress. This awareness of interest groups helped me identify the “coalitions of convenience” that formed between

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<sup>45</sup> J. David Singer, "The Level-of-Analysis Problem in International Relations," *World Politics* 14, no. 1 (1961): 78.

human rights and labor groups in trade legislation during the late 1990s.<sup>46</sup> Fourth, the studies which examined the influence of party leaders and the rising trend of homogeneity because of party leadership proved useful in considering domestic political factors.<sup>47</sup> Fifth, Xu Guangqiu's identification of non-legislative instruments, while not a direct object of my research, highlighted important empirical evidence to better understand the factors influencing congressional voting.<sup>48</sup> Finally, Xie Tao's research was equally important in developing my research question regarding the collective actions of Congress that reflected congressional interests.<sup>49</sup>

## ISSUE AREAS

My systematic review of all legislation vis-à-vis China since 1992 revealed that congressional policy can be divided into four main issue areas: cross-strait relations, proliferation of weapons of mass destruction, human rights, and trade.<sup>50</sup> This dissertation is qualitative in nature, and chapters two through

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<sup>46</sup> Myers, Oksenberg, and Shambaugh, *Making China Policy: Lessons from the Bush and Clinton Administrations*, 8; Sutter, *U.S. Policy toward China: An Introduction to the Role of Interest Groups*, 3.

<sup>47</sup> Sinclair, "Congressional Party Leaders in the Foreign and Defense Policy Arena"; Xie Tao, *U.S.-China Relations: China Policy on Capitol Hill*.

<sup>48</sup> Xu Guangqiu, *Congress and the U.S.-China Relationship, 1949-1979*, 10.

<sup>49</sup> Xie Tao, *U.S.-China Relations: China Policy on Capitol Hill*, Kindle Edition, loc. 6803-6900.

<sup>50</sup> (1) I have chosen the term "cross-strait relations" to emphasize that my research focuses on how the relationship between China and Taiwan was managed rather than on Taiwan itself. Too often in today's policy debate, the focus is on whether the United States will defend Taiwan should China attempt reunification by force. This question remains undetermined in U.S. policy since President Carter abrogated the mutual defense treaty in 1979. Instead, U.S. policy has hinged on maintaining a cross-strait balance until both sides can agree on terms for peaceful reunification. (2) Chapter four discusses how the American experience facilitated an overlapping of human



five each examine an issue area to determine what were congressional interests, how congressional policymaking evolved over time, and what domestic political factors influenced this legislation.

Cross-Strait Relations. After 1949, when the United States supported China's Nationalist government as it fled to Taipei, policymakers in Washington maintained an interest in cross-strait relations between the People's Republic of China, commonly referred to as China, and the Republic of China, referred to as Taiwan. The United States remained allied with Taiwan until 1979, when President Carter abrogated the Mutual Defense Treaty as a precondition for normalizing relations with Beijing. The executive branch established cross-strait policy primarily through three communiqués with Beijing and the "six assurances" with Taipei. Briefly stated, the collective policy declares that the United States recognizes that there is one China, Taiwan is a part of China, and peaceful settlement of the Taiwan question by the Chinese themselves is in the

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rights and democratization, where the political rights afforded in a western liberal democracy are considered universal rights, a perspective reflected in the UN Declaration on Human Rights and the International Covenant on Civil and Political Rights. As such, democratic rights are considered as a subset of universal human rights that are recognized in the international community. (3) There is an intertwining nature to these issue areas. For example, consider how satellite exports can straddle both proliferation and trade. While proliferation-minded policymakers framed this issue as a critical national security issue, U.S. domestic businesses were the ultimate targets of fines, loss of export privileges and licenses, and seizure of exports and means of delivery. These companies, of course, resisted sanctions because of the immediate costs, but also because foreign competitors existed for equivalent items. If China could not obtain these items from U.S. firms, it simply looked for them elsewhere. This also applied from the perspective of U.S. businesses purchasing goods or services from Chinese companies, in that prohibition from purchasing from the lowest-cost supplier resulted in increased costs for U.S. consumers. In the case of launch services for U.S. satellites, Chinese launches were roughly 15 percent less expensive than from the next five alternatives. Consequently, U.S. businesses were disadvantaged by sanctions, because they were required to use more expensive alternatives. See Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000* ; James N. Thurman, "Why Should Us Use Foreign Rockets?" *Christian Science Monitor*, June 18.

U.S. interest.<sup>51</sup> Beijing has long held that settlement of the cross-strait dispute is an internal Chinese matter, and selling weapons to Taiwan is considered a threat to China's security.<sup>52</sup> Between 1992 and 2008, Congress addressed cross-strait relations in 56 bills that reached a floor vote.

Proliferation of Weapons of Mass Destruction. The United States has demonstrated a sustained interest in reducing China's role in proliferating weapons of mass destruction (WMD), in particular to Pakistan, Iran and North Korea. Exports of interest are not restricted to weapons hardware but in many cases have included specific advanced technological know-how and less specific "ambiguous technical aid." These transfers can result in longer-range missiles, increased indigenous military capabilities in recipient states, and secondary transfers as recipient states re-proliferate. Even though China has supported some UN Security Council sanctions against nuclear proliferation to North Korea and Iran, Washington has characterized Beijing as a key supplier of technology for use in programs to develop nuclear, chemical and ballistic weapons.<sup>53</sup> Congress addressed proliferation policy vis-à-vis China in 30 measures that achieved a floor vote between 1992 and 2008.

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<sup>51</sup> Embassy of the United States (Beijing), "Joint Communiqués of the United States of America and the People's Republic of China" [http://beijing.usembassy-china.org.cn/joint\\_communiques.html](http://beijing.usembassy-china.org.cn/joint_communiques.html) (accessed October 1, 2009); Mann; Taiwan Documents Project, "The 'Six Assurances' To Taiwan" <http://www.taiwandocuments.org/assurances.htm> (accessed September 30, 2009).

<sup>52</sup> This position has been consistent since the beginning of normalization between the United States and China, and it continues to be reiterated in more recent policy documents. See for example, "China's National Defense" White Paper (1998).

<sup>53</sup> Shirley A. Kan, *China and Proliferation of Weapons of Mass Destruction and Missiles: Policy Issues* (Congressional Research Service, 2009), RL31555.

Human Rights. Washington has generally considered human rights to be those articulated in the International Covenant on Civil and Political Rights and in the UN Universal Declaration of Human Rights. Although post-Tiananmen political activity was a very visible outpouring of sentiment over human rights, there have been many different aspects of human rights that have interested policymakers. These issues include: rights of criminal suspects and defendants; use of law for political purposes; insulation of the leadership from policy failure; worker rights; freedom of expression; freedom of religion; ethnic minority rights; population planning; freedom of residence; liberty of movement; status of women; institutions of democratic governance; commercial rule of law; and access to justice. From this list of issues, one can see that the promotion of democracy is deeply intertwined with the promotion of human rights, where the political rights afforded in a western liberal democracy are considered universal rights. As such, democratic rights are considered a subset of the universal human rights recognized in the international community.<sup>54</sup> Between 1992 and 2008, Congress addressed human rights policy vis-à-vis China in 93 bills that reached a floor vote.

Trade. When the United States and China began the normalization process in the early 1970s, trade issues were not primary motivators.<sup>55</sup> Still, the normalization of relations in 1979 was marked by President Carter's designation

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<sup>54</sup> Chapter Four discusses how the American experience facilitated an overlapping of human rights and democratization, and this perspective was reflected in UN Declaration on Human Rights and the International Covenant on Civil and Political Rights.

<sup>55</sup> Henry Kissinger and William Burr, *The Kissinger Transcripts: The Top Secret Talks with Beijing and Moscow* (New York: New Press: Distributed by W.W. Norton, 1999), 93-94.

of most favored nation (MFN) trading status for China, and the closer strategic relationship that continued over the next decade facilitated an expansion of bilateral trade. The annual extension of trade benefits was routine, and by the end of the decade, bilateral trade had more than doubled.<sup>56</sup> The end of the Cold War, with its associated reduction in concern for the Soviet threat, allowed policymakers in both Washington and Beijing to focus on trade issues. In China, the communist regime based its legitimacy on export-led economic success since reforms began under Deng Xiaoping, which was the most attractive aspect of communist rule in the aftermath of Tiananmen. In the United States, the end of the Cold War brought popular calls to achieve a “peace dividend” by focusing less on building strong defenses and more on restructuring the U.S. economy to increase its competitiveness in the international market.<sup>57</sup> Congress addressed trade policy vis-à-vis China in 40 bills that achieved a floor votes between 1992 and 2008.

## RESEARCH APPROACH

Each chapter explores congressional policy decisions in these issue areas by examining floor voting as recorded in *Thomas.gov*.<sup>58</sup> Previous studies

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<sup>56</sup> U.S. Department of Commerce, *Statistical Abstract of the United States: 1992* (Washington, DC, 1992).

<sup>57</sup> Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, Kindle edition: 1595-1604.

<sup>58</sup> Alexander George’s structured-focused comparison provides the framework for focusing analyses selectively on specific characteristics of these four issue areas to employ general questions to guide the collection of evidence and follow-on analysis in each issue area. Jean A. Garrison, *Making China Policy: From Nixon to G.W. Bush* (Boulder, Colo.: Lynne Rienner Publishers, 2005), 205; Alexander L. George and Andrew Bennett, *Case Studies and Theory*

conducted at the individual level-of analysis produced important findings, but the inconsistency of members in their voting records and non-legislative behavior exposes a fallacy of individual analysis, particularly if the ultimate research goal is to determine congressional policy outcomes. Individual members can readily succumb to shifting political motivations in non-legislative actions, but congressional interests become apparent in floor votes over time.

Floor votes can be held on different types of legislation with varying impacts on the policymaking process. Legislation can be subdivided at the highest level as either binding or non-binding. Binding legislation is defined as requirements established by Congress that lie within its constitutional authority, and therefore, bind the executive branch to comply. Binding legislation would include appropriations and congressional oversight requirements.<sup>59</sup> Congress is most visible in policymaking when leveraging its control over the nation's wealth, and it is arguably the most effective because it is not subject to legal challenge by the President as an unconstitutional infringement on executive power.<sup>60</sup> It should be noted that funding legislation can come in two forms as either granting or prohibiting funding. The latter case can be equally, if not more, effective than the former in establishing policy.<sup>61</sup> Non-binding legislation, on the other hand, does

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*Development in the Social Sciences* (Cambridge, Mass.: MIT Press, 2005); William C. Potter, "Issue Area and Foreign Policy Analysis," *International Organization* 34, no. 3 (1980): 426.

<sup>59</sup> Richard F. Grimmett, "Foreign Policy Roles of the President and Congress", State Department, [www.fpc.state.gov/6172.htm](http://www.fpc.state.gov/6172.htm) (accessed August 28, 2009).

<sup>60</sup> Grimmett, "Foreign Policy Roles of the President and Congress".

<sup>61</sup> For example in 1995, House Resolution 2829 prohibited funding for certain Chinese government officials to participate in international programs and activities. House, *To Prohibit Funding by United States Government Agencies of the Participation of Certain Officials of the*

not compel the executive branch to abide by it, and by its nature merely expresses congressional interests from the legislative branch.<sup>62</sup> Non-binding legislation would include “sense of Congress” resolutions and policy statements.<sup>63</sup>

Floor voting data is useful, because votes are more weighted indicators of congressional interests than some other indicators, such as non-legislative instruments, which often make an individual appear to waver as the speaking venue changes. For example, supporting the tenets of free trade can be popular when speaking to the chamber of commerce but can be hazardous when addressing a labor union. In the end, however, Congress will hold only one vote on a measure, and that collective vote likely indicates congressional interests,

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*Chinese Government in International Conferences, Programs, and Activities until the Chinese Government Releases Certain Individuals Imprisoned or Detained on Religious Grounds (H. R. 2829)*, 104th Cong., 1st sess., 1995. See also, Grimmatt, "Foreign Policy Roles of the President and Congress"; Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*.

<sup>62</sup> Each year, Congress introduces an array of simple or concurrent resolutions asserting the sense of the House, Senate or Congress. These resolutions serve as an official channel of communications between Congress and foreign countries. For example, on May 24, 1989, the legislature passed House Concurrent Resolution 136, which called on the Beijing leadership to establish a democratic society, with a free and open political system. These types of resolutions can also be used as a vehicle for advice to the President. In a previously mentioned example, Senate Concurrent Resolution 9, passed on March 6, 1995, urged the President to promptly welcome a private visit by President Lee Teng-hui. Granting Lee Teng-hui this visa served as one of the contributing factors to the 1995-1996 Taiwan Strait Crisis. House, *Expressing the Sense of the Congress on the Movement for Democracy in China (H.Con 136)*, 101st Cong., 1st sess., 1989; Senate, *Expressing the Sense of the Congress Regarding a Private Visit by President Lee Teng-Hui of the Republic of China on Taiwan to the United States (S. Con. Res. 9)*, 104th Cong., 1st sess., 1995; Nancy Bernkopf Tucker, *Strait Talk: United States-Taiwan Relations and the Crisis with China*, (Cambridge, MA: Harvard University Press, 2009), 480.

<sup>63</sup> Of note, Congress can also pressure the executive branch into a certain policy direction by merely *threatening* to pass legislation, in something resembling legislative coercion. For example, this was the case in the previously mentioned Senate Concurrent Resolution 9. Congress threatened that, if unheeded by the President, it would alter the Taiwan Relations Act. Grimmatt, "Foreign Policy Roles of the President and Congress"; Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*.

given the absence of factors such as strategic voting.<sup>64</sup> In this respect, voting data helps to clarify the apparent inconsistency and incoherence described by scholars including Michel Oksenberg and David Shambaugh. While the incongruence between domestic and international games is often made more vague because of differences in rhetoric, in the end, the bill is either passed or it is not.<sup>65</sup>

Floor votes can also help identify which congressional interests are dominant when multiple issue areas are at stake. Within the context of this dissertation, this method assisted in considering the multiplicity of political, ideological, security and economic issues that competed within the changing international environment. For example, the rhetoric surrounding the vote to extend Permanent Normal Trade Relations status to China was characterized by members arguing for human rights interests, but the final vote demonstrated that trade interests were more important to Congress.

Finally, floor votes narrow the legislative data to only those bills that receive the most serious consideration. For example, bills that are only *introduced* in committee are not necessarily something to be weighed considerably. Legislators can introduce a bill in committee without intending to push for advancement to the full House or Senate. This tactic is sometimes used by members to placate a constituency within their district, enabling the legislator

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<sup>64</sup> Strategic voting and other complicating factors are explained in more detail below, in the discussion on “the disadvantages of roll call vote data.” Xie Tao, *U.S.-China Relations: China Policy on Capitol Hill*, Kindle Edition, loc. 715-721.

<sup>65</sup> Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42, no. 3 (1988): 434.

to say that the bill was introduced but never gained the support of other congressmen, thus pushing political blame on a nameless culprit.<sup>66</sup>

It is important to note, however, the disadvantages of floor voting data in order to assess the limitations of this dissertation's conclusions. First, votes may reveal interests, but they do not indicate degree. Although it is possible in some cases to conclude that a certain interest held wide support based on an overwhelming majority, closer votes do not permit the same conclusions to be drawn, as some members may opt to vote against a bill that they support, knowing that their preferred policy outcome is already assured. Strategic voting can also be used to scuttle a bill. For example, a congressman who opposes a bill might vote for an amendment to be added — an amendment with which he disagrees — in the knowledge that adding the amendment will cause the bill to lose a floor vote.<sup>67</sup> I concede that strategic voting may exist in certain floor votes, but whether a member votes against a bill that he supports knowing that it will pass, or votes for an amendment that he opposes knowing that the full bill will fail, these actions feed the ultimate congressional interest that is represented by the policy outcome.

There is also a disparity in the manner in which the House and the Senate conduct floor votes. More often than not in the legislation that I systematically reviewed, the House conducted roll call voting in the traditional sense, where “yays” and “nays” were counted and recorded. Conversely, the Senate more often

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<sup>66</sup> Meeting with Ron O'Rourke, Congressional Research Service, September 1, 2009.

<sup>67</sup> Xie Tao, *U.S.-China Relations: China Policy on Capitol Hill*, Kindle Edition, loc. 715-727.



than not passed legislation by “unanimous consent” or “voice vote,” where individual votes were not recorded. While these procedural differences prevent conclusions of degree, my use of the unitary actor approach is not impeded, as each bill was either passed or not. As such, the unitary actor approach permitted me to conclude that a passed bill represented a congressional interest, but it could not discern the difference between interests and strongly held interests in these types of votes.

Finally, floor votes only exist at the end of the legislative process, excluding interests revealed during legislative activity in earlier stages. While I previously noted that roll call votes narrow the legislative data to only those bills that receive the most serious consideration, this method also restricts the data considered to only those bills that are permitted to continue to a floor vote, thus missing the interests of a disempowered minority.<sup>68</sup> If this dissertation were examining the individual level, it would be important to identify individual interests, but since this analysis is seeking the interests expressed by the whole Congress, this data is of limited importance here.

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This dissertation will proceed with each chapter examining one of the four issue areas — cross-strait relations, proliferation of weapons of mass destruction, human rights, and trade. Each chapter explains what congressional interests were

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<sup>68</sup> Mike Lampton referred to these individuals as “guardians of the strategic passes,” often committee chairmen or powerful party leaders. Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, 294.

in the issue area, how congressional interests evolved between 1992 and 2008, and how domestic political factors influenced these policy outcomes.

## CHAPTER TWO

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### CROSS-STRAIT RELATIONS

During their first meeting together in 1972, President Nixon told Chairman Mao, “What brings us together is a recognition of a new situation in the world and a recognition on our part that what is important is not a nation’s internal philosophy. What is important is its policy toward the rest of the world and toward us.”<sup>1</sup> The Nixon administration was willing to overlook ideological differences between the United States and China to pursue larger geostrategic goals, namely, balancing against Soviet power. Normalized Sino-U.S. relations were facilitated by Washington’s ability to overlook China’s domestic politics as “internal matters,” because the Sino-U.S. relationship was considered a geostrategic means to pressure the Soviet Union. The principal difference between the Cold War and post-Cold War approaches to China was that the associated reduction in concern for the Soviet threat allowed policymakers to question the reasoning for Sino-U.S. cooperation.

Notably, the Tiananmen crackdown evoked outrage among the American public and renewed skepticism among policymakers in Washington. Richard Madsen argued that the events at Tiananmen were significant in the eyes of the public and policymakers, because it represented a moral story “with an unexpected, incorrect ending.”<sup>2</sup> Whereas a logical moral story would normally

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<sup>1</sup> Henry Kissinger, *White House Years*, 1st ed. (Boston: Little, Brown, 1979), 750; Richard M. Nixon, *RN: The Memoirs of Richard Nixon*, (New York: Grosset & Dunlap, 1978), 562.

<sup>2</sup> Richard Madsen, *China and the American Dream: A Moral Inquiry* (Berkeley: University of California Press, 1995), 4.

illustrate the consequences of good and bad conduct, Tiananmen served as an example of the wrong behavior of the communist leadership being rewarded and the right behavior of the pro-democracy demonstrators being punished.

Americans readily identified with this movement, which appeared to uphold the virtues of an open, democratic society and employed the symbols of American liberal beliefs.<sup>3</sup> For example, the demonstrators erected a 27-foot statue in Tiananmen Square named the “Goddess of Democracy and Freedom,” closely modeled after the Statue of Liberty in New York.<sup>4</sup> If the regime was willing to use force to compel pro-democracy demonstrators in 1989, how would it react to the democratic transformation occurring in Taiwan?

This chapter aims to consider one central question. Since the end of the Cold War, what explains the evolution of congressional policymaking in U.S. policy regarding cross-strait relations? The review of legislative activity that follows will reveal that interests within Congress centered primarily on fostering a separate relationship with Taiwan. More specifically, congressional policy focused on pursuing three key interests: arms sales to Taiwan, promoting Taiwan’s membership in international organizations, and ensuring access to the United States for visits by senior level Taiwan officials. This chapter will ultimately reveal that congressional policymaking evolved to pursue these interests less actively over time. In the first years after 1991, when China was relatively weaker, Congress was much more assertive in pursuing these interests

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<sup>3</sup> Ibid., 4-5.

<sup>4</sup> Nicholas D. Kristof, "Chinese Students, in About-Face, Will Continue Occupying Square," *New York Times*, May 30, 1989.

as part of a separate relationship with Taiwan. As China became stronger, however, Congress became much less active in legislating policy in this issue area.

To pursue the research question, this chapter is structured in three main sections. The first section examines congressional interests as expressed through legislation that achieved a floor vote to answer the question, “What were congressional interests in cross-strait relations?” Careful attention is paid to this question, because congressional interests vis-à-vis China are not readily apparent. Policy regarding cross-strait relations is not neatly contained in periodic “China policy” measures, but rather, policy toward China is often buried in omnibus legislation or as amendments to unrelated bills. The second section considers how these interests evolved over time. Finally, this analysis would be incomplete if it assumed that this evolution occurred in a vacuum, so the third section examines trends in domestic political factors that influenced policymaking. Before continuing to the three main sections, however, this introductory section will briefly examine the importance of Taiwan in Sino-U.S. relations.

#### **WHY TAIWAN MATTERS IN SINO-U.S. RELATIONS**

Since 1949, when the United States supported the Nationalist government as it fled to Taipei, policymakers in Washington have maintained an interest in cross-strait relations between the People’s Republic of China, commonly referred to as China, and the Republic of China, referred to as Taiwan. The United States

remained allied with Taiwan until 1979, when President Carter abrogated the Mutual Defense Treaty as a precondition for normalizing relations with Beijing.

The *Taiwan Relations Act* (TRA) was assembled during the final days of official relations between the United States and Taiwan. President Carter's decision to cancel the Mutual Defense Treaty was opposed in the Senate on procedural grounds, such that the President could not unilaterally terminate treaties on, and on strategic grounds, as the President's policy left Taiwan vulnerable to Chinese attack.<sup>5</sup> Several amendments were offered to increase U.S. security commitments to Taiwan, including language that the use of force against Taiwan would be a threat to U.S. security interests, thus mandating a U.S. military response, but these amendments failed passage before the final version was approved in a floor vote of 90-6.<sup>6</sup>

The stated purpose of the TRA was to preserve U.S. ties with Taiwan by "authorizing the continuation of commercial, cultural, and other relations." To accomplish this, Congress established the American Institute in Taiwan, a nonprofit corporation, to serve as a conduit of relations in the absence of an American embassy.<sup>7</sup> The TRA also stated that diplomatic relations with China were premised on the peaceful resolution of the cross-strait dispute, and it declared that use of force against Taiwan would be considered a "threat to the

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<sup>5</sup> "Taiwan Relations Act, 1979 Legislative Chronology," in *Congress and the Nation, 1977-1980*, CQ Public Affairs Collection (Washington, D.C., United States: CQ Press, 1981); Warren Weaver, "Unofficial U.S. Links to Taiwan Approved by House and Senate," *The New York Times*, March 14, 1979.

<sup>6</sup> "Taiwan Relations Act, 1979 Legislative Chronology."

<sup>7</sup> House, *Taiwan Relations Act*, 96th Cong., 1st sess., 1979, H.R.2479.

peace and security of the Western Pacific area and of grave concern to the United States." This legislation also supported Taiwan's continued membership in international financial institutions and other international organizations.<sup>8</sup> One lasting policy implication from this legislation was the assertion that the United States would continue to sell weapons to Taiwan, including defense articles and services. Taiwan's defense needs would be determined by *both the President and Congress*, with consultation from the Defense Department.<sup>9</sup>

To manage U.S. policy regarding the cross-strait dispute, the executive branch established policy through three communiqués with Beijing and the “six assurances” with Taipei. Briefly stated, the collective policy declared that the United States recognizes that there is one China, Taiwan is a part of China, and peaceful settlement of the Taiwan question by the Chinese themselves is in the U.S. interest.<sup>10</sup> Beijing has long held that settlement of the cross-strait dispute is an internal Chinese matter, and selling weapons to Taiwan is considered a threat to China’s security.<sup>11</sup> Therefore, any U.S. policy directed at Taiwan is considered by Beijing to be U.S. policy toward China.

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Embassy of the United States (Beijing), "Joint Communiqués of the United States of America and the People's Republic of China" [http://beijing.usembassy-china.org.cn/joint\\_communique.html](http://beijing.usembassy-china.org.cn/joint_communique.html) (accessed October 1, 2009); Taiwan Documents Project, "The "Six Assurances" To Taiwan" <http://www.taiwandocuments.org/assurances.htm> (accessed September 30, 2009).

<sup>11</sup> This position has been consistent since the beginning of normalization between the United States and China, and it continues to be reiterated in more recent policy documents. See for example, “China’s National Defense” White Paper (1998).

To understand the cross-strait dispute in the international context of 1992, it is important to consider the wider political discourse of the day. Government officials and academics at that time espoused a view that the world was witnessing an ideological revolution — a triumph of democracy over tyranny in every part of the world. For example, in Francis Fukuyama's seminal publication *The End of History and the Last Man*, he wrote:

As mankind approaches the end of the millennium, the twin crises of authoritarianism and socialist central planning have left only one competitor standing in the ring as an ideology of potentially universal validity: liberal democracy, the doctrine of individual freedom and popular sovereignty.<sup>12</sup>

In this light, the Chinese Communist Party was seen as obstructing the inevitable victory of western ideals. Support of the Beijing regime no longer served a counter-Soviet end, but rather, it appeared to impede the Cold War ends itself. In the early 1990s, Taiwan transitioned from the authoritarian government created by Chiang Kai-shek to a liberal democracy featuring popular elections, and Taiwan held its first democratic presidential election in 1996.<sup>13</sup> China was seen in Washington as impeding the universal validity of liberal democracy, just as Taiwan was undergoing its political transition.

The significance of these factors working in tandem cannot be overstated. The liberal narrative in American politics returned to earlier days — before the

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<sup>12</sup> Francis Fukuyama, *The End of History and the Last Man*, 1st Free Press trade pbk. ed. (New York: Free Press, 1992), 40.

<sup>13</sup> Patrick E. Tyler, "Taiwan's Leader Wins Its Election and a Mandate," *New York Times*, March 24, 1996.



normalization of relations with Beijing — when the dispute could be characterized as communist versus non-communist forces.<sup>14</sup> With Taiwan's political transformation underway, the dispute was now described as authoritarian versus democratic forces, and the authoritarian force was becoming even stronger with China's ongoing economic and military growth. Legislators argued this point throughout the 1990s in the new geostrategic terms of the post-Cold War political environment.<sup>15</sup>

### **CONGRESSIONAL INTERESTS IN CROSS-STRAIT RELATIONS (1992-2008)**

Congressional interests in cross-strait relations centered on fostering a separate relationship with Taiwan. This separate relationship was statutorily

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<sup>14</sup> For example, during the Second Taiwan Strait Crisis in 1958, the Eisenhower administration was concerned about the Taiwan-claimed islands of Quemoy and Matsu, because they believed that if the islands were overtaken by communist China, communist forces would soon after take Taiwan and threaten the security of the western Pacific. Secretary of State Dulles argued that such communist aggression would continue on to Japan, the Philippines, South Vietnam, Laos, Cambodia, Thailand, Burma, Malaya and Indonesia. He likened aggression against Taiwan to, "when the United States allowed the Chinese mainland to be taken over by the Chinese Communists, aided and abetted by the Soviet Union." John Lewis Gaddis, *Strategies of Containment: A Critical Appraisal of American National Security Policy During the Cold War*, Rev. and expanded ed. (New York: Oxford University Press, 2005); State Department of the United States, "Foreign Relations of the United States 1952 - 1975," (Houston, TX: RADIX Press, 2002).

<sup>15</sup> For example, Representative John Porter (R-IL) argued on the House floor that, "The Cold War is over and the United States is struggling to reshape its foreign policy. I believe there is a clear principle we should use as our guiding light in this effort — shared values. We are the only remaining superpower, and we have an unprecedented opportunity to shed our old policies and base our relations with other nations on their willingness to embrace the tenets that are the founding principles of our country — democracy, human rights, rule of law, and free markets. I believe the United States should cultivate relations with nations that share these values and are moving toward them. At the same time, we should make abundantly clear that we have no interest in cooperating with nor assisting nations that do not share our values. One nation that clearly shares our values is Taiwan." John Porter, "Congressional Record, 104th Congress (1995-1996), Expressing the Sense of Congress Regarding a Visit by the President of the Republic of China on Taiwan (House of Representatives - May 02, 1995) [Page: H4453]", Library of Congress,, <http://thomas.loc.gov/cgi-bin/query/C?r104:./temp/~r104yNRxkO> (accessed June 26, 2010).

based on the *Taiwan Relations Act*, and arguments to continue this relationship were bolstered by Taiwan's transformation into a modern democracy and its considerable bilateral trade relationship with the United States. To support this special relationship, Congress pursued legislation regarding three key interests: arms sales to Taiwan, promoting Taiwan's membership in international organizations, and ensuring access to the United States for visits by senior level Taiwan officials.

### *Arms Sales*

The policy foundation for arms sales to Taiwan resides in the *Taiwan Relations Act*, which states that the United States would provide Taiwan with defense articles and services as necessary for Taiwan to maintain a sufficient self-defense capability. Determining the type and quantity of armaments would involve Defense Department review, with recommendations provided to the President and Congress. The final determination of Taiwan's defense needs, however, would be made by both the executive and legislative branches.<sup>16</sup>

Beginning in 1993, Congress began passing legislation that reaffirmed these interests and even attempted to elevate them above executive branch policymaking. For example, the *Foreign Relations Authorization Act of Fiscal Years 1994 and 1995* stated that the TRA, "takes primacy over statements of United States policy, including communiqués, regulations, directives, and policies

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<sup>16</sup> House, *Taiwan Relations Act*.

based thereon.”<sup>17</sup> This language specifically addressed executive branch policy documents, such as the 1982 Communiqué, which declared U.S. intent to gradually reduce arms sales to Taiwan over time and that arms sales would not exceed levels supplied between 1979 and 1982, either quantitatively or qualitatively.<sup>18</sup> Similarly, the Senate passed legislation the following year stating that U.S. policy toward Taiwan should include “defensive arms sales to Taiwan based solely on Taiwan's self-defense needs, without qualitative or quantitative restrictions.”<sup>19</sup> Congress used these measures to challenge policy established by the executive branch in two ways: (1) asserting that congressional policy took priority over administration policy, and (2) reversing the specific language used by the executive branch in policy documents such as the 1982 Communiqué.

Congress continued to pursue this interest, becoming even more direct in its policymaking language. For instance, the *Foreign Relations Authorization Act for Fiscal Years 1996 and 1997* aimed to amend the TRA to state that it would “supersede any provision of the Joint Communiqué of the United States and

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<sup>17</sup> This measure passed by a vote of 273-144 in the House and 92-8 in the Senate. House, *Foreign Relations Authorization Act, Fiscal Years 1994 and 1995*, 103rd Cong., 1st sess., 1993, H.R.2333.

<sup>18</sup> It has only recently been learned that President Reagan had his own interpretation, which he documented in a secret memorandum after the communiqué was signed. This memorandum stated that the United States would restrict arms sales to Taiwan as long as the cross-strait balance was preserved. If China improved its military capabilities, the United States would sell arms to Taiwan to restore the balance. Embassy of the United States (Beijing), “Joint Communiqués of the United States of America and the People's Republic of China”; James Mann, *About Face: A History of America's Curious Relationship with China from Nixon to Clinton* 1st ed. (New York: Alfred Knopf : Distributed by Random House, 1999), 127.

<sup>19</sup> This bill passed by voice vote in the Senate. Senate, *To Express the Sense of the Senate Concerning United States Relations with Taiwan*, 103rd Cong., 2nd sess., 1994, S.RES.270.

China of August 17, 1982.”<sup>20</sup> The bill was vetoed by President Clinton because of the Taiwan-specific language, as he specifically stated concern for the impact on the 1982 Communiqué. The President contended:

The 1982 Communiqué has been one of the cornerstones of our bipartisan policy toward China for over 13 years. The ongoing management of our relations with China is one of the central challenges of United States foreign policy, but this bill would complicate, not facilitate that task.<sup>21</sup>

Congressional interest in arms sales to Taiwan was also evident in a series of measures between 1998 and 1999 that demonstrated a more intrusive approach. Congress legislated to ensure its participation in determining what weapons and defense services should be provided. For example, simultaneous resolutions from the House and Senate in 1998 restated a commitment to make defense articles and services available to Taiwan to provide for sufficient self-defense capability, and “only the President and Congress shall determine the nature and quantity of defense articles and services for Taiwan based solely upon their judgment of the defensive needs of Taiwan.”<sup>22</sup> In another example, two more concurrent

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<sup>20</sup> This bill passed with a vote of 222-192 in the House and 82-16 in the Senate. Library of Congress, "Bill Summary & Status, 104th Congress (1995 - 1996), H.R.1561, Major Congressional Actions," <http://thomas.loc.gov> (accessed June, 16, 2010); House, *Foreign Relations Authorization Act, Fiscal Years 1996 and 1997*, 104th Cong., 1st sess., 1995, H.R.1561.

<sup>21</sup> Voting along party lines with 188 Democrats supporting the President, the House failed to achieve a required 2/3 majority to override the veto (234-188). William J. Clinton, "Veto Message from the President of the United States (H. Doc. No. 104-197)", Library of Congress, <http://thomas.loc.gov/> (accessed June 22, 2010); House, *Foreign Relations Authorization Act, Fiscal Years 1996 and 1997*; Office of the Clerk of the U.S. House of Representatives, "Final Vote Results for Roll Call 136", House,, <http://clerk.house.gov/evs/1996/roll136.xml> (accessed June 22, 2010).

<sup>22</sup> The House version passed by a vote of 390-1, and the Senate version passed 92-0. The only difference in language between the two resolutions was that the House version specifically called for ballistic missile defenses to be provided to Taiwan. These bills were introduced shortly after

resolutions passed in the House and Senate in bills marking the 20th anniversary of the TRA. Again, these measures reaffirmed the policy that the United States should provide defense articles to Taiwan.<sup>23</sup> Equally illustrative, the House passed a resolution requiring the Secretary of State to consult congressional committees and leadership for input prior to determining the quantity or nature of arms for Taiwan.<sup>24</sup>

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the Clinton-Jiang summit in Beijing, which is where President Clinton succinctly stated U.S. policy in a manner that afterward became known as the “three noes.” The statement was made during an informal discussion with Chinese intellectuals in Shanghai, and it marked the first time that a U.S. president has enunciated that the United States: (1) does not support an independent Taiwan; (2) will oppose Taiwan's entry into international organizations which require statehood as a prerequisite; and (3) does not support a policy of “one China, one Taiwan.” John Pomfret, “Clinton Restates ‘Three Noes’ Policy on Taiwan,” *The Washington Post*, June 30, 1998; House, *Affirming the United States Commitment to Taiwan*, 105th Cong., 2nd sess., 1998, H.CON.RES.301; Senate, *A Concurrent Resolution Affirming U.S. Commitments under the Taiwan Relations Act*, 105th Cong., 2nd sess., 1998, S.CON.RES.107.

<sup>23</sup> The House version passed by a vote of 429-1, and the Senate bill passed by unanimous consent. As with the legislation of 1998, the only difference in language between the two resolutions was that the House version specifically discussed concern for ballistic missile defense in Taiwan. House, *Commemorating the 20th Anniversary of the Taiwan Relations Act*, 106th Cong., 1st sess., 1999, H.CON.RES.56; Senate, *Concerning the 20th Anniversary of the Taiwan Relations Act*, 106th Cong., 1st sess., 1999, S.CON.RES.17.

<sup>24</sup> This measure was passed in the House 385-35 and in the Senate by unanimous consent, but it was ultimately vetoed by the President. It was not vetoed because of the Taiwan-related language, but rather, because the \$12.7 billion appropriation fell \$1.9 billion below the White House budget request in what the President characterized as “another sign of a new isolationism.” Another version of the same appropriations bill, with similar Taiwan-related language, was passed in the House 316-100 the following month but stalled in the Senate due to a dispute over debt relief for poor countries. William J. Clinton, “Veto Message from the President of the United States (H. Doc. No. 106-145)”, Library of Congress, <http://thomas.loc.gov/> (accessed June 22, 2010); House, *Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2000 (H.R.2606)*, 106th Cong., 1st sess., 1999, H.R.2606; House, *Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2000 (H.R.3196)*, 106th Cong., 1st sess., 1999, H.R.3196; Miles A. Pomper, “Appropriations: Debt Issue Stalls Foreign Aid”, CQ Weekly Online, <http://library.cqpress.com.ezproxy.library.tufts.edu/cqweekly/wr19991113-44appropsforap001> (accessed June 22, 2010); Miles A. Pomper, “Appropriations: GOP Determined to Yield Little in Talks on Vetoed Foreign Aid Bill”, CQ Weekly Online, <http://library.cqpress.com.ezproxy.library.tufts.edu/cqweekly/WR19991023-41FORAP001> (accessed June 22, 2010).

Congressional interest in arms sales to Taiwan continued into the next decade as well. The *Taiwan Security Enhancement Act* stated the need to adhere to arms sales policy established in the TRA, “to maintain [Taiwan’s] democracy free of coercion and to safeguard its people from the use of force against them.” This bill directly linked the maintenance of adequate Taiwan military forces with the interests of the United States to maintain peace in the Western Pacific. It asserted that Congress and the President were obligated by the TRA to determine Taiwan’s qualitative and quantitative defense needs, and that it was U.S. policy “to reject any attempt to curb the provision by the United States of defense articles and services legitimately needed for Taiwan’s self-defense,” undercutting the intent of the 1982 Communiqué. Further, it argued that arms sales to Taiwan since 1979 had helped the island maintain its autonomy and freedom, and stated that, “Congress supports the continued provision of additional defense articles and defense services in accordance with the *Taiwan Relations Act*.”<sup>25</sup> Similarly, Congress passed a measure in 2004 stating that the United States was required to “make available defense articles and defense services in such quantity as may be

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<sup>25</sup> The bill proved a complex endeavor for legislators. Passed in the House by a vote of 341-70, this bill was closely linked with congressional consideration that year for extending permanent normal trade relations (PNTR) status to China as a step toward China’s WTO accession. In voting on whether to grant PNTR, legislators would be on the record demonstrating their view of future relations with China, namely, whether the United States should cooperate or compromise with a powerful but flawed Chinese regime. The *Taiwan Security Enhancement Act* offered political cover for conservative legislators that were torn between a traditional hard line toward Beijing and a belief in free trade facilitated by PNTR. House, *Taiwan Security Enhancement Act*, 106th Cong., 1st sess., 1999, H.R.1838; Miles A. Pomper, "Foreign Affairs: Partners and Adversaries", CQ Weekly Online, <http://library.cqpress.com.ezproxy.library.tufts.edu/cqweekly/weeklyreport106-00000023567> (accessed June 23, 2010).

necessary to enable Taiwan to maintain a sufficient self-defense capability.”<sup>26</sup> As late as 2007, Congress stood fast on this issue when the Bush administration appeared to ignore Taiwan’s request to purchase F-16 fighters. The House reiterated that it would continue to be U.S. policy to sell defense articles and services to Taiwan as necessary for Taiwan to maintain a sufficient self-defense capability.<sup>27</sup>

### *Taiwan in International Organizations*

The *Taiwan Relations Act* also served as the legislative foundation for U.S. policy regarding Taiwan's participation in international organizations. In the TRA, Congress stated that nothing in the law “may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.”<sup>28</sup> After 1991, Taiwan’s exclusion from institutions where it did not enjoy “continued membership” particularly gained the attention of lawmakers.<sup>29</sup>

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<sup>26</sup> This measure passed in the House by a vote of 400-18. House, *Reaffirming Unwavering Commitment to the Taiwan Relations Act, and for Other Purposes*, 108th Cong., 2nd sess., 2004, H.CON.RES.462.

<sup>27</sup> This bill passed by a voice vote in the House. House, *Declaring That It Shall Continue to Be the Policy of the United States, Consistent with the Taiwan Relations Act, to Make Available to Taiwan Such Defense Articles and Services as May Be Necessary for Taiwan to Maintain a Sufficient Self-Defense Capability*, 110th Cong., 1st sess., 2007, H.CON.RES.676.

<sup>28</sup> House, *Taiwan Relations Act*.

<sup>29</sup> For example, Senator Paul Simon argued on the Senate floor that policy change was necessary to address the fact that “the 21 million people of Taiwan constitute the largest democratic society without an effective voice in international organizations.” Paul Simon, "Congressional Record, 103rd Congress (1993-1994), Taiwan in International Organizations (Senate - October 07, 1994), [Page: S14953]", Library of Congress, <http://thomas.loc.gov/cgi-bin/query/D?r103:3:./temp/~r103r3Ytqd:> (accessed June 25, 2010).

Congress legislated on Taiwan's participation in the United Nations, the World Health Organization, and various international economic organizations.<sup>30</sup>

Congressional policymaking early in this period pursued this interest in two ways: (1) identifying Taiwan separately from its naming convention as a Chinese province, and (2) advocating for Taiwan's participation in organizations where the United States had influence. For example, the House called for the United States to use its influence in the Asian Development Bank to have Taiwan's name changed from "Taipei, China" to "Taiwan." The House insisted that "Taiwan," a name that was more acceptable to Taipei, should be used rather than "Taipei, China," a name more acceptable to Beijing.<sup>31</sup> In a second example, Congress passed the *Foreign Relations Authorization Act for Fiscal Years 1994 and 1995*, which featured language stating that the United States should support Taiwan's inclusion in "multilateral organizations to which the United States holds membership."<sup>32</sup>

Congress legislated for Taiwan's admission to an array of international economic organizations. For instance, the Senate passed a resolution specifically calling for Taiwan's admission to the General Agreement on Tariffs and Trade

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<sup>30</sup> The World Health Organization (WHO) constitution maintains that recognized statehood is a prerequisite for membership, so Taiwan has been ineligible for membership since Beijing assumed China's seat at the United Nations in 1972. Since these requirements do not preclude participation as an observer, Congress began advocating for U.S. policy to support observer status for Taiwan by the late 1990s. World Health Organization, "Constitution of the World Health Organization" <http://www.who.int/governance/eb/constitution/en/index.html> (accessed June 1, 2010).

<sup>31</sup> This measure passed by a vote of 297-124 in the House and 87-12 in the Senate. House, *Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993*, 102nd Cong., 2nd sess., 1992, H.R.5368.

<sup>32</sup> This bill passed by a vote of 273-144 in the House and 92-8 in the Senate. House, *Foreign Relations Authorization Act, Fiscal Years 1994 and 1995*.



(GATT); the International Bank for Reconstruction and Development (also known as the World Bank); and the International Monetary Fund (IMF).<sup>33</sup> In addition, the Senate called for the United States to support participation of Taiwan's president in the Asia Pacific Economic Cooperation Forum.

Recognizing the considerable international opposition to Taiwan's admission to the United Nations, this measure prescribed a more incremental approach, where the United States would support a proposal for Taiwan to receive formal observer status as a first step toward full UN membership and access to its agencies.<sup>34</sup> In another example, the Senate called on the President in 1995 to lobby the United Nations to permit representatives of Taiwan to fully participate in UN activities and agencies.<sup>35</sup>

To better understand this congressional interest, consider the legislation that emerged surrounding the negotiations for China's entry in the WTO. The *Foreign Relations Authorization Act for Fiscal Years 1996 and 1997* contained language stating that the United States should separate Taipei's application for

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<sup>33</sup> This measure also called for Taiwan's admission to: the Convention on Trade in Endangered Species of Flora and Fauna (CITES); the Montreal Protocol of the United Nations Environment Programme (UNEP); International Maritime Organization (IMO); International Atomic Energy Agency (IAEA); and United Nations High Commission for Refugees (UNHCR). This measure passed by a voice vote in the Senate. Senate, *To Express the Sense of the Senate Concerning United States Relations with Taiwan*.

<sup>34</sup> (1) U.S. support for Taiwan's admission to GATT as a developed country was specifically worded to undercut Beijing's demand that Taiwan's admission not occur ahead of its own. At this point, China was not eligible to join WTO because of certain trade practices that had yet to be reformed to conform to WTO standards. (2) This bill listed several other non-economic organizations that should allow Taiwan's membership, which are discussed above. (3) This measure passed by a voice vote in the Senate. Ibid.

<sup>35</sup> This bill passed by voice vote in the Senate. Senate, *Expressing the Sense of the Senate That the United Nations Should Be Encouraged to Permit Representatives of Taiwan to Participate Fully in Its Activities, and for Other Purposes*, 103rd Cong., 2nd sess., 1994, S.RES.148.

WTO membership from that of Beijing, noting that Taiwan should be admitted once it had met the membership criteria.<sup>36</sup> As Beijing grew closer to WTO accession through bilateral negotiations with the Clinton administration, congressional interest in Taiwan's membership in international organizations became even more apparent. Subsequently, the *Foreign Affairs Reform and Restructuring Act of 1998*, which called for the State Department to publicly support Taiwan's accession, expressed concern among legislators that the cross-strait balance would shift if China joined the WTO while Taiwan remained uninvited.<sup>37</sup> In another example, the Senate passed a measure that took the additional step of linking WTO membership with the TRA. This bill argued that U.S. support for Taiwan's admission to the WTO was "in conformity with the spirit of section 4(d) of the *Taiwan Relations Act*."<sup>38</sup> While the TRA had, in fact, referred to Taiwan's removal from organizations as a result of U.S. recognition of Beijing in 1979, this legislation was the first instance of invoking "section 4(d)" to advocate for Taiwan's accession to an organization after Sino-U.S. normalization occurred. The House quickly followed suit, employing the same

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<sup>36</sup> This measure passed by a vote of 222-192 in the House and 82-16 in the Senate. House, *Foreign Relations Authorization Act, Fiscal Years 1996 and 1997*.

<sup>37</sup> This bill passed by a voice vote in the House and by a vote of 90-5 in the Senate. It was ultimately vetoed by President Clinton, because it tied back-payments of UN dues to restrictions on international family planning. William J. Clinton, "Veto Message from the President of the United States (H.R. 1757)", Library of Congress, <http://thomas.loc.gov> (accessed June 24, 2010); House, *Foreign Affairs Reform and Restructuring Act of 1998*, 105th Cong., 2nd sess., 1998, H.R.1757.

<sup>38</sup> Section 4(d) of the *Taiwan Relations Act* stated that, "Nothing in this chapter may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization." S.CON.RES.17 passed in the Senate by unanimous consent. House, *Taiwan Relations Act*; Senate, *Concerning the 20th Anniversary of the Taiwan Relations Act*.

logic of section 4(d) in its own measure.<sup>39</sup> After Congress agreed to the terms of China's WTO accession, it added one final statement in the legislation which granted Permanent Normal Trade Relations (PNTR) to China. The bill declared that, immediately upon China's approval by the General Council of the WTO, the United States should request consideration for Taiwan's accession "as the next order of business of the Council during the same session." Additionally, the United States should counter any efforts by WTO members to block Taiwan's accession.<sup>40</sup>

Congress also pursued this interest by establishing new congressional oversight requirements for the administration. For example, Congress inserted language into the *Foreign Relations Authorization Act for Fiscal Years 2000 and 2001* that required the Secretary of State to report every six months on efforts by the U.S. government to support Taiwan's membership in international organizations which did not require statehood as a prerequisite. The report was to include a comprehensive list of international organizations to which the United States supported Taiwan's membership; efforts of the United States to achieve membership or participation for Taiwan; and obstacles to Taiwan's membership

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<sup>39</sup> This bill passed in the House by a vote of 429-1. House, *Commemorating the 20th Anniversary of the Taiwan Relations Act*.

<sup>40</sup> This bill passed by a vote of 237-197 in the House and 83-15 in the Senate. Ultimately, Taiwan was admitted to the WTO under the name "Chinese Taipei" on January 1, 2002. House, *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*, 106th Cong., 2nd sess., 2000, H.R.4444; World Trade Organization, "Member Information, Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei) and the Wto", WTO, [http://www.wto.org/english/thewto\\_e/countries\\_e/chinese\\_taipei\\_e.htm](http://www.wto.org/english/thewto_e/countries_e/chinese_taipei_e.htm) (accessed July 7, 2010).

or participation for each organization.<sup>41</sup> The House also passed a measure to create a legislative requirement for the Secretary of State to submit a report to Congress on U.S. efforts to support Taiwan's participation in the World Health Organization (WHO).<sup>42</sup> Of note, this legislation linked WHO participation to the Clinton administration's 1994 Taiwan Policy Review, which featured a pledge to support Taiwan's participation in organizations where membership was not possible.<sup>43</sup> The Senate followed shortly afterward with a measure requiring the Secretary of State to report to the Senate Foreign Relations Committee on what action the United States would take at the annual WHO meeting later that year to support Taiwan's participation.<sup>44</sup> When the administration reported that it would not endorse Taiwan's participation in international organizations, Congress answered with another resolution declaring that Taiwan deserved WHO participation and calling for the United States to "fulfill the commitment it made in the 1994 Taiwan Policy Review to more actively support Taiwan's participation in appropriate international organizations."<sup>45</sup>

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<sup>41</sup> Senate, *Admiral James W. Nance Foreign Relations Authorization Act, Fiscal Years 2000 and 2001*, 106th Cong., 1st sess., 1999, S.886.

<sup>42</sup> This measure passed by voice vote in the House and unanimous consent in the Senate. House, *Concerning the Participation of Taiwan in the World Health Organization*, 106th Cong., 1st sess., 1999, H.R.1794.

<sup>43</sup> Winston Lord, "Statement to the Senate Foreign Relations Committee on the Taiwan Policy Review" [http://usinfo.org/sino/review\\_e.htm](http://usinfo.org/sino/review_e.htm) (accessed June 1, 2010).

<sup>44</sup> This bill passed by unanimous consent in the Senate. Senate, *Relating to Taiwan's Participation in the World Health Organization*, 106th Cong., 1st sess., 1999, S.RES.26.

<sup>45</sup> It also asserted that Taiwanese "human rights as citizens of the world are severely abridged" by their inability to participate in these public health assemblies. This measure passed by voice vote in the House and unanimous consent in the Senate. House, *Expressing the Sense of the Congress Regarding Taiwan's Participation in the United Nations*, 106th Cong., 2nd sess., 2000, H.CON.RES.390.

### *Senior Level Visits*

Whereas the policy foundation for arms sales to Taiwan and membership in international organizations resides in the *Taiwan Relations Act*, this law made no mention of U.S. policy regarding senior level visits between the United States and Taiwan. During its development, the Carter administration lobbied heavily to remove any references to official relations between the United States and Taiwan. Congress began legislating on the issue after 1991 in its pursuit of a separate relationship with Taiwan.<sup>46</sup>

Between 1993 and 1994, Congress passed a collection of measures that illustrated its interest in fostering a separate relationship through visits by senior officials. For instance, the *Foreign Relations Authorization Act for Fiscal Years 1994 and 1995* included language calling on the President to send cabinet-level appointees to Taiwan to promote U.S. interests.<sup>47</sup> In another example, the *National Defense Authorization Act for Fiscal Year 1995* stated that “no visa should be denied for a high-level official of Taiwan to enter the United States.”<sup>48</sup> The Senate passed even more expansive language in the *Immigration and Nationality Technical Corrections Act of 1994*, which required that the Taiwan

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<sup>46</sup> "Taiwan Relations Act, 1979 Legislative Chronology."

<sup>47</sup> This measure passed in by a vote of 273-144 in the House and 92-8 in the Senate. The Senate passed another resolution with similar language, calling for cabinet-level exchanges. This bill was passed by voice vote in the Senate. Senate, *Expressing the Sense of the Senate That the United Nations Should Be Encouraged to Permit Representatives of Taiwan to Participate Fully in Its Activities, and for Other Purposes*; House, *Foreign Relations Authorization Act, Fiscal Years 1994 and 1995*.

<sup>48</sup> This measure was passed “without objection” in the House and by voice vote in the Senate. Senate, *National Defense Authorization Act for Fiscal Year 1995*, 103rd Cong., 2nd sess., 1994, S.2182.

president and other high-level officials of Taiwan be admitted to the United States for the purposes of meeting with U.S. government officials to discuss bilateral issues.<sup>49</sup>

Measures such as these would become the prelude to a significant high-level visit in 1995 that took center stage in congressional policymaking toward China. When Taiwan's President Lee Teng-hui was invited to his alma mater Cornell University to speak at his class reunion, Congress weighed in with a sense of Congress resolution calling on President Clinton to welcome the visit. This legislation referenced several previous measures, including the *Immigration and Nationality Technical Corrections Act of 1994*, which was signed into law by President Clinton and required that the Taiwan President be welcomed.<sup>50</sup> To further illustrate congressional interest in this issue, both chambers passed the *Foreign Relations Authorization Act for Fiscal years 1996 and 1997*, which explicitly declared that the Taiwan President should be admitted for a visit.<sup>51</sup> As discussed in chapter one, this legislative pressure from Congress proved effective in changing U.S. policy. While the White House had resolved not to issue a visa, this resolution carried the prospect of further, more impactful congressional

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<sup>49</sup> This bill was passed by voice vote in both the House and the Senate. House, *Immigration and Nationality Technical Corrections Act of 1994*.

<sup>50</sup> This measure was passed by a vote of 396-0 in the House and 97-1 in the Senate. Ibid; House, *Expressing the Sense of the Congress Regarding a Private Visit by President Lee Teng-Hui of the Republic of China on Taiwan to the United States*.

<sup>51</sup> This bill was passed by a vote of 222-192 in the House and 82-16 in the Senate. House, *Foreign Relations Authorization Act, Fiscal Years 1996 and 1997*.

action if the president did not concede. President Lee was ultimately permitted to visit, which angered Beijing just as the administration had feared.<sup>52</sup>

Congressional interest in senior level visits did not subside after the so-called "1996 Taiwan Strait Crisis," and into the next decade, Congress continued to explicitly call for Taiwan military leaders to visit the United States. For example, the *Taiwan Security Enhancement Act* marked a House-led effort to enact major revisions in U.S.-Taiwan relations. These revisions included a requirement for the Defense Secretary to reserve positions for Taiwan military officers at the National Defense University and other professional military education schools. Additionally, it called for the United States to host Taiwan military officers at undergraduate military academies, including West Point, the Naval Academy and the Air Force Academy. This bill also required the Defense Secretary to implement a plan for exchanges of senior military officers to work on threat analysis, joint military doctrine and joint force planning; and the Secretary was required to submit this plan to Congress within 180 days.<sup>53</sup> This new

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<sup>52</sup> Winston Lord confided the administration feared that Congress, if ignored by the President, might alter the *Taiwan Relations Act*. "We felt that Congress would be so outraged if we held out on this issue that it might tamper with the *Taiwan Relations Act* and might enforce other things with respect to Taiwan which could really hurt policy toward Beijing," Lord recalled. Robert Suettinger, National Security Council Director of Asian Affairs, also noted that with such overwhelming margins of victory in previous congressional votes, the White House believed that a veto of such legislation would likely be overridden. Lord added that, although the administration did not intend to issue the visa, the pressure was intense enough to allow Lee to visit. Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*, 215; Tucker, *China Confidential: American Diplomats and Sino-American Relations, 1945-1996*, 480.

<sup>53</sup> This bill proved a complex endeavor for legislators. Passed in the House by a vote of 341-70, this bill was intimately linked with Congressional consideration that year for extending permanent normal trade relations (PNTR) status to China as a step toward China's WTO accession. In voting on whether to grant PNTR, legislators would be on the record demonstrating their view of future relations with China, namely, whether the United States should cooperate or compromise with a powerful but flawed Chinese regime. The bill offered political cover for conservative legislators that were torn between a traditional hard line toward Beijing and a belief in free trade facilitated

requirement for military exchanges was repeated in the *Bob Stump National Defense Authorization Act for Fiscal Year 2003*. To be sure, the language in this bill was less imposing than the *Taiwan Security Enhancement Act*, as it only required a report on the feasibility of visits rather than actual implementation, but it nonetheless expressed congressional interest on the issue of senior level visits.<sup>54</sup>

In another example, the House again legislated on military exchanges in the *Sonny Montgomery National Defense Authorization Act for Fiscal Year 2007*. This bill required the Defense Secretary to direct the National Defense University to conduct at least one class field study trip to Taiwan. In addition, the Secretary was directed to execute a program of senior military and senior official exchanges to be conducted in both Taiwan and the United States. The bill went so far as to define “senior military” as admirals or generals and “senior official” as deputy assistant secretary or above.<sup>55</sup>

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by PNTR. Nevertheless, President Clinton threatened to veto the bill, arguing that it would “seriously diminish Taiwan's security and undermine the important U.S. objective of stability in Asia.” Senate Majority Leader Trent Lott (R-MS) showed little interest in pursuing the bill, saying that he was “not interested in complicating the relationship” between China and Taiwan. Support for the bill was further diminished by Defense Department opposition. The Commander of U.S. Pacific Command Admiral Dennis Blair warned the Senate that passage of the bill would make resolution of the cross-strait issue more difficult, claiming, “This act would not be helpful.” Senator Lott signaled that there was no need for quick Senate action on the bill, and support continued to erode following Taiwan’s election of pro-independence President Chen Shui-bian. Efforts to advance the legislation were halted when Senator Max Baucus (D-MT) placed a hold on the bill, arguing that it would only inflame cross-strait relations. House, *Taiwan Security Enhancement Act*.

<sup>54</sup> The only difference between these two measures was that the second bill only required the President *to report* the feasibility of exchanging generals and admirals between the United States and Taiwan. This measure was passed by a vote of 359-58 in the House and unanimous consent in the Senate. House, *Bob Stump National Defense Authorization Act for Fiscal Year 2003*, 107th Cong., 2nd sess., 2002, H.R.4546.

<sup>55</sup> This measure was passed by a vote of 396-31 in the House. This language was removed during conference committee, which also resulted in accepting the Senate’s name for the bill, the *John Warner National Defense Authorization Act for Fiscal Year 2007*. House, *John Warner National*



Illustrating the persisting nature of this congressional interest, the language from bills early in this period reemerged in new legislation more than ten years later. In the *Foreign Relations Authorization Act for Fiscal Years 2006 and 2007*, the House reaffirmed the mandate from the *Immigration and Nationality Technical Corrections Act of 1994*, stating that high-level officials of Taiwan “shall be admitted to the United States” for the purposes of meeting with U.S. government officials to discuss bilateral issues.<sup>56</sup> The House passed legislation as late as 2007 in a measure which expressed frustration that the administration still adhered to a policy restricting high-level visits from Taiwan. Noting that even approved visits were subjected to a “period of complex, lengthy and humiliating negotiations,” this legislation called for lifting restrictions on all visits. The House again invoked the *Immigration and Nationality Technical Corrections Act of 1994* to state that the United States should allow direct cabinet level exchanges with Taiwan.<sup>57</sup>

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*Defense Authorization Act for Fiscal Year 2007*, 109th Cong., 2nd sess., 2006, H.R.5122; House, *Sonny Montgomery National Defense Authorization Act for Fiscal Year 2007*, 109th Cong., 2nd sess., 2006, H.R.5122.

<sup>56</sup> The bill passed in the House by a vote of 351-78 but failed to reach the Senate floor, which was widely attributed to disputes in the Senate over military aid to Egypt, U.S. dues for the United Nations, withdrawal from Iraq, and the interrogation of alleged terrorists at Guantanamo Bay. Faced with riders which resurrected these longstanding political controversies, the sponsor withdrew the bill from the Senate floor after he determined that final passage was unlikely. House, *Foreign Relations Authorization Act for Fiscal Years 2006 and 2007*, 109th Cong., 1st sess., 2005. H.R.2601; Gayle S. Putrich, "Foreign Affairs Bills Get More Complex", CQ Weekly Online, <http://library.cqpress.com.ezproxy.library.tufts.edu/cqweekly/weeklyreport109-000001792019> (accessed June 22, 2010).

<sup>57</sup> This bill passed in the House by voice vote. While this collection of legislation illustrates an enduring interest in fostering a separate relationship with Taiwan through senior level visits, it should be noted that the last several measures during this period were not taken up by the Senate. In fact, the Senate appetite for pressing this issue faded as China grew stronger during the post-Cold War years. House, *Immigration and Nationality Technical Corrections Act of 1994*; House,

## EVOLUTION IN CONGRESSIONAL POLICYMAKING IN CROSS-STRAIT RELATIONS

The preceding section illustrated that congressional interests in cross-strait relations centered on three issues — arms sales to Taiwan, promoting Taiwan’s membership in international organizations, and ensuring access to the United States for visits by senior level Taiwan officials. Still, there was a distinct evolution in congressional policymaking during this period. In the first years after 1991, when China was relatively weaker, Congress was much more assertive in pursuing these interests. As China became stronger, however, Congress was much less active in legislating policy in this issue area.

Even though Congress consistently asserted that the TRA remained the statutory basis for arms sales to Taiwan, interest in pressing this issue diminished as China became stronger over time. Policymaking in the first few years after 1991 authoritatively declared that the TRA trumped any of the executive branch’s communiqués, but this policy approach softened, with legislation later in the period simply calling on the administration to consult with Congress on matters of arms sales to Taiwan. Of note, Senate policymaking activity in this issue area diminished, as the few measures that emerged from the House on arms sales never achieved a floor vote in the Senate.

Similarly, consider how Congress advocated for Taiwan’s participation in international organizations between 1992 and 2008. In just the first few years of this period, Congress called for Taiwan’s membership or participation in many organizations, including: the United Nations; General Agreement on Tariffs and

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*Expressing the Sense of Congress Regarding High Level Visits to the United States by Democratically-Elected Officials of Taiwan*, 110th Cong., 1st sess., 2007, H.CON.RES.136.

Trade (GATT); the International Bank for Reconstruction and Development (IBRD); and the International Monetary Fund (IMF); Convention on Trade in Endangered Species of Flora and Fauna (CITES); United Nations Environment Programme (UNEP); International Maritime Organization (IMO); International Atomic Energy Agency (IAEA); and United Nations High Commission for Refugees (UNHCR). By 1999, this policy stance had eased to only support Taiwan's membership in international organizations which did not require statehood as a prerequisite, such as the WTO. After China and Taiwan's near-simultaneous WTO accession, the only issue regarding international organizations that received legislative attention was Taiwan's observer status at the World Health Assembly (WHA) in Geneva, which was addressed in annual legislation in Congress. By 2004, however, Congress forewent the annual display, choosing instead to quietly require the State Department to report on the issue. The starkest example of this policymaking evolution came in 2007, as the Bush administration openly rebuked Taiwan for planning a referendum on UN membership.<sup>58</sup> When the Taiwan government ignored the rebuke, Bush used a visit with China's Premier Wen Jiabao to declare that Washington and Beijing were now "partners in diplomacy," and he sternly warned Taiwan that the U.S. opposed any

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<sup>58</sup> After Taiwan's legislature permitted President Chen to call national referendums on constitutional and sovereignty issues, Chen called for a referendum to condemn China's buildup of ballistic missiles deployed near the Taiwan Strait. The Bush administration quickly rebuked Taiwan for its actions and warned President Chen not to hold the referendum. Keith Bradsher, "Taiwan Legislators Step Back from Confronting China," *New York Times*, November 28, 2003; David E. Sanger, "U.S. Asks Taiwan to Avoid a Vote Provoking China," *New York Times*, December 9, 2003.

referendum which would incite a pro-independence movement.<sup>59</sup> Notably, no legislation appeared from Congress on the issue.

Congressional policymaking on senior level visits and exchanges evolved in a similar manner during this period. Since this issue was not clearly addressed in the TRA, Congress actively legislated in the first few years to permit Taiwan officials to visit, particularly after the Clinton administration made clear in 1995 that it would not grant visas for such visits. In fact, congressional threats to upend the delicate balance in cross-strait relations by amending the TRA were a primary factor in the 1995-1996 Taiwan Strait tensions. Legislative activity diminished over time, however, as fewer measures advocating for visits and exchanges emerged from Congress. Similar to the issue of international organizations, the House passed a handful of bills on this issue after 1996, but Senate policymaking activity on visits nearly ceased afterward. The few House measures that materialized never achieved a floor vote in the Senate.

## **DOMESTIC POLITICAL FACTORS**

The cross-strait issue area was most affected by two domestic political factors: interbranch rivalry and elections. While interbranch rivalry was the more prominent factor, electoral considerations did influence legislative activity.

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<sup>59</sup> The following year Taiwan held the referendum, which failed due to low voter response. The referendum failed to achieve 50 percent voter participation, which was necessary to be considered valid. More than 80 percent of eligible voters cast ballots in the election, but when Chen's political opponents called for voters to abstain, only 45 percent voted on the two referendum questions — one on military spending and the other on whether to negotiate with China. Keith Bradsher and Joseph Kahn, "Taiwan's Leader Wins Re-Election; Tally Is Disputed," *New York Times*, March 21, 2004; David E. Sanger, "Bush Lauds China Leader as 'Partner' in Diplomacy," *New York Times*, December 10, 2003.

## *Interbranch Rivalry*

Since President Carter's announcement that the United States would formally recognize Beijing, which involved abrogating the Mutual Defense Treaty with Taiwan, an interbranch rivalry existed over which branch would make policy in cross-strait relations. This rivalry is an important factor in explaining congressional policymaking between 1992 and 2008.

Early legislation after 1991 focused on the apparent competing aspects between the TRA and the three communiqués signed by the executive branch between 1972 and 1982.<sup>60</sup> For example, the *Foreign Relations Authorization Act of Fiscal Years 1994 and 1995* stated that the TRA "takes primacy over statements of United States policy, including communiqués, regulations, directives, and policies based thereon."<sup>61</sup> This measure directly challenged the authority of executive branch policy documents, such as the 1982 Communiqué, which declared U.S. intent to gradually reduce arms sales to Taiwan over a period of time.<sup>62</sup> In another example, Congress attempted to amend the TRA in 1995 to

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<sup>60</sup> To manage Sino-U.S. policy regarding the cross-strait dispute, the executive branch established policy primarily through the "three communiqués" with Beijing. Briefly stated, the collective policy declares that the United States recognizes that there is one China, Taiwan is a part of China, and peaceful settlement of the Taiwan question by the Chinese themselves is in the U.S. interest. Conversely, the stated purpose of this legislation was to preserve U.S. ties with Taiwan by "authorizing the continuation of commercial, cultural, and other relations." The TRA also stated that diplomatic relations with China were premised on the peaceful resolution of the cross-strait dispute, and it declared that use of force against Taiwan would be considered a "threat to the peace and security of the Western Pacific area and of grave concern to the United States." Embassy of the United States (Beijing), "Joint Communiqués of the United States of America and the People's Republic of China"; House, *Taiwan Relations Act*.

<sup>61</sup> This measure passed by a vote of 273-144 in the House and 92-8 in the Senate. House, *Foreign Relations Authorization Act, Fiscal Years 1994 and 1995*.

<sup>62</sup> More definitively, the communiqué stated that arms sales would not exceed levels supplied between 1979 and 1982, either quantitatively or qualitatively. It has since been learned that President Reagan maintained his own interpretation that the United States would restrict arms

state that it would “supersede any provision of the Joint Communiqué of the United States and China of August 17, 1982.”<sup>63</sup> President Clinton’s veto of this measure further illustrated the interbranch rivalry, contending that: “The 1982 Communiqué has been one of the cornerstones of our bipartisan policy toward China for over 13 years.”<sup>64</sup>

In addition to these types of vetoes, the White House showed other signs of the interbranch rivalry affecting policymaking vis-à-vis cross-strait relations. After Congress passed the *Immigration and National Technical Corrections Act*, which required the President to permit senior level visits from Taiwan, Clinton signed the bill into law but gave specific instructions to Secretary of State Christopher regarding its execution. The president directed him to particularly weigh American interests when considering applications from Taiwan’s leaders, including maintaining “the successful balance struck between our unofficial relations with Taiwan and our relations with the People’s Republic of China.”<sup>65</sup>

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sales to Taiwan as long as the cross-strait balance was preserved. If China improved its military capabilities, the United States would sell arms to Taiwan to restore the balance. Embassy of the United States (Beijing), "Joint Communiqués of the United States of America and the People's Republic of China"; James Mann, *About Face: A History of America's Curious Relationship with China from Nixon to Clinton*, 1st ed. (New York: Alfred Knopf : Distributed by Random House, 1999), 127.

<sup>63</sup> This bill passed both chambers with a vote of 222-192 in the House and 82-16 in the Senate. Congress, "Bill Summary & Status, 104th Congress (1995 - 1996), H.R.1561, Major Congressional Actions"; House, *Foreign Relations Authorization Act, Fiscal Years 1996 and 1997*.

<sup>64</sup> Voting along party lines with 188 Democrats supporting the President, the House failed to achieve a required 2/3 majority to override the veto (234-188). Clinton, "Veto Message from the President of the United States (H. Doc. No. 104-197)"; House, *Foreign Relations Authorization Act, Fiscal Years 1996 and 1997*; Office of the Clerk of the U.S. House of Representatives, "Final Vote Results for Roll Call 136".

<sup>65</sup> House, *Immigration and Nationality Technical Corrections Act of 1994*; Tucker, *China Confidential: American Diplomats and Sino-American Relations, 1945-1996*, 205.

Simply put, the President signed the bill into law but subsequently sidestepped the spirit of the measure.

Another point of contention between the President and Congress was control over the arms sales process for Taiwan. In addition to legislating on the principle of selling arms to Taiwan, Congress repeatedly passed measures to assert more control. Congress primarily pursued this initiative by requiring the executive branch to submit formal reports on certain aspects of arms transfers to Taiwan. This initiative began around the 20th anniversary of the TRA with resolutions in both the House and Senate which stated that the executive branch must inform congressional committees when Taiwan officials seek to purchase arms for self-defense.<sup>66</sup> In 1999 and 2000, there were persistent efforts to require the Secretary of State to consult with congressional committees and the leadership of Congress in order to devise a mechanism to solicit congressional input prior to making any determination on the quantity or nature of arms for Taiwan. In fact, language to this effect appeared in five separate measures that received floor action during these two years.<sup>67</sup> For example, the *Taiwan Security Enhancement Act* attempted to expand the number of reports required by Congress. This legislation called for an annual report from the President detailing: (1) Taiwan's requests for arms sales; (2) Taiwan's "self-described defense needs" as

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<sup>66</sup> House, *Commemorating the 20th Anniversary of the Taiwan Relations Act*; Senate, *Concerning the 20th Anniversary of the Taiwan Relations Act*.

<sup>67</sup> House, *Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2000 (H.R.2606)*; House, *Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2000 (H.R.3196)*; House, *Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2001 (H.R.4811)*, 106th Cong., 2nd sess., 2000, H.R.4811; House, *Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2001 (S.2522)*, 106th Cong., 2nd sess., 2000, S.2522.

justification for those requests; and (3) the executive branch's decision-making process used to reject, postpone, or modify these requests. The bill also required an annual report from the Secretary of Defense on the security situation in the Taiwan Strait, including an analysis of the China's military forces facing Taiwan and a review of Taiwan's ability to address the security situation.<sup>68</sup> These measures highlight the motivation behind legislation to increase congressional involvement in the foreign military sales process vis-à-vis Taiwan. Since the administration was not consulting Congress as required by the TRA, congressional influence was diminished in this issue area. Bills such as the *Taiwan Security Enhancement Act* were designed to increase congressional involvement in cross-strait policy decision-making, which in turn would increase congressional influence over policy toward China.

Finally, consider three particular disagreements in 1995, 1998 and 2008 that clearly illustrate the nature of this interbranch rivalry in cross-strait policy. The first disagreement regarding Lee Teng-hui's visit in 1995 has been discussed at length both in this chapter and chapter one. While the details need not be repeated, the conclusion is important to recall. The administration's interest in pacifying China by rejecting Taiwan's visa request found direct opposition in Congress, which had its own interest in facilitating senior level visits. Had

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<sup>68</sup> As previously discussed, this bill proved a complex endeavor for legislators. Passed in the House by a vote of 341-70, this bill was intimately linked with Congressional consideration that year for extending permanent normal trade relations (PNTR) status to China as a step toward China's WTO accession. In voting on whether to grant PNTR, legislators would be on the record demonstrating their view of future relations with China, namely, whether the United States should cooperate or compromise with a powerful but flawed Chinese regime. The bill offered political cover for conservative legislators that were torn between a traditional hard line toward Beijing and a belief in free trade facilitated by PNTR. House, *Taiwan Security Enhancement Act*, 106th Cong., 2nd sess., 2000, H.R.1838.



Congress not acted, the administration likely would not have capitulated in granting the visit request.

The second example occurred during the events surrounding a presidential visit to China in 1998, which caused several bills to emerge from Congress.<sup>69</sup> When the President and First Lady visited the Shanghai Library to participate in an informal discussion with Chinese intellectuals entitled “Shaping China for the 21st Century,” the President publicly stated what would become known as the “three noes.” This statement marked the first time that a president had enunciated that the United States: (1) did not support an independent Taiwan; (2) would oppose Taiwan's entry into international organizations which require statehood as a prerequisite; and (3) did not support a policy of “one China, one Taiwan.”<sup>70</sup> While this statement was simply reiterating existing policy, this was the first time that it was stated publicly by the President. The administration was soon defending the remarks to critics in Congress.<sup>71</sup> Three weeks after the President

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<sup>69</sup> The first half of 1998 was marked by a continued warming of relations between the United States and China, and in the delicate balance of cross-strait relations, Taiwan's influence with the administration appeared to be waning. In March, the White House announced that Clinton would attend a June summit in China as the first president to visit China since the Tiananmen crackdown. Official discussions and public remarks during the President Clinton's visit in Beijing were more focused on human rights than the cross-strait dispute, but Clinton considerably impacted U.S. policy in cross-strait relations during a later stop in Shanghai. Mann, *About Face: A History of America's Curious Relationship with China from Nixon to Clinton*, 362.

<sup>70</sup> Clinton asserted that U.S. policy regarding Taiwan, “is that we don't support independence for Taiwan, or two Chinas, or one Taiwan-one China. And we don't believe that Taiwan should be a member in any organization for which statehood is a requirement.” William J. Clinton, “Remarks by the President and the First Lady in Discussion on Shaping China for the 21st Century”, National Archives and Records Administration, <http://clinton6.nara.gov/1998/06/1998-06-30-remarks-by-president-and-first-lady-at-shanghai-library.html> (accessed March 6, 2011); Pomfret, “Clinton Restates ‘Three Noes’ Policy on Taiwan.”

<sup>71</sup> Eric Schmitt, “Lott Leads G.O.P. Attack on ‘Mistakes’ on China Trip,” *New York Times*, July 8, 1998; Philip Shenon, “No Policy Turn, U.S. Assures Taiwan Again,” *New York Times*, July 7, 1998.

returned, the House passed a measure reaffirming the U.S. commitment toward Taiwan. This bill reiterated the U.S. legislative requirement to make defense articles and services available to Taiwan to provide for sufficient self-defense capability and that “only the President and Congress shall determine the nature and quantity of defense articles and services for Taiwan based solely upon their judgment of the defensive needs of Taiwan.”<sup>72</sup> The Senate passed a similar measure the same month.<sup>73</sup> While opposition in Congress might be misconstrued as partisan in nature, particularly during a period of hyper-partisan competition in the late 1990s, the roll call votes of 390-1 and 92-0 clearly indicated bipartisan support.<sup>74</sup>

The third example occurred in 2008, when Congress was frustrated by the administration’s refusal to report to Congress on an \$11 billion arms package for Taiwan. Congress moved to require quarterly briefings, because it perceived that the White House was, at best, ignoring the congressional role as outlined in the TRA or, at worst, implementing an “arms freeze.” This legislation required the

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<sup>72</sup> This measure also affirmed the congressional commitment to make ballistic missile defenses available to Taiwan to maintain its self-defense capability. This measure passed in the House by a vote of 390-1. It was referred to the Senate but was never taken up, as the Senate leadership chose to pursue its own version. House, *Affirming the United States Commitment to Taiwan*.

<sup>73</sup> The only difference in language between the two resolutions was that the House version specifically called for ballistic missile defenses to be provided to Taiwan. This bill was passed in the Senate by a vote of 92-0. It was referred to the House but was never taken up, as the House had already passed its own version. Senate, *A Concurrent Resolution Affirming U.S. Commitments under the Taiwan Relations Act*.

<sup>74</sup> This was even the case during the Bush administration, when the House passed measures challenging the President his policy regarding arms sales and senior level visits. For example, House Concurrent Resolution 462 reaffirmed congressional policy on arms sales and passed by a vote of 400-18. House, *Reaffirming Unwavering Commitment to the Taiwan Relations Act, and for Other Purposes*.

Secretary of State to brief Congress on discussions between the United States and Taiwan on potential transfers of arms or services.<sup>75</sup>

Overall, the pattern that emerged was that Congress wished to become more influential in making policy in cross-strait relations than the executive branch was willing to concede. Some legislation simply required reports and briefings from the executive branch to inject congressional policy preferences. Some legislation, however, directly challenged the President by asserting opposing policy statements. The interbranch rivalry that existed in this issue area resulted in both confrontational and procedural measures, as Congress tried to become more than just a rubber stamp for executive branch policy decisions.

### *Elections*

Political considerations surrounding elections were also a factor in congressional policymaking in the cross-strait issue area. While foreign policy issues generally have less influence in congressional elections than domestic issues, the appearance of fostering closer trade relations with China often resulted in symbolic floor votes on cross-strait relations that provided political cover for legislators.

For example, in the run-up to the 1996 elections, the House passed two symbolic measures in an apparent effort to ease concerns that members might be accused of complicity with China. The first bill called for hearings and “possible” punitive legislation toward China for its “aggressive campaign to intimidate

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<sup>75</sup> House, *To Require the Secretary of State, in Consultation with the Secretary of Defense, to Provide Detailed Briefings to Congress (H.R.6646)*, 110th Cong., 2nd sess., 2008, H.R.6646.

Taiwan” during the 1996 Taiwan Strait tensions, and it criticized Beijing for insisting that Taiwan’s WTO accession be blocked until China was permitted to enter.<sup>76</sup> The second bill stated that it was U.S. policy to ask the United Nations to establish a working group to study UN membership for Taiwan and to urge the European Parliament to support Taiwan’s membership in international organizations.<sup>77</sup> While both of these measures were largely symbolic, allowing members to use these votes to establish a record of supporting a democratic Taiwan against a communist China, each bill carried real political risks of destabilizing Sino-U.S. relations by angering Beijing.

This domestic political factor was also evident in the *Taiwan Security Enhancement Act*, which stated the need to adhere to arms sales policy established in the TRA “to maintain [Taiwan’s] democracy free of coercion and to safeguard its people from the use of force against them.”<sup>78</sup> Passed in the House by a vote of 341-70, this bill was closely linked with congressional consideration that year for extending permanent normal trade relations (PNTR) status to China as a step toward China’s WTO accession. In voting on whether to grant PNTR, legislators would be on the record as demonstrating their view of future relations with China,

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<sup>76</sup> The bill passed in the House by a vote of 411-7, with 3 voting present. House, *Regarding U.S. Concerns with Human Rights Abuse, Nuclear and Chemical Weapons Proliferation, Illegal Weapons Trading, Military Intimidation of Taiwan, and Trade Violations by the People's Republic of China and the People's Liberation Army, and Directing the Committees of Jurisdiction to Commence Hearings and Report Appropriate Legislation*, 104th Cong., 2nd sess., 1996, H.RES.461.

<sup>77</sup> This bill was passed in the House by a voice vote. House, *Endorsing the Adoption by the European Parliament of a Resolution Supporting the Republic of China on Taiwan's Efforts at Joining the Community of Nations*, 104th Cong., 2nd sess., 1996, H.CON.RES.212.

<sup>78</sup> House, *Taiwan Security Enhancement Act*.

namely, whether the United States should cooperate or compromise with a powerful but flawed communist Chinese regime. The *Taiwan Security Enhancement Act* offered political cover for conservative legislators that were torn between a traditional hard line toward Beijing and a belief in free trade facilitated by PNTR.<sup>79</sup> Representative David Dreier (R-CA) expressed the sentiment that the legislation was little more than an empty gesture motivated by electoral concerns, saying, “We've had our vote here, now let's get on to dealing with PNTR, which is the important thing.” In the Senate, there was little interest in pursuing the bill, with Senate Majority Leader Trent Lott (R-MS) saying that he was “not interested in complicating the relationship” between China and Taiwan when PNTR was the real policy objective.<sup>80</sup>

## CONCLUSION

This chapter found that interests within Congress centered primarily on fostering a separate relationship with Taiwan. More specifically, congressional policymaking focused on pursuing three key interests: arms sales to Taiwan, promoting Taiwan’s membership in international organizations, and ensuring access to the United States for visits by senior level Taiwan officials. While these interests remained consistent between 1992 and 2008, congressional policymaking evolved to pursue these interests less actively over time. When

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<sup>79</sup> Pomper, "Foreign Affairs: Partners and Adversaries".

<sup>80</sup> Miles A. Pomper, "Foreign Affairs: Administration Says House Vote to Shore up Taiwan Relations Endangers U.S. China Strategy", CQ Weekly Online, <http://library.cqpress.com.ezproxy.library.tufts.edu/cqweekly/weeklyreport106-00000030591> (accessed June 23, 2010).

China was relatively weaker in the first few years after 1991, Congress was much more assertive in pursuing these interests as part of a separate relationship with Taiwan. As China became stronger, however, Congress became much less active in legislating policy in this issue area. Finally, the cross-strait issue area was affected by two domestic political factors: interbranch rivalry and elections. While interbranch rivalry was the more prominent factor, electoral considerations considerably influenced congressional policymaking.

## CHAPTER THREE

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### PROLIFERATION

As discussed with cross-strait relations in chapter two, the United States was willing to overlook some objectionable Chinese policies during the Cold War to pursue larger geostrategic goals, specifically, balancing against Soviet power. This approach also applied when addressing China's proliferation of weapons of mass destruction (WMD). Without the geopolitical constraints of the Cold War — where Washington valued the Sino-U.S. relationship in pursuing a larger geostrategic goal — the United States was not willing to overlook China's proliferation practices. Ignoring China's growing arms sales, particularly sales to states which opposed American interests, no longer served this larger purpose.

This chapter aims to consider one central question. Since the end of the Cold War, what explains the evolution of congressional policymaking in U.S. policy regarding proliferation vis-à-vis China? The review of legislative activity that follows will reveal that Congress pursued proliferation interests that were uniform in intent but divided in approach. Some legislation primarily targeted China as an exporter, and other measures targeted the importing states — such as Iran, Syria and Pakistan — while specifically noting that China was the source of these WMD capabilities. In several cases, China was not mentioned explicitly, even though the legislation effectively confronted weapons exports from China to these states. This chapter will ultimately reveal that there was a distinct evolution in legislation that was driven by China's growing power and the evolving international environment after September 11th. First, when China was relatively

weaker in the immediate aftermath of the Cold War, Congress was much more assertive in legislating against China's proliferation activities, but as China grew stronger, Congress became less active in naming China as a country of concern in proliferation issues. Second, the post-September 11th focus on so-called “rogue states” motivated legislation that highlighted the weapons importing states, with notable but much less provocative mentions of China as a weapons supplier. Taken together, China's growing power and the focus on recipient states resulted in a legislative evolution that shifted from concentrating on China's export activities to focusing on the import activities of smaller states, which were purchasing arms from China.

To pursue the central research question, this chapter is structured in three main sections. The first section examines congressional interests as expressed through legislation that achieved a floor vote to answer the question, “What were the congressional interests in proliferation issues vis-à-vis China?” Careful attention is paid to this question, because these congressional interests are not readily apparent. As with the other issue areas, policy regarding Chinese weapons proliferation is not neatly contained in periodic “China proliferation policy” measures, but rather, policy toward China is often buried in omnibus legislation or as amendments to unrelated bills. The second section considers how these interests were pursued through legislation over time, illustrating the evolution described above. Finally, the third section examines trends in domestic political factors that influenced policymaking. Before continuing to the three main



sections, however, this introductory section will briefly consider the importance of proliferation issues in Sino-U.S. relations.

### *Why Proliferation Matters in Sino-U.S. Relations*

Three factors facilitated China's entry into the global arms market in the 1980s. First, there was a marked change in Chinese thinking about ballistic missiles. During the Mao era, China invested less in medium-range ballistic missiles than in fixed-wing attack aircraft, which were considered more cost-effective. As China discovered the profit potential in the Third World market for ballistic missiles, the Peoples Liberation Army (PLA) upgraded its assessment of medium-range ballistic missiles for battlefield operations. The PLA leadership offered a justification stating that missile production was necessary to augment China's aging fleet of attack aircraft, but profit motive was an important factor.<sup>1</sup> Second, budgetary realities affected Chinese policymaking regarding its arms export policies. For decades, the PLA had maintained large stockpiles of weapons to protect its northern border, but maintaining these stockpiles was a considerable financial burden. Without a Soviet threat to the north, the PLA viewed the sale of these weapons as an opportunity to reduce storage costs and procure capital to support modernization efforts. The sale of these Cold War era weapons resulted in arms exporting relationships that evolved from purchasing obsolete stockpiles to seeking new-production Chinese ballistic missiles and

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<sup>1</sup> John Wilson Lewis and Hua Di, "China's Ballistic Missile Program: Technologies, Strategies and Goals," *International Security* 17, no. 2 (1992): 6.

nuclear technology.<sup>2</sup> Third, China possessed a considerable comparative advantage over other arms exporters. Since it did not discriminate against states with anti-Western policies, China was an attractive seller to many states that could not secure arms from the United States or Europe. Beijing conducted arms sales without the political strings that characterized deals with Washington and other Western governments, such as requirements for good governance reform. China was also willing to arrange alternative payments in the form of technology transfers and energy shipments.<sup>3</sup> For example, China accepted much needed oil shipments as payment for arms transfers to Middle East states.<sup>4</sup>

While there were many financial and domestic political advantages to China's entry into the arms market, these enterprising efforts created friction with an American government that was working to curb proliferation at the end of the Cold War. Like other markets, the supply flowed to regions with high demand, and China's arms sales interests often conflicted with U.S. interests in the same geographic areas. For example, consider the economic success when China tapped into the Middle East arms market, just as the Iran-Iraq War pitted two oil-rich states against one another. Baghdad and Tehran were desperate for arms imports and became China's largest customers, because China began exporting arms that had previously not been offered abroad, including surface-to-air

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<sup>2</sup> Eric Hyer, "China's Arms Merchants: Profits in Command," *The China Quarterly* 132 (1992): 1111.

<sup>3</sup> Bates Gill and Even S. Medeiros, "Foreign and Domestic Influences on China's Arms Control and Nonproliferation Policies," *The China Quarterly* 161 (2000): 92.

<sup>4</sup> John Calabrese, "Peaceful or Dangerous Collaborators? China's Relations with the Gulf Countries," *Pacific Affairs* 65, no. 4 (1992): 472.

missiles, anti-ship missiles, and ballistic missiles.<sup>5</sup> Throughout the course of the Iran-Iraq War, China sold \$5 billion worth of weapons to Iraq and an additional \$3 billion to Iran. By the end of the war, 74 percent of China's arms deliveries were going to Iran and Iraq, with 80 percent of all Chinese transfers going to the Middle East as a whole.<sup>6</sup>

U.S. interests in the Middle East, and particularly in the Persian Gulf, have traditionally been centered on ensuring access to energy resources. The Iran-Iraq War was a destabilizing factor in energy markets, which worsened as both states began attacking commercial shipping that carried oil out of the gulf. American interests were significant enough that President Reagan committed military forces to protect convoys of United States-flagged tankers to and from Kuwait, and these ships faced the possibility of attack from Chinese-built weapons. The 1987 cruise-missile attack on *USS Stark* became a rallying point for non-proliferation advocates who highlighted the event as evidence that the inflow of modern cruise missiles into the region had become a destabilizing factor in itself.<sup>7</sup>

China's weapons exports to Iran and Iraq in the 1980s also exposed an American inability to control weapons exports to a region of considerable strategic significance. Before China's entry into the arms market, Washington had

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<sup>5</sup> Richard A. Bitzinger, "Arms to Go: Chinese Arms Sales to the Third World," *International Security* 17, no. 2 (1992): 87.

<sup>6</sup> Richard F. Grimmett, *CRS Report: Trends in Conventional Arms Transfers to the Third World by Major Supplier, 1980-1987* (Congressional Research Service, Library of Congress, 1988), 51-61.

<sup>7</sup> Of note, the *USS Stark* was hit by a French-made Exocet missile, but this distinction did not prevent policymakers from making the argument against Chinese weapons exports to the region. John H. Cushman, "Iraqi Missile Hits U.S. Navy Frigate in Persian Gulf," *New York Times*, May 18, 1987.

successfully pressured European states to cut off their supply, which, combined with Iran's turbulent relations with Moscow, resulted in an effectively isolated region.<sup>8</sup> China's monopoly of arms exports to Iran and Iraq showed that, unlike during the Cold War, China was an evolving weapons supplier that chose customers based on its own interests. In this issue area, Beijing was making decisions that were beyond Washington's influence.

China also showed increasing diplomatic skill in using weapons exports as a means to improve relations with other governments, a practice also familiar in Washington. In 1986, for example, China sold CSS-2 intermediate range ballistic missiles to Saudi Arabia, which served two purposes. First, Beijing had upset Arab states when it transferred cruise missiles to Iran, and the sale of CSS-2 missiles to Saudi Arabia mollified Arab concerns. Second, Saudi Arabia remained one of the few states that maintained diplomatic relations with Taipei rather than Beijing, and this sale helped persuade Riyadh to sever diplomatic relations with Taiwan and formally recognize Beijing.<sup>9</sup>

As the United States tried to control WMD proliferation, China used a newly developed arms export industry to pursue its own interests, despite American objections. This dynamic is not extraordinary in the realm of

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<sup>8</sup> Hyer, "China's Arms Merchants: Profits in Command," 1104; Dennis Van Vranken Kickey, "New Directions in China's Arms for Export Policy: An Analysis of China's Military Ties with Iran," *Asian Affairs* 17, no. 1 (1990): 15-29.

<sup>9</sup> (1) Unbeknownst to the United States, this sale was arranged in 1985 and occurred in 1986, but Washington did not learn of it until 1988. (2) Saudi Arabia recognized Beijing in July 1990. Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, 85; Flora Lewis, "Foreign Affairs; China and Arms Sales," *New York Times*, April 24, 1988.

international politics, but it certainly generated political friction in the Sino-U.S relationship.

### **CONGRESSIONAL INTERESTS IN PROLIFERATION ISSUES (1992-2008)**

Congress pursued consistent proliferation interests vis-à-vis China between 1992 and 2008. Some legislation primarily targeted China as an exporter, and other measures targeted the importing states — such as Iran, Syria and Pakistan — while specifically noting that China was the source of their newly acquired capabilities. In several cases, China was not mentioned directly, even though the legislation effectively targeted weapons exports from China to these states.

Early examples of this dichotomy occurred in two bills that emerged from Congress in 1992. The *United States-China Act of 1992* directly named China as a WMD proliferator and used trade threats to compel Beijing's compliance with international proliferation standards. Specifically, this measure called for the President to suspend most favored nation (MFN) trading status for China if it violated these guidelines. This bill was vetoed by President Bush, because it placed conditions on MFN renewal for China, a position opposed by the administration regardless of the issue at stake.<sup>10</sup> Demonstrating the other side of this dichotomy, the *Iran-Iraq Arms Non-Proliferation Act of 1992* stated that it

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<sup>10</sup> George H. W. Bush, "Message to the House of Representatives Returning without Approval the United States-China Act of 1992", George Bush Presidential Library and Museum, [http://bushlibrary.tamu.edu/research/public\\_papers.php?id=4866&year=1992&month=9](http://bushlibrary.tamu.edu/research/public_papers.php?id=4866&year=1992&month=9) (accessed September 4, 2010); House, *United States-China Act of 1992*, 102nd Cong., 2nd sess., 1992, H.R.5318.

was U.S. policy to oppose the transfer of goods or technology that would contribute to either state's acquisition of chemical, biological or nuclear weapons, as well as any advanced conventional weapons that might further destabilize the region. While it did not name China, it directed the President to apply sanctions to any state that assisted Iran or Iraq in acquiring WMD and the means for delivery.<sup>11</sup> This measure set the statutory requirement to sanction any proliferating state and directed the President to threaten MFN renewal, all without naming China specifically.<sup>12</sup> Comparing the two bills, the policy outcome was the same, even though one bill named China and the other did not.

This contrariety was also evidenced within the same legislation. In the *Foreign Relations Authorization Act for Fiscal Years 1994 and 1995*, an early section referred to China as a state that was not upholding its treaty obligations but refrained from directly calling for punitive action against Beijing. This section affirmed that the executive branch had committed to ensure that China adhered to the guidelines of the Nuclear Proliferation Treaty (NPT), to which China had acceded in March 1992.<sup>13</sup> It also affirmed that the administration

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<sup>11</sup> The specific sanctions included: (1) suspension of foreign aid for one year; (2) opposition to financial or technical assistance by international financial institutions for one year; (3) suspension of any technical exchange agreement involving military and dual-use technology for one year; and (5) prohibition of exportation to such country of any item on the U.S. Munitions List for one year.

<sup>12</sup> The *Iran-Iraq Arms Non-Proliferation Act of 1992* was nested in the *National Defense Authorization Act for Fiscal Year 1993*. House, *National Defense Authorization Act for Fiscal Year 1993*, 102nd Cong., 2nd sess., 1992, H.R. 5006.

<sup>13</sup> On July 1, 1968, the United States, Great Britain and the Soviet Union signed the Treaty on the Non-Proliferation of Nuclear Weapons, commonly referred to as the Nuclear Non-Proliferation Treaty (NPT). As the name suggests, this treaty was designed to prevent the transfer of nuclear weapons technology beyond those states that possessed nuclear weapons in 1970 — the United States, Soviet Union, Great Britain, France and China. The treaty also set forth the goal of nuclear disarmament, requiring NPT states to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.” The

committed to ensuring China's compliance with the Missile Technology Control Regime (MTCR).<sup>14</sup> Later in the same measure, an amendment was added, entitled the *Nuclear Proliferation Prevention Act*, which established requirements

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original nuclear weapon states that signed, and those that followed, pledged not to transfer nuclear weapons or related technology to any non-nuclear weapon state, nor would they "assist, encourage, or induce" non-nuclear states to develop their own nuclear weapons programs. For those signatories that did not possess nuclear weapons, they pledged not to receive or manufacture nuclear weapons or divert nuclear energy from peaceful uses to nuclear weapons. The treaty did not, however, prevent the transfer of nuclear energy or technology for peaceful purposes. The only constraint was that the receiving state had to accept safeguards in a negotiated agreement with the IAEA that ensured nuclear energy would not be diverted for weapons development. The treaty was opened for signature with the original signatories in July 1968 and entered into force on March 5, 1970 upon ratification from 40 additional states. International Atomic Energy Agency, "International Conventions & Agreements: Treaty on the Non-Proliferation of Nuclear Weapons", IAEA, <http://www.iaea.org/Publications/Documents/Treaties/npt.html> (accessed September 21, 2010); United Nations Office for Disarmament Affairs, "Treaty on the Non-Proliferation of Nuclear Weapons (Npt)", United Nations, <http://www.un.org/disarmament/WMD/Nuclear/NPT.shtml> (accessed September 21, 2010).

<sup>14</sup> The Missile Technology Control Regime (MTCR) formed in April 1987 for the purpose of curbing the proliferation of unmanned delivery systems that carry WMD. These systems include missiles, complete rocket systems, unmanned air vehicles and related technology. The main tool to curb this type of proliferation is coordination of national export controls through an agreed upon set of export licensing regulations, known as the MTCR Guidelines, applied to a common list of controlled items. These controlled items are documented in the MTCR Equipment, Software and Technology Annex of the agreement. The MTCR controls now cover a range of delivery systems that can carry WMD. These systems include complete rocket systems (e.g., ballistic missiles, space launch vehicles, sounding rockets) and unmanned air vehicle systems (e.g., cruise missiles, drones, unmanned aerial vehicles, remotely piloted vehicles), as well as missile-related technology. The guidelines were agreed to by consensus of the MTCR, but the implementation of these controls is at the discretion of individual states, "on the basis of sovereign national discretion and in accordance with national legislation and practice," where each export license application is considered on a case-by-case basis. This is a good example of the relationship between international regimes and national legislation. In this case, MTCR members set the guidelines, but national legislation provides the framework for enforcement. The guidelines are composed of two categories of items that are considered critical for missile development, production and operation. Category I items are of the greatest sensitivity and include complete rocket systems; unmanned air-vehicle systems, such as cruise missiles and reconnaissance drones; specially-designed production facilities for these systems; and complete subsystems. When considering Category I transfers, member states are expected to maintain a strong presumption to deny them. Category II items are dual-use equipment, material and technologies and include propellants, structural materials, test equipment and facilities, flight instruments, and miscellaneous parts.<sup>14</sup> Although the Category II list allows more flexibility on the part of the authorizing government, member states are still expected to deny transfers if they will be employed in WMD delivery systems. The importance of this differentiation is highlighted in national enforcement legislation, as the statutory repercussions for Category I violations are more severe than for Category II violations. Missile Technology Control Regime, "Missile Technology Control Regime" <http://www.mtc.info> (accessed September 20, 2010); Center for Nonproliferation Studies, "Missile Technology Control Regime" <http://cns.miis.edu/research/india/china/mtcorg.htm> (accessed September 20, 2010).

for the President to impose sanctions on any state which had transferred goods or technology that supported efforts in a non-nuclear weapon state to acquire unsafeguarded nuclear material or develop nuclear weapons. This amendment included language stating that the President should press for high-level exchanges to discuss proliferation issues and called for punitive action. While this amendment did not specifically name China, it committed the President to impose sanctions should it be determined that China was transferring nuclear material or technology to states such as Iran or Pakistan.<sup>15</sup>

For strictly hortatory legislation, in which no punitive action appeared, this restraint from naming China was absent, and these bills most clearly illustrated congressional interests in confronting Chinese proliferation. For example, the *National Defense Authorization Act for Fiscal Year 1997* contained an extensive section on China's proliferation activities, listing all of the proliferation allegations that had emerged in the first six months of 1996. This bill excoriated Beijing for being the only major nuclear supplier not to join Nuclear Suppliers Group (NSG).<sup>16</sup> It also criticized China for continuing to transfer nuclear

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<sup>15</sup> House, *Foreign Relations Authorization Act, Fiscal Years 1994 and 1995*.

<sup>16</sup> The Nuclear Suppliers Group (NSG) is a group of states that have agreed to abide by guidelines for nuclear trade to prevent the proliferation of nuclear weapons. The group was assembled shortly after India's first nuclear weapon test in 1974. To qualify for the NSG, a state must have signed the NPT, be an existing or emerging nuclear supplier, and have an effective export control system. As the only guidelines designed to facilitate peaceful nuclear cooperation, NSG has become the standard of international nuclear non-proliferation norms. Similar to MTCR, the NSG guidelines are composed of two categories. The first set of guidelines governs the export of strictly nuclear items, such as nuclear material, nuclear reactors, non-nuclear material for reactors only, and equipment for processing or enrichment. The second set of guidelines governs the export of dual-use items. The NSG defines these items as, "items that can make a major contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity, but which have non-nuclear uses as well, for example in industry." NSG members are expected to refrain from nuclear trade with states that refuse IAEA inspections to ensure nuclear imports are not being used to develop nuclear weapons. China did not join the NSG until 2004, largely due to Beijing's



technology and material to states that refused to adhere to IAEA safeguards, such as the 1995 Chinese transfer of 5000 ring magnets — a critical part in gas centrifuges used to enrich uranium for nuclear weapons development — to the A.Q. Khan Research Laboratory in Pakistan.<sup>17</sup> It asserted that China had also transferred nuclear equipment and technology to Iran despite U.S. warnings that Tehran was working on developing a nuclear weapon, and it prohibited funding for cooperative nuclear weapons programs with China for fiscal year 1997.<sup>18</sup> This measure also criticized Beijing for assuring the United States that it would abide by MTCR guidelines while transferring M-11 missiles to Pakistan. This long list of criticisms culminated in a statement that: (1) China's assistance to Pakistan could contribute to the development of nuclear weapons and represented a violation of obligations under the NPT; (2) China's violation of MTCR standards had jeopardized the regime's credibility and required collective international action to impose costs on China; and (3) the President should coordinate this

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contention that it was a discriminatory collection of industrialized states. "China Applies to Joint Nuclear Suppliers Group," *Xinhua*, January 27, 2004; Nuclear Suppliers Group, "What Are the Guidelines?" NSG, <http://www.nuclearsuppliersgroup.org/Leng/02-guide.htm> (accessed September 20, 2010); Nuclear Threat Initiative, "Nuclear Suppliers Group (NSG)", James Martin Center for Nonproliferation Studies at the Monterey Institute of International Studies, <http://www.nti.org/db/china/nsgorg.htm> (accessed September 20, 2010); Bernard Weinraub, "India Becomes 6th Nation to Set Off Nuclear Device," *New York Times*, May 19, 1974.

<sup>17</sup> The most unsettling aspect of this transfer was that the A.Q. Khan facility was not regulated by IAEA inspections, so all activities at this laboratory were considered unsafeguarded by IAEA standards. Ring magnets are identified on NSG's "Trigger List" as a component only to be exported to countries that safeguard all nuclear materials in accordance with IAEA standards. Nuclear Suppliers Group, "Guidelines for Nuclear Transfers", NSG, <http://www.nuclearsuppliersgroup.org/Leng/02-guide.htm> (accessed September 10, 2010); Tim Weiner, "China Sold Parts for Nuclear Arms, U.S. Officials Say," *New York Times*, February 8, 1996.

<sup>18</sup> This prohibition included safety and stockpile stewardship. House, *National Defense Authorization Act for Fiscal Year 1997*, 104th Cong., 2nd sess., 1996, H.R.3230.

collective action to communicate to Beijing that future Sino-U.S. relations depended on China's efforts to halt WMD proliferation. In addition to these hortatory passages, this measure added congressional oversight requirements for the President to submit a report to Congress on China's transfers to Pakistan to include, among other things, the administration's justification for not imposing sanctions on China.<sup>19</sup>

Congressional interests in confronting China's proliferation continued into the next decade and were motivated primarily by concerns stemming from Iran's more aggressive pursuit of nuclear weapons, which were illustrated by several key events. First, in December 2002, the Bush administration released satellite photographs indicating that Iran was developing a nuclear weapons program rather than a claimed civilian nuclear power plant.<sup>20</sup> Second, just months after imposing sanctions on Pakistan for selling nuclear technology to North Korea, U.S. and European intelligence agencies confronted Pakistan in December 2003 with evidence that its chief nuclear scientist — A.Q. Khan — had also sold this technology to Iran.<sup>21</sup> A.Q. Khan subsequently confessed in February 2004 to

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<sup>19</sup> This report was also to include: commitments the United States was seeking from China to ensure that it established an export control system that will prevent such transfers; a description of assurances from China with respect to nonproliferation, and an assessment of the record of compliance; a description of China's policies to regulate exports of nuclear technology, equipment, or materials, and an assessment of the effectiveness of such arrangements; and a description of the current policies of other countries in response to China's transfer of nuclear and missile technology to Pakistan and Iran. This measure passed by a vote of 272-153 in the House and by unanimous consent in the Senate. This legislation was signed by the President in September 1996. Ibid.

<sup>20</sup> CNN, "U.S.: Iran Working on Nuclear Weapons", CNN, <http://archives.cnn.com/2002/WORLD/meast/12/13/iran.nuclear/> (accessed September 15, 2010).

<sup>21</sup> William J. Broad, David Rohde, and David E. Sanger, "Inquiry Suggests Pakistanis Sold Nuclear Secrets," *New York Times*, December 22, 2003; David E. Sanger, "A Nation at War:

selling nuclear designs and technology to produce uranium for nuclear weapons to Iran.<sup>22</sup> Finally, after promising to suspend uranium enrichment during the so-called “Paris Agreement” nine months earlier, Iran announced in July 2004 that it had restarted its program to build centrifuges.<sup>23</sup> This series of events in aggregate illustrates three key factors: (1) there was a perception in Washington that Iran was pursuing nuclear weapons; (2) Pakistan had assisted in the development of Iran’s nuclear program; and (3) China had provided nuclear and missile assistance to both Iran and Pakistan.

Within this political context, Congress expressed its proliferation interests fairly clearly through legislation. For example, the House passed a measure highlighting the 2003 IAEA findings, which determined that Iran had violated nuclear safeguard standards by importing uranium hexafluoride from China, and this material was used to test uranium enrichment centrifuges between 1998 and 2002.<sup>24</sup> Subsequently, when the European Union explored a policy change to lift its arms embargo on China, both the House and Senate passed resolutions to weigh in on the issue. The House highlighted the assertion that China should be

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Asian Front; U.S. Rebukes Pakistanis for Lab's Aid to Pyongyang," *New York Times*, April 1, 2003.

<sup>22</sup> He also confessed to selling this technology to North Korea and Libya. David Rohde and David E. Sanger, "Key Pakistani Is Said to Admit Atom Transfers," *New York Times*, February 2, 2004.

<sup>23</sup> Elaine Sciolino, "Iran Will Allow U.N. Inspections of Nuclear Sites," *New York Times*, October 22, 2003; Staff, "Iran Says It Will Not Give up Uranium Enrichment Program," *New York Times*, August 1, 2004.

<sup>24</sup> This bill was approved in the House by a vote of 376-3. The Senate approved its own version by unanimous consent, but the Senate version did not contain similar language. No conference was called to reconcile these bills. House, *A Concurrent Resolution Expressing the Concern of Congress over Iran's Development of the Means to Produce Nuclear Weapons*, 108th Cong., 2nd sess., 2004, H.CON.RES.398.

subject to sanctions required by the *Iran Nonproliferation Act of 2000*.<sup>25</sup> The Senate bill repeated the same allegations as the House and added that the CIA had determined that China continued to assist Pakistan and Iran with ballistic missile development. The bill featured language urging the European Union to strengthen its arms embargo on China and make it legally binding in all member states. It also called for policy coordination between the United States and the European Union to end China's proliferation activities.<sup>26</sup>

Congress continued to press its interest in confronting China's proliferation by highlighting the connection between Beijing and the perceived Iranian nuclear threat. The House set aside a section of the *Foreign Relations Authorization Act for Fiscal Years 2006 and 2007* to delineate China's connection with A. Q. Khan and Iran's nuclear program, asserting:

China provided Dr. Khan with nuclear weapons designs.... The illegal international nuclear proliferation network established by Dr. Khan assisted Iran with its nuclear program by supplying Iran with uranium-enrichment technology, including centrifuge equipment and designs.<sup>27</sup>

This measure further maintained that exports from China to Pakistan had been strengthened by the co-development of fighter aircraft, among other technology

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<sup>25</sup> This bill was passed by a vote of 411-3 in the House and was not forwarded to the Senate. House, *Urging the European Union to Maintain Its Arms Embargo on the People's Republic of China*, 109th Cong., 1st sess., 2005, H.RES.57.

<sup>26</sup> This resolution was passed in the Senate by unanimous consent and was not forwarded to the House. Senate, *A Resolution Urging the European Union to Maintain Its Arms Export Embargo on the People's Republic of China*, 109th Cong., 1st sess., 2005, S.RES.91.

<sup>27</sup> This bill was passed in the House by a vote of 351-78 and referred to the Senate. The Senate did not take up the bill. House, *Foreign Relations Authorization Act for Fiscal Years 2006 and 2007*.

sharing programs that resulted in “an expanded basis for further Pakistani proliferation of advanced military technology.”<sup>28</sup>

Congressional interest in proliferation issues vis-à-vis China was demonstrated as late as 2007, when the House passed the *Iran Freedom Support Act*, which included yet more language linking China with Iran’s nuclear development. This bill proposed that efforts to halt the nuclear program should focus on Chinese and Pakistani cooperation with Iran, highlighting the threat created by the A.Q. Khan network.<sup>29</sup> The House also added language to the *Iran Counter-Proliferation Act of 2007* calling for increased pressure on China to cease providing nuclear assistance. This bill appealed to moderate Arab states, “particularly those with large oil deposits,” to use their economic power to dissuade China from assisting Iran’s nuclear program either directly or indirectly. It also encouraged these states to use economic power to persuade China to support UN Security Council efforts to stop Iran’s nuclear development.<sup>30</sup>

## **EVOLUTION IN CONGRESSIONAL POLICYMAKING IN NONPROLIFERATION**

There was a distinct evolution in congressional policymaking that was driven by China's strength and the changing international environment after September 11th. First, when China was relatively weaker in the immediate

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<sup>28</sup> Ibid.

<sup>29</sup> Of note, Russia was also mentioned as a recommended point of focus. This bill was passed in the House by a vote of 397-21 and referred to the Senate. The Senate did not take up the bill. House, *Iran Freedom Support Act*, 109th Cong., 1st sess., 2005, H.R.282.

<sup>30</sup> Of note, this bill also listed Russia as a target of economic leverage. This bill was passed in the House by a vote of 397-16 and referred to the Senate. The Senate did not take up the bill. House, *Iran Counter-Proliferation Act of 2007*, 110th Cong., 1st sess., 2007, H.R.1400.

aftermath of the Cold War, Congress was much more assertive in legislating against China's proliferation activities, but as China grew stronger, Congress became less active in naming China as a country of concern in proliferation issues. Second, the post-September 11th focus on so-called “rogue states” motivated legislation that highlighted the recipient states, with notable but much less provocative mentions of China as a weapons supplier. Taken together, China's growing power and the focus on importing states resulted in a legislative evolution that shifted from concentrating on China's export activities to concentrating on the import activities of smaller states, which were purchasing arms from China.

For example, the *United States-China Act of 1991*, which reached the floor of the House and Senate during the 1992 session, stated that the President could not extend MFN benefits to China unless he could certify that China had “made overall significant progress” in weapons proliferation policy. Specifically, China would have to adopt a national policy that adhered to MTCR and NSG standards. The measure went further to state that progress could not be considered “significant” if the President had determined that China had transferred missiles or launchers for the M-9 or M-11 missile systems, nor could it have transferred material or technology which could contribute to nuclear weapons manufacturing. The bill also called on MTCR members to begin coordinating policy aimed at isolating China should it fail to cease missile proliferation activities.<sup>31</sup>

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<sup>31</sup> This measure passed by a vote of 313-112 in the House and 55-44 in the Senate. House, *United States-China Act of 1991*, 102nd Cong., 2nd sess., 1992, H.R.2212.

The *United States-China Act of 1992* similarly highlighted continuing reports of Chinese missile technology transfers, despite Beijing's pledges to adhere to MTCR guidelines. This bill also tried to block MFN renewal unless China had made “overall significant progress” in its proliferation policies. Progress was specifically defined as adherence to MTCR and NSG commitments, and it explicitly stated that progress could not be deemed “significant” if China had transferred M-series ballistic missiles or launchers to Syria or Iran. This measure also tried to rally international support to isolate China through coordination with other MTCR members to develop a common policy toward China in proliferation matters.<sup>32</sup>

This approach of directly challenging China was also evident in the *China Policy Act of 1995*. In this measure, Congress called upon the President to pursue “intensified diplomatic initiatives” to persuade Beijing to adhere to proliferation commitments. It asserted that China had violated international WMD non-

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<sup>32</sup> This measure passed by a vote of 339-62 in the House and unanimous consent in the Senate. This bill passed the House by a wide margin and the Senate with unanimous consent, but it was vetoed by President Bush because, as with the *United States-China Act of 1991*, it placed conditions on MFN renewal. The President again pointed to China’s recent declaration of adherence to MTCR and its accession to NPT as positive signs. Similar to his veto of the previous year’s bill under the same name, he insisted that, “adding broad conditions to China’s MFN renewal would not lead to faster progress in advancing our goals.” This veto override failed in the Senate, by a vote of 59-40. Senator Albert Gore (D-TN) did not vote due to the ongoing presidential campaign. Bush, “Message to the House of Representatives Returning without Approval the United States-China Act of 1992”; House, *United States-China Act of 1992*; Senate, “U.S. Senate Roll Call Votes 102nd Congress - 2nd Session”, Senate, [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=102&session=2&vote=00255](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=102&session=2&vote=00255) (accessed September 10, 2010).

proliferation standards and specifically called for Beijing to cease exporting ballistic missile technology.<sup>33</sup>

In one final example from this decade, the *National Defense Authorization Act for Fiscal Year 1997* excoriated Beijing for being the only major nuclear supplier not to join NSG and continue to transfer nuclear technology and material to states that refused to adhere to IAEA safeguards.<sup>34</sup> It also asserted that China had improperly transferred nuclear equipment and technology, and it prohibited funding for cooperative nuclear weapons programs with China for fiscal year 1997.<sup>35</sup> This measure also criticized Beijing for assuring the United States that it would abide by MTCR guidelines, all while exporting M-11 missiles.<sup>36</sup>

As policymaking evolved at the beginning of the next decade, after the terrorist attacks of September 11th, greater attention was given to the recipients of China's weapons exports. The Bush administration accused Iran of actively developing a nuclear weapons program and confronted Pakistan with evidence

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<sup>33</sup> While this bill specifically mentions shipments to Iran and Pakistan, the focus of the measure was on China as an exporter. After the House passed the measure 416-10, it was not taken up by the Senate. House, *China Policy Act of 1995*, 104th Cong., 1st sess., 1995, H.R.2058.

<sup>34</sup> These transfers included the transfer of ring magnets to Pakistan. Ring magnets are identified on NSG's "Trigger List" as a component only to be exported to countries that safeguard all nuclear materials in accordance with IAEA standards. Group, "Guidelines for Nuclear Transfers".

<sup>35</sup> House, *National Defense Authorization Act for Fiscal Year 1997*.

<sup>36</sup> This report was also to include: commitments the United States was seeking from China to ensure that it established an export control system that will prevent such transfers; a description of assurances from China with respect to nonproliferation, and an assessment of the record of compliance; a description of China's policies to regulate exports of nuclear technology, equipment, or materials, and an assessment of the effectiveness of such arrangements; and a description of the current policies of other countries in response to China's transfer of nuclear and missile technology to Pakistan and Iran. This measure passed by a vote of 272-153 in the House and by unanimous consent in the Senate. This legislation was signed by the President in September 1996. Ibid.



that its chief nuclear scientist — A.Q. Khan — was providing nuclear technology to Iran.<sup>37</sup> Subsequently, congressional policymaking focused more closely on so-called “rogue states,” although noting their connection to China's weapons proliferation activities. For example, in the *National Defense Authorization Act for Fiscal Year 2006*, Congress highlighted the “new tier of countries with the capability to produce WMD and ballistic missiles” but less pointedly noted that this capability was facilitated by China’s ballistic missile proliferation and export of WMD technology and components.<sup>38</sup>

Follow-on legislation continued to emphasize the Iranian threat, with secondary language stating that it had been facilitated by China. The *Iran Freedom Support Act* focused on the Iranian nuclear program and advocated for efforts to halt Iran’s nuclear program by highlighting the threat created by the A.Q. Khan network and calling for an end to Chinese cooperation with Iran.<sup>39</sup> In similar legislation that emphasized the importing activities of Iran, the *Iran Counter-Proliferation Act of 2007* called for increased pressure on China to cease providing nuclear assistance, appealing to moderate Arab states to use their

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<sup>37</sup> Broad, Rohde, and Sanger, "Inquiry Suggests Pakistanis Sold Nuclear Secrets"; CNN, "U.S.: Iran Working on Nuclear Weapons"; Rohde and Sanger, "Key Pakistani Is Said to Admit Atom Transfers"; Sanger, "A Nation at War: Asian Front; U.S. Rebukes Pakistanis for Lab's Aid to Pyongyang."

<sup>38</sup> Two versions of this bill reached their respective chamber floors, and each bill contained language that was substantively identical regarding Chinese proliferation issues. The Senate bill was approved by a vote of 98-0, but it was not taken up by the House, because it pursued its own version. This House measure was passed by a vote of 390-39 and by unanimous consent in the Senate, and it was signed by the President in January 2006. House, *National Defense Authorization Act for Fiscal Year 2006*, 109th Cong., 1st sess., 2005. H.R.1815; Senate, *National Defense Authorization Act for Fiscal Year 2006*, 108th Cong., 1st sess., 2003, S.1042.

<sup>39</sup> Of note, Russia was also mentioned as a recommended point of focus. This bill was passed in the House by a vote of 397-21 and referred to the Senate. The Senate did not take up the bill. House, *Iran Freedom Support Act*.

economic power to dissuade China from assisting Iran's nuclear program and to support UN Security Council efforts to stop Iran's nuclear development.<sup>40</sup>

## **DOMESTIC POLITICAL FACTORS**

While congressional interests in China's proliferation activities were clearly demonstrated in legislation from 1992 to 2008, some legislation was motivated by other factors. Specifically, congressional policymaking was most affected by two domestic political factors: interbranch rivalry and partisan competition.

### *Interbranch Rivalry*

While there existed an interbranch consensus that China's WMD transfers ran counter to U.S. national security interests, Congress and the President disagreed on how to address China's proliferation activities. From a congressional point of view, U.S. policy was already established in legislation that mandated sanctions against proliferating states, and the administration was required to comply with the law. From the executive's perspective, there were larger strategic interests that might have been compromised by applying sanctions without weighing the strategic impact. The administration avoided a constitutional showdown by ensuring that its analysis of the evidence avoided setting conditions that required mandatory sanctions, thus sidestepping statutorily

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<sup>40</sup> Of note, this bill also listed Russia as a target of economic leverage. This bill was passed in the House by a vote of 397-16 and referred to the Senate. The Senate did not take up the bill. House, *Iran Counter-Proliferation Act of 2007*.

mandated sanctions rather than directly challenging them. Subsequently, congressional policymaking was often motivated by an interbranch rivalry centered on a disagreement of whether to enforce existing policy.

For example, consider the events surrounding China's M-11 ballistic missile transfer to Pakistan. Upon signing an executive order on May 28, 1993 placing condition on China's Most Favored Nation (MFN) renewal, the President asserted:

The administration is now examining reports that China has shipped M-11 ballistic missiles to Pakistan. If true, such action would violate China's commitment to observe the guidelines and parameters of the Missile Technology Control Regime. Existing U.S. law provides for strict sanctions against nations that violate these guidelines.... *If we determine that China has, in fact, transferred M-11 missiles or related equipment in violation of its commitments, my administration will not hesitate to act.*<sup>41</sup>

The indecision expressed by the President was prevalent among administration officials at the time due to the consequences of making such a judgment.<sup>42</sup> The so-called “Helms Amendment” of the *National Defense Authorization Act for Fiscal year 1991* required the President to impose sanctions

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<sup>41</sup> Emphasis added. William J. Clinton, "Statement by the President on Most Favored Nation Status for China", White House, <http://clinton6.nara.gov/1993/05/1993-05-28-presidents-statement-on-mfn-for-china.html> (accessed October 5, 2010); Ann Devroy and Jeffrey Smith, "U.S. Evidence 'Suggests' China Breaks Arms Pact," *Washington Post*, May 18, 1993; Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*, 171.

<sup>42</sup> To be fair, there was some hesitation in the administration to conclude that the transfer had occurred due to the quality of the intelligence. The analysis of what had actually been transferred — either missile components or complete systems — was still incomplete, and while NSC officials contended that the “weight of evidence” was significant, they would not conclude that the proof was definitive. Clinton, "Statement by the President on Most Favored Nation Status for China"; Devroy and Smith, "U.S. Evidence 'Suggests' China Breaks Arms Pact"; Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*, 171.

if he determined that another state had transferred equipment or technology controlled by MTCR. Since the severity of the sanctions depended on what was transferred — Category II items would result in prohibiting *some* government contracts and licenses for missile equipment and technology, and Category I items would result in prohibiting *all* government contracts and licenses for *all* items on the United States Munitions list — the statutory requirement to impose sanctions on China meant that the administration's judgment had to weigh not only the evidence but the policy implications as well.<sup>43</sup> The considerable difference in sanctions between these two categories set the conditions for administration officials to experience a moment of pause — weighing both the evidence and the policy implications — before concluding definitively that China had in fact transferred Category I items.

The Clinton administration's position was that the policy implications were as important as the credibility of the evidence, particularly given their experience in dealing with China on proliferation issues. Officials argued that sanctions would not prevent further M-11 transfers, but rather, would cause more to be shipped. Further, the White House saw these transfers as detracting from a

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<sup>43</sup> Category I items are of the greatest sensitivity and include complete rocket systems; unmanned air-vehicle systems, such as cruise missiles, target and reconnaissance drones; specially-designed production facilities for these systems; and complete subsystems. Category II items are dual-use equipment, material and technologies and include propellants, structural materials, test equipment and facilities, flight instruments, and miscellaneous parts. In 1990, the so-called "Helms Amendment" to the *National Defense Authorization Act for Fiscal year 1991* updated the *Arms Export Control Act of 1976* to state that it was the policy of the United States to enforce the principles and standards of MTCR, an international regime that had been created since the *Arms Export Control Act of 1976* was passed. To pursue this end, the "Helms Amendment" required the President to impose sanctions if he determined that another state had transferred equipment or technology controlled by MTCR. House, *National Defense Authorization Act for Fiscal Year 1991*, 101st Cong., 2nd sess., 1990, H.R. 4739; Missile Technology Control Regime, "Missile Technology Control Regime" <http://www.mtcr.info> (accessed September 20, 2010).

more positive general trend in China's proliferation policies. Between 1992 and 1993, China had acceded to NPT and agreed to abide by MTCR guidelines.<sup>44</sup> As such, the President did not want to upset this overall progress.<sup>45</sup>

Faced with increasing intelligence community certainty and congressional pressure to enforce U.S. law, the administration publicly declared in August 1993 that China had violated MTCR standards and was subject to sanctions. The State Department decided, however, that China had only shipped *technology* rather than actual missiles. This determination meant that China would only be subject to the lighter sanctions required for Category II violations of MTCR, which resulted in a two-year ban on the sale of advanced electronics and satellite technology to China. If the continuing U.S. investigation revealed that entire missiles had been transferred to Pakistan, the administration insisted, the sanctions would be expanded to ban imports from China.<sup>46</sup>

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<sup>44</sup> Of note, China had also acceded to the Chemical Weapons Convention during this same period. Alan Riding, "Signing of Chemical-Arms Pact Begins," *New York Times*, January 14, 1993; Elaine Sciolino, "U.S. Lifts Its Sanctions on China over High-Technology Transfers," *New York Times*, February 22, 1992.

<sup>45</sup> Of note, the State Department tried to negotiate a solution with Beijing, but Chinese officials dismissed the M-11 charges as unfounded and refused to discuss the issue unless the United States agreed to reconsider the 1992 sale of F-16s to Taiwan. This exchange occurred when Undersecretary of State Lynn Davis flew to Beijing to meet with Chinese officials in July 1993 for consultations on the issue. Steven A. Holmes, "China Denies Violating Pact by Selling Arms to Pakistan," *New York Times*, July 26, 1993; Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*; Patrick Tyler, *A Great Wall: Six Presidents and China: An Investigative History*, 1st ed. (New York: PublicAffairs, 1999).

<sup>46</sup> Beijing responded by threatening to withdraw its 1992 commitment to abide by MTCR guidelines. Deputy Foreign Minister Liu Huaqiu summoned American Ambassador Roy Stapleton to deliver the threat in person, characterizing the sanctions as a "naked hegemonic act" and a violation of "the basic norms governing international relations." Steven A. Holmes, "U.S. Determines China Violated Pact on Missiles," *New York Times*, August 25, 1993; Patrick Tyler, "China Protests U.S. Trade Sanctions," *New York Times*, August, 28, 1993.

Within this political context, the motivation for some congressional policymaking becomes clearer. The administration's apprehension resulted in Congress passing legislation that called for compliance with the "Helms Amendment."<sup>47</sup> In the *Foreign Relations Authorization Act for Fiscal Years 1994 and 1995*, Congress expressed its dissatisfaction with the administration's delays and eventual decision by reaffirming the executive branch commitment to hold China to the guidelines of NPT, MTCR and other non-proliferation commitments.<sup>48</sup> No policy changes were included, but the administration's intransigence caused additional proliferation legislation to achieve a floor vote.

This pattern of interbranch rivalry was evident again in late 1995, when the CIA reported that China had transferred the 5000 ring magnets to the A.Q. Khan Research Laboratory in Pakistan. The most egregious aspect of this transfer was that the A.Q. Khan facility was not regulated by IAEA inspections, so all activities at this laboratory were considered unsafeguarded by IAEA standards.<sup>49</sup> This transfer fell within the guidelines set forth in the *Nuclear Proliferation Prevention Act*, which required the President to impose sanctions and suspend Export-Import Bank financing for China.<sup>50</sup> The President again delayed a

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<sup>47</sup> Bill Gertz, "Two Lawmakers Say Pakistan Has Missiles; Cite CIA Report on Chinese M-11s," *Washington Times*, June 21, 1993.

<sup>48</sup> This measure was passed by a vote of 273-144 in the House and 98-2 in the Senate. House, *Foreign Relations Authorization Act, Fiscal Years 1994 and 1995*.

<sup>49</sup> Weiner, "China Sold Parts for Nuclear Arms, U.S. Officials Say."

<sup>50</sup> House, *Foreign Relations Authorization Act, Fiscal Years 1994 and 1995*.

decision on imposing sanctions.<sup>51</sup> In May 1996, a standoff between Washington and Beijing over the ring magnets was settled with an agreement that China would abandon cooperating with unsafeguarded programs if the United States announced that it would not impose sanctions. Both sides made their respective announcements on May 10th.<sup>52</sup>

Again, the administration's apprehension to enforce existing laws resulted in further proliferation legislation. Congress responded in the *National Defense Authorization Act for Fiscal Year 1997*, which contained an extensive section on China's proliferation activities, listing all of the proliferation allegations that had emerged in the previous six months. This bill excoriated Beijing for being the only major nuclear supplier not to join NSG and continue to transfer nuclear technology and material to states that refused to adhere to IAEA safeguards, such as the transfer of ring magnets to Pakistan.<sup>53</sup> Marking the interbranch rivalry that was underway, Congress included binding language that required the President to

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<sup>51</sup> Ring magnets are a critical part in gas centrifuges used to enrich uranium for nuclear weapons development. In an effort to avoid allegations of inaction, the President instructed the Export-Import Bank to halt financing for U.S. companies doing business in China. Allison Mitchell, "U.S. Delays New Financing of Companies' Trade with China," *New York Times*, February 29, 1996.

<sup>52</sup> Steven Erlanger, "U.S. Won't Punish China over Sale of Nuclear Gear," *New York Times*, May 11, 1996; U.S. State Department Spokesman, "Special Briefing on U.S.-China Discussions on Non-Proliferation and Nuclear-Related Exports", State Department, <http://www.state.gov/www/current/debate/510spbrf.html> (accessed October 23, 2010).

<sup>53</sup> Ring magnets are identified on NSG's "Trigger List" as a component only to be exported to countries that safeguard all nuclear materials in accordance with IAEA standards. This measure also criticized Beijing for assuring the United States that it would abide by MTCR guidelines while transferring M-11 missiles to Pakistan. It also asserted that China had transferred nuclear equipment and technology to Iran despite U.S. warnings that Tehran was working on developing a nuclear weapon, and it prohibited funding for cooperative nuclear weapons programs with China — including safety and stockpile stewardship — for fiscal year 1997. NSG, "Guidelines for Nuclear Transfers"; House, *National Defense Authorization Act for Fiscal Year 1997*.

submit a report to Congress on the transfers to Pakistan to include, among other things, the administration's justification for not imposing sanctions on China.<sup>54</sup> Floor debate in the House was expectedly critical of the administration for its approach to China's proliferation activities. Representative Floyd Spence (R-SC) argued, "The administration's decision last week to waive sanctions against the Chinese for their export of nuclear sensitive technology to Pakistan undermines this country's commitment to nonproliferation in the eyes of much of the world, and seemingly rewards Beijing's leaders for their increasingly assertive and aggressive diplomacy throughout the region."<sup>55</sup>

This pattern of interbranch rivalry was also apparent after the 1996 discovery that China had sold missile technology to Syria, as well as a new cruise missile system — the C-802 anti-ship missile — to Iran. Again, the Clinton

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<sup>54</sup> The hortatory statements included that: (1) China's assistance to Pakistan could contribute to the development of nuclear weapons and represented a violation of obligations under the NPT; (2) China's violation of MTCR standards had jeopardized the regime's credibility and required collective international action to impose costs on China; and (3) the President should coordinate this collective action to communicate to Beijing that future Sino-U.S. relations depended on China's efforts to halt proliferation of WMD. This mandated report was also to include: commitments the United States was seeking from China to ensure that it established an export control system that will prevent such transfers; a description of assurances from China with respect to nonproliferation, and an assessment of the record of compliance; a description of China's policies to regulate exports of nuclear technology, equipment, or materials, and an assessment of the effectiveness of such arrangements; and a description of the current policies of other countries in response to China's transfer of nuclear and missile technology to Pakistan and Iran. This measure passed by a vote of 272-153 in the House and by unanimous consent in the Senate. This legislation was signed by the President in September 1996. Ibid.

<sup>55</sup> Floyd Spence, "Congressional Record, 104th Congress (1995-1996), National Defense Authorization Act for Fiscal Year 1997 (House of Representatives - May 14, 1996)", Library of Congress, <http://thomas.loc.gov/cgi-bin/query/C?r104:./temp/~r1044bpxRy> (accessed September 11, 2010).



administration slowed the decision for sanctions.<sup>56</sup> Congress responded by adding language to the *Foreign Operations, Export Financing, and Related Programs Appropriations Act for 1997*, highlighting CIA testimony in February 1996 that China had delivered cruise missiles to Iran, which was confirmed by the testimony of the Undersecretary of State for Arms Control in June 1996. This measure was followed by a Senate resolution insisting that the President impose sanctions against Beijing as required by the *Iran-Iraq Non-Proliferation Act of 1992*. Regarding Syria, the bill asserted that China transferred ballistic missile technology to Syria, which the Senate considered a violation of Beijing's agreement to adhere to MTCR standards. This section also included a statement calling on the administration to "exercise all legal authority to the President to prevent the spread of ballistic missiles and related technology to Syria," referencing the *Arms Export Control Act of 1994*, which required sanctions against states that transferred missile equipment or technology to a country determined by the Secretary of State to have repeatedly provided support for international terrorism.<sup>57</sup>

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<sup>56</sup> Both allegations were made by Arms Control Director John Holum in an interview with the Associated Press. Barry Schweid, "New Suspicions Beijing Sent Missile Technology to Pakistan," *Associated Press*, March 7, 1996.

<sup>57</sup> (1) This bill was approved by a vote of 366-57 in the House and 93-7 in the Senate. The bill stalled during conference because of a dispute between the administration and congressional republicans over funding limits on international family planning. At an impasse, this measure became one of six appropriations bills included in an omnibus spending bill. (2) This language did not appear in the House version, and both sections were deleted during conference. The conference report noted the deletion, stating, "The managers are deeply concerned about continued reports that the People's Republic of China has delivered cruise missiles to Iran and ballistic missile technology to Syria. Both recipient nations are known sponsors of international terrorism which directly threatens U.S. citizens and interests in regional peace and stability." The conference report also urged the President to impose sanctions against China for its missile transfers. The President signed this bill in September 1996. (3) This paragraph characterizes the original 1976 legislation, as well as legislation amending the language in 1977 and 1985. *Arms*

These examples demonstrate how the interbranch rivalry resulted in legislation regarding China's proliferation activities. The administration's reluctance to impose sanctions on China as required by congressional policy caused Congress to pass additional legislation calling on the President to comply with existing laws.

### *Partisan Competition*

While the interbranch rivalry was the more influential domestic political factor, some policy disagreements between Congress and the President were motivated by partisan competition. This factor was especially prevalent in the late 1990s, as Washington politics became characterized by hyper-partisanship between President Clinton and the Republican-led Congress.

Consider the events surrounding the export of American satellite launches to China. In February 1996, a Chinese rocket carrying an American satellite exploded on takeoff, and Loral Space and Communications and Hughes

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*Export Control Act of 1976.* This bill gave the President the authority to control export licenses with the aim of preventing the export of items that would be detrimental to U.S. security, such as contributing to an arms race or aiding in WMD development. This list of defense articles and services, determined solely by the President, became known as the "United States Munitions List," and items given this designation were subject to strict registration and licensing requirements. This arrangement did not, however, give the President the ability to quietly grant export licenses at will. Once an item was placed on the United States Munitions List, Congress imposed oversight requirements that made exemptions public, such that the President had to notify both the House and Senate in writing with specific descriptions of the exemption and a statement from the Attorney General assuring that potential violations could be adequately pursued by laws both in the United States and the importing state. "Control of Arms Exports and Imports," (United States: 1976); House, "Making Omnibus Consolidated Appropriations for Fiscal Year 1997 Conference Report to Accompany H.R. 3610", Library of Congress, <http://thomas.gov/cgi-bin/cpquery/T?&report=hr863&dbname=104&> (accessed September 13, 2010); House, *International Security Assistance and Arms Exports Control Act*, 94th Cong., 2nd sess., 1976, H.R. 13680; House, *Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997*, 104th Cong., 2nd sess., 1996, H.R.3540; Staff, "Appropriations: Foreign Operations," *CQ Weekly*, November 2, 1996.

Electronics — the two associated American satellite companies — sent technical experts to determine the cause of failure. These experts provided launch data that might have improved Chinese ballistic missile guidance systems. A federal grand jury was called to investigate whether any laws were broken, and while the investigation was ongoing in February 1998, the President authorized Loral to launch another satellite aboard a Chinese rocket and provide the same technical assistance that was in question. The decision was opposed by the Justice Department on the grounds that it could undermine government efforts to prosecute Loral and Hughes.<sup>58</sup>

Congress demanded an explanation of the decision, and the White House released documents in May 1998 revealing internal objections from not only the Justice Department but the State Department as well. Additionally, Republicans pressed for answers over whether the President made the decision based on national interests alone, or if Bernard Schwartz — the Loral chairman *and* the Democratic Party's largest personal contributor — held special influence in the White House. It was reported that Schwartz attended a White House dinner in February 1998 with the expressed purpose of pleading for approval of satellite launches worth tens of millions of dollars to Loral.<sup>59</sup>

Compounding the appearance of impropriety, FBI investigators uncovered a link between another major Democratic Party contributor, Johnny Chung, and

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<sup>58</sup> Jeff Gerth and Raymond Bonner, "Companies Are Investigated for Aid to China on Rockets," *New York Times*, April 4, 1998.

<sup>59</sup> Jeff Gerth and John M. Broder, "Papers Show White House Staff Favored a China Satellite Permit," *New York Times*, May 23, 1998.

the People's Liberation Army (PLA). Chung confessed that, of the more than \$100,000 he donated in 1996, most of it had been provided by Liu Chaoying, a PLA officer and senior executive of the China Aerospace Corporation. In fact, Chung had arranged a face-to-face meeting between Liu and the President at a California political fundraiser so that Liu could lobby for her company to do more business with U.S. companies.<sup>60</sup>

The Republican leadership in both the House and the Senate aggressively pushed for an investigation and hearings. The House panel — formally named the House “Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China” — was headed by Representative Christopher Cox (R-CA) and would come to be known as the “Cox Commission.”<sup>61</sup> Upon releasing the so-called “Cox Report,” one of the recommendations of the report was to transfer final authority for approving satellite launches from the Commerce Department to the State Department, and the purpose of this move was to force the administration to make decisions on satellite exports based solely on security concerns rather than pursuing commercial interests.<sup>62</sup>

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<sup>60</sup> Jeff Gerth, "Democratic Fundraiser Said to Detail China Tie," *New York Times*, May 15, 1998.

<sup>61</sup> Speaker of the House Newt Gingrich (R-GA) announced that a congressional panel would be created to investigate the decision. Senate Majority Leader Trent Lott (R-MS) announced a separate Senate inquiry into the matter. Senator Richard Shelby (R-AL) was named to head the Senate inquiry. Allison Mitchell, "Gingrich Plans Panel on China and Clinton Tie," *New York Times*, May 20, 1998; Eric Schmitt, "House Votes to Prohibit Satellite Exports to China," *New York Times*, May 21, 1998.

<sup>62</sup> Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, "U.S. National Security and Military/Commercial Concerns with the People's Republic of China", House of Representatives, <http://www.house.gov/coxreport/> (accessed February 16, 2011).

Within the context of this partisan competition, the Republican-led Congress passed legislation to formalize the findings of its ad hoc commission. In May 1998, the House codified many of these findings in the *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999*, which contained extensive language regarding missile proliferation and satellite export licensing. This bill asserted that satellites should be subject to the same export controls that govern munitions, and the United States should not export missile equipment or technology that would improve China's missile capabilities. This measure also established a requirement that the President certify, in advance of exports to China, that the equipment or technology in question would not improve its missile capabilities.<sup>63</sup>

This measure also established new security controls and congressional oversight requirements for satellite export licensing. The Defense Secretary was required to monitor all satellite launches and provide an annual report to Congress. In the event of launch failure, as was the case in the February 1996 launch, the Defense Department was required to monitor the investigation to prevent unauthorized transfers of technical data. It added additional levels of scrutiny by requiring the Commerce Secretary and Secretary of State to submit export license applications to the Defense Secretary and Director of Central Intelligence "to verify the legitimacy of the stated end-user," and Congress would have to be notified of all approved licenses. In language that narrowed the focus

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<sup>63</sup> The bill also required that satellites and related items considered "dual-use" be controlled under the *Arms Export Control Act*. House, *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999*, 105th Cong., 2nd sess., 1998, H.R.3616.

to suit congressional interests in confronting Chinese proliferation, this measure stated that NATO countries and those considered a “major non-NATO ally” would be exempted from such requirements.<sup>64</sup>

More targeted language was also included to establish additional reporting requirements for satellite exports to China. Should a waiver be issued by the administration, in addition to notifying Congress, the report would also have to include a detailed description of the militarily sensitive characteristics of the satellite and an explanation of the U.S. government plan to monitor the proposed satellite launch.<sup>65</sup> The House added even stricter requirements by prohibiting exports of *all* satellites and missile equipment and technology to China. It even went so far as to prohibit Americans from participating in investigations related to launch failures.<sup>66</sup>

This sequence of measures demonstrates how partisan competition resulted in legislation regarding China's proliferation activities. The discovery of the political fundraising connections between the Clinton administration and donors such as Bernard Schwartz and Johnny Chung caused the Republican leadership to create commissions and hold hearings on the administration's policy

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<sup>64</sup> Of note, Congress passed legislation in 1996 that associated Taiwan as a major non-NATO ally, and additional legislation was passed in 2002 stating that Taiwan shall be treated as though it were designated a major non-NATO ally. This distinction would prove important for Taiwan's burgeoning missile program. House, *Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993*; House, *To Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act*, 104th Cong., 2nd sess., 1996. H.R.3121; House, *Foreign Relations Authorization Act, Fiscal Year 2003*, 107th Cong., 2nd sess., 2002, H.R.1646.

<sup>65</sup> House, *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999*.

<sup>66</sup> This more restrictive language was struck from the bill during conference before it arrived on the President's desk. The bill was approved by a vote of 357-60 in the House and unanimous consent in the Senate. It was signed by the President in October 1998. Ibid.

decisions over the export of satellite launches to China. Subsequently, Congress passed legislation to codify the findings of these commissions, thus making China policy.

## **CONCLUSION**

This chapter found that Congress consistently pursued proliferation interests that were uniform in intent but divided in approach. Some legislation primarily targeted China as an exporter, and other measures targeted the importing states — such as Iran, Syria and Pakistan — while specifically noting that China was the source of their newly acquired capabilities. In several cases, China was not mentioned specifically, even though the legislation effectively targeted weapons exports from China to these states. From 1992 to 2008, there was a distinct evolution in legislation that was driven by China's strength and the changing international environment after September 11th. First, when China was relatively weaker in the immediate aftermath of the Cold War, Congress was much more assertive in legislating against China's proliferation activities. As China grew stronger, however, Congress became less active in naming China as a country of concern in proliferation issues. Second, the post-September 11th focus on so-called “rogue states” motivated legislation that highlighted the importing states, with notable but much less provocative mentions of China as a weapons supplier. Taken together, China's growing power and the focus on recipient states resulted in a congressional policymaking evolution that shifted from concentrating on China's export activities to focusing on the import activities of

smaller states, which were purchasing arms from China. Finally, the proliferation issue area was also affected by two domestic political factors: interbranch rivalry and partisan competition.



## CHAPTER 4

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### HUMAN RIGHTS

Chapter two opened by quoting President Nixon during his first meeting with Chairman Mao in 1972, and the policy that Nixon verbalized during this meeting is worth reiterating for this chapter. The President stated, “What brings us together is a recognition of a new situation in the world and a recognition on our part that what is important is not a nation’s internal philosophy. What is important is its policy toward the rest of the world and toward us.”<sup>1</sup> This policy statement is specifically applicable in these two chapters, because China has historically viewed Taiwan and human rights issues as distinctly domestic affairs. Just as with cross-strait relations, the Nixon administration was willing to overlook ideological differences between the United States and China to pursue larger geostrategic goals, in particular, balancing against Soviet power. Normalized Sino-U.S. relations were facilitated by Washington’s ability to overlook China’s human rights policies as “internal matters,” because the Sino-U.S. relationship was considered a geostrategic means to confront the Soviet Union. China’s human rights policies and its form of government were of little consequence to realists like Kissinger or Nixon.

This approach to human rights remained unchanged over the next three administrations. President Ford, who retained Henry Kissinger in the White House, continued the China policies of his predecessor, and President Carter, who

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<sup>1</sup> Henry Kissinger, *White House Years*, 1st ed. (Boston: Little, Brown, 1979), 750; Richard M. Nixon, *RN: The Memoirs of Richard Nixon*, (New York: Grosset & Dunlap, 1978), 562.

had made human rights a focal point of his administration's foreign policy, simply ignored Beijing's human rights practices. Even though President Reagan was unrelenting in attacking human rights abuses in the Soviet Union, he similarly avoided leveling criticism toward China.<sup>2</sup> This geopolitical approach changed toward the end of the Cold War, which was evidenced by the American reaction to the Tiananmen crackdown in 1989. While this event was not the first democratic challenge in the post-Mao era, it received a far different response from the United States, foreshadowing congressional policymaking toward China after 1991.

This chapter aims to consider one central question. Since the end of the Cold War, what explains the evolution of congressional policymaking in U.S. policy regarding human rights in China? The review of legislation that follows will reveal that Congress legislated on three key interests: advocating for the rights of particular Chinese groups, the rights of certain Chinese provinces, and the release of high-profile prisoners in China. This chapter will ultimately reveal that congressional policymaking in human rights remained remarkably consistent from 1992 to 2008, demonstrating unwavering congressional interests in advocating for human rights in China throughout this period. Unlike the other issue areas examined in this dissertation, these interests were unaffected by China's increasing power or the expanding Sino-U.S. trade relationship. While Congress consistently pursued these interests, there was still a subtle evolution in its approach worth noting, where early efforts to pass binding legislation to

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<sup>2</sup> Warren I. Cohen, *America's Response to China: A History of Sino-American Relations* 4th ed. (New York: Columbia University Press, 2000), 212.

compel human rights policy changes in Beijing centered on linking China's Most Favored Nation (MFN) status to human rights conditions. Later policymaking efforts shifted to legislation that focused on funding restrictions and increased congressional oversight of the executive branch to enforce human rights policies.

To pursue the central research question, this chapter is structured in three main sections. The first section examines congressional interests as expressed through legislation that achieved a floor vote to answer the question, "What were congressional human rights interests vis-à-vis China?" Careful attention is paid to this question, because congressional interests are not readily apparent. As with the other issue areas, policy regarding human rights in China is not neatly contained in periodic "China human rights policy" measures, but rather, human rights policy toward China is often buried in omnibus legislation or as amendments to unrelated bills. The second section considers how these interests were demonstrated through legislation over time. Finally, the third section examines trends in domestic political factors that influenced policymaking. Before continuing to the three main sections, however, this introductory section will briefly consider the importance of human rights in Sino-U.S. relations.

## **WHY HUMAN RIGHTS MATTER IN SINO-U.S. RELATIONS**

Human rights issues have an important place in American politics, because they are so closely tied to the American experience. This experience is based on a belief in universal human rights, which are derived from natural law and appeared early in U.S. history.

The American colonists invoked the “laws of nature” to assert that “all men are created equal, that they are endowed by their creator with certain unalienable rights...,” where these rights are secured through governments that derive powers from the people’s consent. When these natural rights are absent because of the government, the colonists argued, the people have the right to alter or abolish it and establish a new government.<sup>3</sup> These principles were subsequently codified in the Bill of Rights of the U.S. Constitution. In particular, the first amendment guaranteed the rights of free speech, peaceable assembly, demonstration and exercise of religious beliefs. The Bill of Rights also established certain legal rights of due process and rights against unreasonable seizure, cruel and unusual punishments, and bearing witness against oneself.<sup>4</sup>

A half century after the American republic was established under these principles, Alexis de Tocqueville embarked on a landmark study of the defining characteristics of the United States. He opened his examination by observing:

The more I advanced in the study of American society, the more I perceived that the *equality of conditions* is the fundamental fact from which all others seem to be derived, and the central point at which all my observations constantly terminated.<sup>5</sup>

Not only did de Tocqueville find egalitarianism at the center of the American experience, but he observed that it was held in sacred regard. He found that:

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<sup>3</sup> "Declaration of Independence", United States National Archives and Records Administration, [http://www.archives.gov/exhibits/charters/declaration\\_transcript.html](http://www.archives.gov/exhibits/charters/declaration_transcript.html) (accessed January 2, 2011).

<sup>4</sup> "Bill of Rights", United States National Archives and Records Administration, [http://www.archives.gov/exhibits/charters/bill\\_of\\_rights\\_transcript.html](http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html) (accessed January 2, 2011).

<sup>5</sup> Emphasis added. Alexis de Tocqueville, *Democracy in America*, ed. Henry Reeve, vol. 1 (Project Gutenberg EBook, 2006), iBooks edition: 15 of 521.

The gradual development of the equality of conditions is therefore a providential fact, and it possesses all the characteristics of a divine decree: it is universal, it is durable, it constantly eludes all human interference, and all events as well as all men contribute to its progress.<sup>6</sup>

De Tocqueville observed that equality was believed so sacred that it was considered more valuable than liberty itself:

But for equality, their passion is ardent, insatiable, incessant, invincible: they call for equality in freedom; and if they cannot obtain that, they still call for equality in slavery. They will endure poverty, servitude, barbarism — but they will not endure aristocracy.<sup>7</sup>

The founding principles of the United States identified in the Declaration of Independence and Bill of Rights, as well as the defining characteristics documented by de Tocqueville, shed light on the U.S. approach toward human rights in China. The Chinese government did not recognize its citizens as equal and did not afford them the “unalienable rights” held sacred in the United States. Further, the Chinese Communist Party was a ruling class that fit the American image of an aristocracy, in that it represented a group that was regarded as privileged or superior within the Chinese political system, and the communist regime was perceived as withholding the universal rights that distinguish an evolved society.<sup>8</sup>

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<sup>6</sup> Ibid., iBooks edition: 18 of 521.

<sup>7</sup> Alexis de Tocqueville, *Democracy in America*, ed. Henry Reeve, vol. 2 (Project Gutenberg EBook, 2006), iBooks edition: 99-100 of 389.

<sup>8</sup> To be sure, the CCP is not a true aristocracy, as the titles and offices are not hereditary. This label is only applied here to highlight the parallel to American historical experiences that make perceived human rights abuses such an emotive subject in the United States.

The Tiananmen crackdown only reinforced this perspective and evoked outrage among the American public and policymakers in Washington. Richard Madsen argued that the events at Tiananmen were significant in the eyes of the public and policymakers, because it represented a moral story “with an unexpected, incorrect ending.”<sup>9</sup> Whereas a logical moral story would normally illustrate the consequences of good and bad conduct, Tiananmen served as an example of the wrong behavior of the communist leadership being rewarded and the right behavior of the pro-democracy demonstrators being punished. Moreover, just as a good story engages the audience, Americans readily identified with a movement that appeared to uphold the virtues of an open, democratic society and employed the symbols of American liberal beliefs.<sup>10</sup> For example, the demonstrators erected a 27-foot statue in Tiananmen Square named the “Goddess of Democracy and Freedom,” closely modeled after the Statue of Liberty in New York.<sup>11</sup>

The story of Tiananmen shattered the liberal myth that had developed in the United States about China. The myth was that modernization would result in both economic and political liberalization in China, and the United States should assist the process by remaining politically and economically engaged. This approach to China’s liberalization had a certain passivity to it, where the inevitability of the outcome meant that the United States only had to patiently

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<sup>9</sup> Richard Madsen, *China and the American Dream: A Moral Inquiry* (Berkeley: University of California Press, 1995), 4.

<sup>10</sup> *Ibid.*, 4-5.

<sup>11</sup> Nicholas D. Kristof, "Chinese Students, in About-Face, Will Continue Occupying Square," *New York Times*, May 30, 1989.

support China's evolution, even though the existing human rights conditions were incompatible with the American experience. Tiananmen shattered this myth, because Beijing would not permit this type of political evolution within China, and as discussed in chapter one, it would not submit to Fukuyama's ultimate victor: "liberal democracy, the doctrine of individual freedom and popular sovereignty."<sup>12</sup> The communist regime was now seen as something of a "troubled modernizer." Beijing wanted to transform China into a modern society, but China's historical roots lay in opposition to political freedom and individual economic opportunity through private ownership.<sup>13</sup> Tiananmen's exposure of Beijing's political intentions brought into question the validity of a passive approach, and congressional policymakers sought more active policies to compel China to change its domestic political environment and improve its human rights record.

Compounding the importance of human rights in U.S. policymaking, human rights issues share a dualism with other issue areas that broadens the impact in Sino-U.S. relations. For example, the use of prison labor in China for the production of export goods is a human rights issue, because Chinese prison labor systems do not offer remuneration, and as such, represent forced or slave labor. It is also a trade issue, because it forces U.S. manufacturers to compete against imports produced with no labor costs. Similarly, U.S. protests over labor rights in China — absence of independent unions, minimum wage violations, long

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<sup>12</sup> Francis Fukuyama, *The End of History and the Last Man*, 1st Free Press trade pbk. ed. (New York: Free Press, 1992), 40.

<sup>13</sup> Madsen, *China and the American Dream: A Moral Inquiry*, 28.

work hours — center on human rights objections to the treatment of Chinese workers *and* the trade interests that highlight China's advantage in cheap labor. These issues played a considerable part in the annual renewal of China's most favored nation (MFN) status and negotiations over China's accession to the World Trade Organization (WTO) during the 1990s, and in the American political system, this dualism resulted in coalitions of convenience among labor and human rights interests in Congress that otherwise might not exist.

This human rights dualism is not restricted solely to trade issues, as issues in the cross-strait dispute often featured arguments about human rights. As discussed in chapter two, a common argument in the cross-strait issue area was that the United States held special ties with Taiwan, because it had transformed into a modern democracy. Similar to policy statements in the aftermath of China's 1949 civil war, which portrayed the cross-strait dispute as a standoff between communist and non-communist societies, the congressional narrative of the post-Cold War period portrayed the dispute as a standoff between authoritarianism and democracy.<sup>14</sup> Congress lauded Taiwan in legislation as an

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<sup>14</sup> For example, during the Second Taiwan Strait Crisis in 1958, the Eisenhower administration was concerned about the Taiwan-claimed islands of Quemoy and Matsu, because they believed that if the islands were overtaken by communist China, communist forces would soon after take Taiwan and threaten the security of the western Pacific. Secretary of State Dulles argued that such communist aggression would continue on to Japan, the Philippines, South Vietnam, Laos, Cambodia, Thailand, Burma, Malaya and Indonesia. He likened aggression against Taiwan to, "when the United States allowed the Chinese mainland to be taken over by the Chinese Communists, aided and abetted by the Soviet Union." Similarly, in the aftermath of the Cold War, Senator Paul Simon articulated this same view on the floor of the Senate, stating, "The irony is that we are going out of our way to please the People's Republic of China, which is a dictatorship, while thumbing our noses at Taiwan, which has a multiparty democracy and a free press." Gaddis, *Strategies of Containment: A Critical Appraisal of American National Security Policy During the Cold War*; Paul Simon, "Congressional Record, 103rd Congress (1993-1994), Senate - July 20, 1994 [Page: S9330]", Library of Congress,, <http://thomas.loc.gov/cgi-bin/query/D?r103:1:/temp/~r1030tvujJ::> (accessed June 25, 2010); State Department of the United States, "Foreign Relations of the United States 1952 - 1975."



example of “democratization in the region, having successfully held free and fair elections at the local and national level and encouraging the development of democratic institutions.”<sup>15</sup> Similar legislation established U.S. policy as “friendship with, and commitment to, the democratic government and people of Taiwan.”<sup>16</sup> Just as with human rights and trade interests, viewing the cross-strait dispute as an issue of self-determination fostered congressional coalitions of convenience among conservative anti-communist interests and liberal human rights interests.

#### **CONGRESSIONAL INTERESTS IN HUMAN RIGHTS (1992-2008)**

Congress consistently pursued human rights interests vis-à-vis China between 1992 and 2008. Specifically, Congress legislated on three key interests: advocating for the rights of particular Chinese groups, the rights of certain Chinese provinces, and the release of high-profile prisoners in China.

##### *Group Rights*

Congress demonstrated an interest in advocating for certain groups, including: Laogai prisoners, Falun Gong practitioners, Christians, North Korean refugees, legal rights defenders, and women subjected to forced population

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<sup>15</sup> House, *A Concurrent Resolution Expressing the Sense of Congress Regarding Missile Tests and Military Exercises by the People's Republic of China*, 104th Cong., 2nd sess., 1996, H.CON.RES.148.

<sup>16</sup> House, *Acknowledging the Positive Role of Taiwan in the Current Asian Financial Crisis and Affirming the Support of the American People for Peace and Stability on the Taiwan Strait and Security for Taiwan's Democracy*, 105th Cong., 2nd sess., 1998, H.CON.RES.270.

controls, including sterilization and abortions.<sup>17</sup> This type of policymaking commonly opened with an extensive narrative that formalized the congressional perspective of China's human rights practices toward a given group, tied the behavior to universal norms, condemned the behavior, and then called for Beijing to alter its policy. Some measures used these practices to justify a resolution in Geneva at the annual United Nations Commission on Human Rights (UNCHR) assembly. While most legislation used hortatory language aimed at China, it often took aim at the administration with binding measures that required action from the White House. These measures established congressional oversight requirements for the State Department, mandated that the State Department create a prisoner registry, and prohibited visas for Chinese officials associated with forced population controls.

For example, the *United States-China Act of 1992* accused China of continuing to “flagrantly violate internationally recognized standards of human rights,” including: torture and cruel, inhuman and degrading punishment; arbitrary arrest without trial and jailing for nonviolent expression of political

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<sup>17</sup> The Laogai, or “reform through labor,” system is an extrajudicial institution used by Chinese authorities to detain individuals in labor reform camps for up to three years without trial or other court intervention. Several thousand political dissidents were detained in this fashion during the post-Tiananmen crackdown. Falun Gong, or “law wheel exercise,” incorporates an eastern exercise regimen, meditation, values and spiritual beliefs. Its three main virtues are truthfulness, compassion and forbearance, which are believed to rescue practitioners from the modern vices of materialism and “moral degeneration.” In just a few years, the Falun Gong generated millions of followers — estimated between 3 and 70 million — that included influential members of the PLA and CCP, as well as several thousand in the United States. Falun Gong members characterized their objectives as apolitical, with an agenda that extended no further than preserving the right to pursue personal beliefs. The movement was started by Li Hongzhi, a former PRC Grain Bureau clerk, who left China in the mid-1990s to take permanent residence near New York City. Thomas Lum, *China and Falun Gong* (Congressional Research Service, Library of Congress, 2006); Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*, 478-479; Hongda Harry Wu and Ted Slingerland, *Laogai: The Chinese Gulag*, (Boulder: Westview Press, 1992).

views; and use of prison labor to produce exports. This measure attempted to set minimum standards of behavior that China would have to meet before the President could extend trade benefits. It asserted that the President could not renew most favored nation (MFN) status the following year unless China had begun adhering to the provisions of the Universal Declaration of Human Rights, permitted unrestricted emigration of Chinese leaving because of political or religious persecution, provided “an acceptable accounting” of Chinese detained because of political beliefs, and prevented exports of convict-made goods. Further, China had to cease religious persecution and release those who had been detained, imprisoned or under house arrest because of their religious beliefs.<sup>18</sup>

In another example, Congress tried to compel the President to cancel a trip to China in 1996 because of human rights objections. The *Foreign Relations Authorization Act for Fiscal Years 1996 and 1997* declared that the President should refuse to visit China unless there was “dramatic overall progress” in human rights conditions. This progress was defined as including the release of activists, an agreement for prisoner access by human rights organizations, legal reforms to improve freedom of religion, and ending forced population controls. This measure also called for the President to seek bilateral and multilateral initiatives to promote human rights in China and publicly denounce the Laogai system both through the office of the President and by resolution at the UNCHR.

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<sup>18</sup> This bill was passed in the House by a vote of 339-62. House, *United States-China Act of 1992*.

This bill also established new congressional oversight requirements for the President on enforcing human rights policy in China.<sup>19</sup>

The *China Policy Act of 1995* also serves as an example of Congress advocating for group rights. This measure listed diplomatic initiatives that the President should pursue, including urging Beijing to permit freedom of speech, press, assembly, association and religion; end arbitrary detention, forced labor, and torture; release all political prisoners and dismantle the Laogai system; and end forced population controls. Standard hortatory language was strengthened by additional congressional oversight, as the President would be required every six months to report on the status of these diplomatic initiatives, including efforts by the United States, World Bank and WTO.<sup>20</sup>

One issue that gained specific attention in Congress regarded forced population control in China, including sterilization and abortions. For example,

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<sup>19</sup> Based on the President's MFN renewal policy statement on May 26, 1994, this measure required the administration to report on issues such as the status of high-level dialogue on human rights, efforts to press human rights issues at the United Nations and UNCHR, a plan to address human rights in Tibet and promote discussions between Beijing and the Dalai Lama, and an "information strategy" using broadcasts on Voice of America and Radio Free Asia. A separate report was required to detail China's compliance with the agreement to prohibit the export of forced labor products. This measure also called on the President to appoint a State Department special envoy for Tibet with the rank of ambassador. This envoy would be tasked with promoting negotiations between Beijing and the Dalai Lama, and this post was required to consult with Congress on Tibet policy. This measure was passed in the House by a vote of 222-192 and in the Senate 82-16. The President vetoed this bill in April 1996, however, of all the reasons listed in the veto message, the bill was not returned for Congress due to the human rights policies discussed here. William J. Clinton, "Veto Message from the President of the United States (H.R.1561)", National Archives and Records Administration, <http://clinton6.nara.gov/1996/04/1996-04-12-president-vetoes-foreign-relations-authorization.html> (accessed January 14, 2011); House, *Foreign Relations Authorization Act, Fiscal Years 1996 and 1997*.

<sup>20</sup> This bill was passed in the House by a vote of 416-10, but it was not taken up by the Senate. Clinton administration official Robert Suettinger explained that the White House encouraged and cooperated with the House in developing this bill, because it would allow Congress to vent over human rights issues in a measure that would never be taken up by the Senate. House, *China Policy Act of 1995*.

the *Foreign Affairs Reform and Restructuring Act of 1998* amended the *Foreign Assistance Act of 1961* to prohibit foreign assistance for organizations that performed abortions. Additionally, it cut off funds for the UN Population Fund unless it had terminated all activities in China. The Senate version featured language that called for limiting visas to Chinese officials who implemented policies for coercive family planning and religious persecution.<sup>21</sup> Congress even inserted human rights sections into the *Foreign Operations, Export Financing, and Related Programs Appropriations Act for 1998*, which reiterated the same language about funding organizations that performed abortions.<sup>22</sup>

Another distinct group that garnered specific legislative attention was the Falun Gong.<sup>23</sup> Because of increasing harassment from local officials that led to

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<sup>21</sup> It also called for U.S.-based organizations such as the National Endowment for Democracy to expand activities in China to encourage reform that embraced liberal democratic values. These bills were passed in the House by a voice vote and in the Senate by unanimous consent. These latter sections, however, were removed in during a lengthy conference process that involved both houses and the administration. In the end, the bill was vetoed by the President because of its restrictive language regarding funding international family planning organizations. House, *Foreign Affairs Reform and Restructuring Act of 1998*.

<sup>22</sup> The Senate version also included sections requiring the State Department to submit an annual report on religious persecution and establish a “Prisoner Information Registry” to track political and religious prisoners. It also mandated that the President devote intelligence resources to gather information on human rights abuses and religious persecution. The House version passed by a vote of 375-49, and the Senate version passed by unanimous consent. However, all of these highlighted sections were removed during conference before the bill was sent to the President. House, *Foreign Operations, Export Financing, and Related Programs Appropriations Act for 1998*, 105th Cong., 1st sess., 1997, H.R.2159.

<sup>23</sup> Falun Gong, or “law wheel exercise,” incorporates an eastern exercise regimen, meditation, values and spiritual beliefs. Its three main virtues are truthfulness, compassion and forbearance, which are believed to rescue practitioners from the modern vices of materialism and “moral degeneration.” In just a few years, the Falun Gong generated millions of followers — estimated between 3 and 70 million — that included influential members of the PLA and CCP, as well as several thousand in the United States. Falun Gong members characterized their objectives as apolitical, with an agenda that extended no further than preserving the right to pursue personal beliefs. The movement was started by Li Hongzhi, a former PRC Grain Bureau clerk, who left China in the mid-1990s to take permanent residence near New York City. Lum, *China and Falun Gong*.

the arrest of Falun Gong leaders in Tianjin, Falun Gong organizers directed more than 10,000 members to arrive at Zhongnanhai and sit silently at the gate.<sup>24</sup>

Within months, the Falun Gong movement had drawn a violent crackdown from Chinese officials, as Beijing formally banned the organization, and tens of thousands of its members were arrested or sent to Laogai camps.<sup>25</sup>

The House subsequently passed a resolution which insisted that Beijing stop its persecution and asserted that the United States should use international forums, such as the UNCHR, to urge China to release the Falun Gong practitioners.<sup>26</sup> The House passed a second resolution in 2002 that detailed the alleged abuses of the communist government, including more than 400 murdered; tens of thousands tortured in labor camps, prisons, and mental hospitals; and hundreds of thousands “brainwashed” through organized classes. This measure called for China to cease its persecution of Falun Gong practitioners, and it called for an investigation of allegations that China was using agents to harass U.S. citizens, residents, and local governments in the United States that supported the Falun Gong.<sup>27</sup> In a third example, the House called on China to stop using

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<sup>24</sup> Zhongnanhai is the communist leadership’s compound. While this protest was peaceful, the act itself was a violation of the ban against demonstrations in Tiananmen. Seth Faison, "In Beijing: A Roar of Silent Protesters," *New York Times*, April 27, 1999.

<sup>25</sup> Mark Landler, "China Steps up Its Drive to Halt Dissident Sect," *New York Times*, July 23, 1999.

<sup>26</sup> This measure passed in the House without objection. House, *Expressing the Sense of the Congress That the Government of the People's Republic of China Should Stop Its Persecution of Falun Gong Practitioners*, 106th Cong., 1st sess., 1999, H.CON.RES.218.

<sup>27</sup> This resolution passed in the House by a vote of 420-0. House, *Expressing the Sense of Congress That the Government of the People's Republic of China Should Cease Its Persecution of Falun Gong Practitioners*, 107th Cong., 2nd sess., 2002, H.CON.RES.188.

diplomatic missions in the United States to spread propaganda about the movement and to release all Falun Gong prisoners. It also called on President Bush to issue a formal protest and work with human rights activists to identify those Chinese officials who had been personally responsible for acts of persecution.<sup>28</sup>

Still another specific group that tapped congressional human rights interests was composed of refugees from North Korea. China had seen increasing numbers of illegal immigrants, numbering in the hundreds of thousands entering Northern China. This issue reached a head during an incident in March 2002, when 25 North Koreans stormed the Spanish Embassy in Beijing, demanding refugee status and passage to South Korea. Beijing permitted them to leave the country under “humanitarian grounds” but then ordered a campaign along the China-North Korea border to round-up illegal immigrants and send them home. It was reported that, in many cases, repatriated individuals were imprisoned and tortured by the North Korean government.<sup>29</sup> The issue intensified when two immigrants scaled the wall of the American consulate in Shenyang, and another five were detained by Chinese guards as they rushed the gate of the Japanese consulate.<sup>30</sup>

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<sup>28</sup> This resolution passed in the House by a voice vote. House, *Expressing the Sense of Congress Regarding Oppression by the Government of the People's Republic of China of Falun Gong in the United States and in China*, 108th Cong., 2nd sess., 2004, H.CON.RES.304.

<sup>29</sup> Elisabeth Rosenthal, "Beijing Increases Detentions of Illegal North Korean Immigrants," *New York Times*, March 21, 2002.

<sup>30</sup> This incident resulted in a diplomatic protest from Tokyo, which asserted that the Chinese guards had in fact entered the consulate to arrest the North Koreans. Elisabeth Rosenthal, "North Koreans Seek Asylum at Consulates in China," *New York Times*, May 9, 2002.

In 2002, Congress called on China to halt the repatriations and provide the North Koreans living in China with safe asylum while the UN High Commissioner for Refugees made arrangements to resettle them in other countries. The measure also called on the Secretary of State to draft a resolution critical of China to be introduced at the 2003 UNCHR meetings.<sup>31</sup> The Senate passed a similar resolution the same month, adding that China should “respect the inviolability of foreign missions” to signal that Chinese guards should not be permitted to enter consulate property to arrest North Korean asylum seekers.<sup>32</sup> This interest was reaffirmed in 2003, when the House passed another bill ahead of the annual UNCHR meetings in Geneva calling for a UN resolution critical of China’s policies toward North Korean illegal immigrants.<sup>33</sup> As late as 2007, Congress continued to press this issue, with a resolution calling on China to stop the forced repatriation of refugees. This bill again called for their protection, including providing them the opportunity to request asylum and granting the UN High Commissioner for Refugees unfettered access to them.<sup>34</sup>

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<sup>31</sup> This bill was passed in the House by a vote of 406-0. House, *Expressing the Sense of Congress Regarding North Korean Refugees Who Are Detained in China and Returned to North Korea Where They Face Torture, Imprisonment, and Execution*, 107th Cong., 2nd sess., 2002, H.CON.RES.213.

<sup>32</sup> The measure passed in the Senate by unanimous consent. Senate, *A Concurrent Resolution Expressing the Sense of Congress Regarding North Korean Refugees in China and Those Who Are Returned to North Korea Where They Face Torture, Imprisonment, and Execution*, 107th Cong., 2nd sess., 2002, S.CON.RES.114.

<sup>33</sup> The House passed this measure 419-1. House, *Urging Passage of a Resolution Addressing Human Rights Abuses in North Korea at the 59th Session of the United Nations Commission on Human Rights, and Calling on the Government of North Korea to Respect and Protect the Human Rights of Its Citizens*, 108th Cong., 1st sess., 2003, H.RES.109.

<sup>34</sup> This bill was passed in the House by voice vote. House, *Calling on the Government of the People's Republic of China to Respect the Human Rights of Refugees from North Korea*, 109th Cong., 1st sess., 2007, H.CON.RES.234.



### *Provincial Rights*

Congress also demonstrated an interest in advocating for the rights of the provinces of Hong Kong, Macao and Tibet. Similar to the rights of groups, this type of policymaking commonly opened with an extensive narrative that formalized the congressional perspective of China's policies in these three provinces, tied the behavior to universal norms, condemned the behavior, and then called for Beijing to alter its policy. Most legislation used hortatory language aimed at China, but congressional policymaking also took aim at the administration through binding legislation. Some measures also cited these practices to call for a UN resolution in Geneva, also similar to the group rights measures.

The legislation on Hong Kong and Macao were largely about the reversion of the two provinces back to Chinese control, and Hong Kong saw far more legislation, as it was the first of the two provinces to revert. Bills passed before the change of control voiced congressional expectations from Beijing, which were tied closely to the 1984 Joint Declaration between China and the United Kingdom. For example, with the negotiated handover of Hong Kong only a year away in 1996, the Senate passed a measure stating U.S. interests in Hong Kong's autonomy and the preservation of its political and economic institutions. This bill asserted that Beijing should allow the Hong Kong Legislative Council to serve its full four-year term, which began in September 1995. It also called on China to honor its agreement to permit Hong Kong to maintain an elected legislature, an executive accountable to the same, and an independent judiciary with final power

in Hong Kong law.<sup>35</sup> The House passed its own bill in the first few months of 1997, entitled the *Hong Kong Reversion Act*. This measure codified U.S. support for the autonomous governance of Hong Kong and identified circumstances when the President could, “modify the application of United States laws with respect to Hong Kong,” should Beijing fail to honor the reversion agreement. Key aspects of the agreement included maintaining good governance and rule of law, preservation of customs territory autonomy, and timely conclusion of agreements and treaties with the United States.<sup>36</sup>

Congressional interests in advocating for Hong Kong’s rights were demonstrated well into the next decade, when universal suffrage for the 2007 Hong Kong election was ruled out by Beijing. In April 2004, China’s Standing Committee of the National People’s Congress approved restrictions on Hong Kong’s ability to pursue democracy, effectively ruling that Beijing would determine if Hong Kong residents could choose their local leadership.<sup>37</sup> Democracy advocates accused the communist regime of renegeing on its agreement to permit Hong Kong a 50-year period of autonomy beginning with its

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<sup>35</sup> This measure passed in the Senate by unanimous consent. Senate, *An Original Resolution Expressing the Sense of the Senate with Respect to the International Obligation of the People's Republic of China to Allow an Elected Legislature in Hong Kong after June 30, 1997, and for Other Purposes*, 104th Cong., 2nd sess., 1996, S.RES.271.

<sup>36</sup> These agreements and treaties included issues such as bilateral investment, extradition, civil aviation and prison transfers. This measure was passed in the House by a vote of 416-1. It was referred to the Senate, but the Senate passed its own measure that did not address human rights issues and focused more narrowly on economic and trade offices. House, *Hong Kong Reversion Act*, 105th Cong., 1st sess., 1997, H.R.750; “Measure Preserving Privileges for Hong Kong Is Cleared,” *CQ Weekly*, June 21, 1997; Senate, *A Bill to Extend Certain Privileges, Exemptions, and Immunities to Hong Kong Economic and Trade Offices*, 105th Cong., 1st sess., 1997, S.342.

<sup>37</sup> Keith Bradsher, “Beijing Asserts New Control over Election Laws in Hong Kong,” *New York Times*, April 06, 2004.

1997 reversion, and street protests began soon after.<sup>38</sup> Congress subsequently passed legislation in both chambers supporting Hong Kong's position that it should be able to decide its own constitutional developments. It called on the President to declare that Beijing had violated the agreement between China and the United Kingdom and demand China's guarantee that its appointed government in Hong Kong develop a timetable to achieve free elections for the legislature and chief executive. In addition to the typical hortatory language aimed at China and the U.S. President, it also included additional congressional oversight requiring the State Department to report on the status of the provincial reversions. Finally, the President was required to withdraw from agreements or cease the extension of privileges to provinces that were no longer deemed "autonomous" from China.<sup>39</sup>

On the issue of Macau's reversion, Congress demonstrated the same interests in advocating for its rights, but the apparent success of Hong Kong's reversion after the first two years under Chinese control assuaged some concerns in Congress. The Senate inserted language into the *Assistance for International Malaria Control Act*, in a section entitled "Policy of the United States with

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<sup>38</sup> Joseph Kahn and Keith Bradsher, "Hong Kong Reformers Protest Election Rule," *New York Times*, April 07, 2004.

<sup>39</sup> It is difficult to conclude that China had failed to meet the terms of the Joint Declaration or Basic Law for the Hong Kong SAR, which serves as Hong Kong's constitution, because the terms of universal suffrage were not explicitly determined in either document. This resolution was passed in the Senate by unanimous consent. This bill passed in the House by a vote of 345-0, with one present. House, *Hong Kong Reversion Act*; House, *Expressing Support for Freedom in Hong Kong*, 108th Cong., 2nd sess., 2004, H.RES.667; Senate, *An Original Resolution Expressing the Sense of the Senate with Respect to the International Obligation of the People's Republic of China to Allow an Elected Legislature in Hong Kong after June 30, 1997, and for Other Purposes*; Senate, *Assistance for International Malaria Control Act*, 106th Cong., 2nd sess., 2000, S.2943; Senate, *A Joint Resolution Expressing Support for Freedom in Hong Kong*, 108th Cong., 2nd sess., 2004, S.J.RES.33.

Respect to Macau.” This measure asserted that American support for democratization was a critical principle in policy toward Macau, and human rights in Macau were part of American regional interests. The bill stated that the United States should “play an active role” in maintaining Macau’s cultural heritage and should “actively seek to establish and expand bilateral ties and agreements” with Macau. Overall, this policy was remarkably similar to that applied to Hong Kong during its reversion in 1997, reflecting increased comfort in Congress over Beijing’s adherence to the reversion agreements.<sup>40</sup>

Legislation on Tibet far surpassed Hong Kong and Macao in floor action.<sup>41</sup> These bills combined hortatory language and binding legislation, with a trend toward more institutional involvement in Tibet, including a special envoy for Tibet; a special State Department coordinator for Tibet issues; a branch office in Lhasa, Tibet; and requirements for field officers to study the Tibetan language. The final related issue in this category was legislation regarding the Dalai Lama. Unlike measures on the Panchen Lama, which characterized him as a prisoner, bills regarding the Dalai Lama focused less on his exiled status and more on restarting the dialogue with Beijing over the political autonomy of Tibet.

In an early example, the Senate passed a measure declaring that Tibet was an occupied country that was only legitimately represented by the Dalai Lama and the exiled Tibetan government. This measure stated that “the United States should take a firm stand against human rights abuses wherever they occur and

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<sup>40</sup> This bill passed in the House by a vote of 385-2 and in the Senate by unanimous consent. It was later signed by the President. Senate, *Assistance for International Malaria Control Act*.

<sup>41</sup> Fifteen of the twenty measures advocating for provincial rights were regarding Tibet.

should also speak out against the illegal occupation of Tibet.” It also asserted that the United States should support resolutions critical of China at the UNCHR, use all appropriate international forums to condemn the human rights abuses in Tibet, and directly challenge Chinese officials on these abuses.<sup>42</sup>

Following a 1997 report by the International Commission of Jurists, which concluded that repression in Tibet had steadily increased since 1994, the Senate passed a resolution regarding human rights conditions in Tibet. This bill asserted that Beijing was conducting a campaign of increased political arrests, suppression of protests, mass movement of Han Chinese into Tibet, and cultural extermination of Tibetan Buddhism.<sup>43</sup> This measure also called on China to enter negotiations with the Dalai Lama and called for the UN General Assembly to resume debate on the Tibet issue.<sup>44</sup>

Congressional interest in advocating for Tibetan rights continued into the next decade. In December 2004, the Senate passed a resolution asserting that China was still in violation of international human rights standards by detaining and abusing Tibetans who peacefully protested China’s repression there. This bill

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<sup>42</sup> This resolution was passed in the Senate by a voice vote. Senate, *A Resolution Relative to Human Rights in Tibet*, 102nd Cong., 2nd sess., 1992, S.RES.271.

<sup>43</sup> The International Commission of Jurists maintains that human rights — articulated in international standards — are “universal, interdependent and indivisible” and are best achieved through the rule of law. In a practical function, this group provides legal expertise on the protection and promotion of human rights through the rule of law. International Commission of Jurists, "Overview", International Commission of Jurists, [http://www.icj.org/default.asp?nodeID=430&langage=1&myPage=About\\_us](http://www.icj.org/default.asp?nodeID=430&langage=1&myPage=About_us) (accessed January 16, 2011).

<sup>44</sup> This measure also called for the release of nine-year-old Gedhun Choekyi Nyima — the boy named by the Dalai Lama as the Panchen Lama. This bill was passed in the Senate by unanimous consent. Senate, *A Concurrent Resolution Expressing the Sense of the Congress in Support of the Recommendations of the International Commission of Jurists on Tibet and on United States Policy with Regard to Tibet*, 105th Cong., 2nd sess., 1998, S.CON.RES.103.

called for sustained international pressure on China and stated that the United States should press for the release of Tibetan prisoners.<sup>45</sup> Even more controversial within the Sino-U.S. relationship, the Senate passed a bill in 2006 selecting the Dalai Lama to receive the Congressional Gold Medal. This congressional award, which serves as “the highest expression of national appreciation for distinguished achievements and contributions,” recognized him as the leader of Tibet who had used his authority to promote democracy and freedom through negotiations toward Tibet’s autonomy. The House subsequently approved his selection, which the President promptly signed.<sup>46</sup>

Finally, ahead of the 2008 Beijing Olympics, a Chinese crackdown prompted Congress to pass a series of measures advocating for Tibet's human rights. When Tibetan monks began demonstrating in Lhasa in March 2008 and were joined by ethnic Tibetans, peaceful demonstrations turned into violent clashes with Chinese security forces, including burning shops, cars, and military vehicles. Beijing responded by deploying armored vehicles and thousands of paramilitary troops to patrol Lhasa’s city streets.<sup>47</sup> The next month, both chambers passed resolutions condemning China’s security measures. The House

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<sup>45</sup> This resolution was passed in the Senate by unanimous consent. Senate, *A Resolution Expressing the Sense of the Senate Regarding the Detention of Tibetan Political Prisoners by the Government of the People's Republic of China*, 108th Cong., 2nd sess., 2004, S.RES.483.

<sup>46</sup> This bill was passed in the Senate by unanimous consent and in the House by voice vote. Office of the Clerk of the U.S. House of Representatives, "Congressional Gold Medal Recipients", U.S. House of Representatives, [http://clerk.house.gov/art\\_history/house\\_history/goldMedal.html](http://clerk.house.gov/art_history/house_history/goldMedal.html) (accessed January 23, 2011); Senate, *Fourteenth Dalai Lama Congressional Gold Medal Act*, 109th Cong., 2nd sess., 2006, S.2784.

<sup>47</sup> Jim Yardley, "Violence in Tibet as Monks Clash with the Police," *New York Times*, March 15, 2008.

bill called on China to end the crackdown and begin a dialogue with the Dalai Lama to develop a long-term solution. It also called for international human rights monitors to be permitted into Tibet and for the release of all Tibetans imprisoned for nonviolent protests. Finally, this measure directed the State Department to fully implement the *Tibetan Policy Act of 2002*, which had called for an office to be established in Lhasa to monitor political developments and provide consular protection during emergencies. From Congress' perspective, had this office been established, Washington would have better understood what was occurring in Lhasa, and State Department personnel could have offered political protection during the crackdown.<sup>48</sup> The Senate passed a similar resolution that, in addition to the items above, called on China to cease entering monasteries to “reeducate” monks and nuns.<sup>49</sup>

### *High-Profile Prisoners*

Congress also pursued interests in advocating for the rights of high-profile prisoners, calling for the release of distinct individuals. Most bills were standalone measures, and they served to allow Congress to air objections over China's human rights policies by pointing to specific high-profile prisoners as examples of China's human rights policies. None of these bills were binding, but

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<sup>48</sup> This resolution was passed in the House by a vote of 413-1. House, *Calling on the Government of the People's Republic of China to End Its Crackdown in Tibet and Enter into a Substantive Dialogue with His Holiness the Dalai Lama to Find a Negotiated Solution That Respects the Distinctive Language, Culture, Religious Identity, and Fundamental Freedoms of All Tibetans, and for Other Purposes*, 110th Cong., 2nd sess., 2008, H.RES.1077.

<sup>49</sup> This measure passed in the Senate by unanimous consent. Senate, *A Resolution Condemning the Violence in Tibet and Calling for Restraint by the Government of the People's Republic of China and the People of Tibet*, 110th Cong., 2nd sess., 2008, S.RES.504.

rather, they were composed of hortatory language aimed at China and the executive branch. While this group of legislation was not pro forma, these measures generally opened with a narrative reflecting the congressional understanding of events surrounding the individual's arrest or detention, in a way, formalizing the congressional perspective of the account. The treatment of the individual was measured against some international norm, such as the Universal Declaration of Human Rights, and used as evidence of wider Chinese human rights abuses. In a similar manner, these bills condemned the arrest of the individual and called for their release, followed by a general condemnation and call for the release of all prisoners of conscience. Many resolutions used these individual cases as justification for a UN resolution in Geneva at the annual UNCHR meeting.

For example, consider the case of Harry Wu, a naturalized American citizen who became famous for his expose about the Laogai system.<sup>50</sup> Wu was detained in June 1995 when he crossed into China from Kazakhstan, and both congressional chambers responded to the arrest with separate resolutions.<sup>51</sup> The

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<sup>50</sup> The Laogai, or “reform through labor,” system is an extrajudicial institution used by Chinese authorities to detain individuals in labor reform camps for up to three years without trial or other court intervention. Several thousand political dissidents were detained in this fashion during the post-Tiananmen crackdown. The Laogai system gained widespread notoriety after Harry Wu (Wu Hongda) — then a Chinese citizen who has since become a naturalized American — escaped from a labor camp and published the expose entitled *Laogai: The Chinese Gulag*. This book compared the Laogai system to concentration camps in Nazi Germany and Soviet Russia. In addition to revealing these human rights abuses to the outside world, it caused a policy stir in Washington with the claim that manufactured products from the Laogai system were being exported to the United States in large quantities. Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*, 478-479; Wu and Slingerland, *Laogai: The Chinese Gulag*.

<sup>51</sup> For context, it should be noted that all of these arrests occurred after the United States permitted Taiwan President Lee Teng-hui to speak at Cornell University in May 1995. Even though the arrest of an American citizen raised the ire of policymakers in Washington, the arrest of Chen Ziming was particularly aggravating for Clinton, who had personally requested his release the



House bill condemned the arrest and demanded his release, along with a full accounting of his detention.<sup>52</sup> The Senate measure was similar in both form and substance.<sup>53</sup>

Another example is the case of Wei Jingsheng, the long-time dissident who first gained notoriety during the Democracy Wall movement in the late 1970s.<sup>54</sup> Wei was arrested in April 1994, held in an undisclosed location for seven months, and finally charged for trying to overthrow the Chinese government.<sup>55</sup> China convicted him in a five-hour trial that was closed to the

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previous year. Patrick Tyler, "In Warning to U.S., China Cracks Down on 2 Dissidents," *New York Times*, June 29, 1995.

<sup>52</sup> This measure was passed in the House by a vote voice vote. House, *Calling Upon the People's Republic of China to Release U.S. Citizen Harry Wu Unconditionally and to Provide for an Accounting of His Arrest and Detention*, 104th Cong., 1st sess., 1995, H.RES.178.

<sup>53</sup> This measure was passed in the Senate by voice vote. By August 1995, the case was finally resolved, when China announced that Wu had been found guilty of spying and was sentenced to 15 years imprisonment. Rather than carry out the sentencing, Beijing expelled him, and he was permitted to return to the United States. Seth Faison, "Chinese Convict Harry Wu as Spy and Order Him Out," *New York Times*, August 24, 1995; Senate, *A Resolution Expressing the Sense of the Senate Regarding the Arrest of Harry Wu by the Government of the People's Republic of China*, 104th Cong., 1st sess., 1995, S.RES.148.

<sup>54</sup> The Democracy Wall movement began in the late 1970s with activists calling for democratic reforms as a "fifth modernization" in addition to Deng Xiaoping's four modernizations. These calls were posted on a wall in Beijing that featured political posters advocating reform. Intended to influence political thought among common Chinese, similar walls emerged in other cities before the communist government suppressed the movement and arrested its organizers. The most prominent organizer, Wei Jingsheng, was sentenced to 15 years imprisonment. China freed Wei in an attempt to soften its human right image ahead of the 1993 International Olympic Committee decision for the location of the 2000 Olympics. The four modernizations — agriculture, industry, science and technology, and national defense — were introduced as a visionary program by Zhou Enlace in 1965 as part of a long-term development strategy. This proposal was revived by Zhou after the cultural revolution, and it was adopted by Deng as the centerpiece of his economic reform era. Cohen, *America's Response to China: A History of Sino-American Relations* 213; Barry Naughton, "Deng Xiaoping: The Economist," *The China Quarterly* 135 (1993): 499; Patrick Tyler, "China Says Dissident Is Freed, but Family Waits," *New York Times*, September 15, 1993.

<sup>55</sup> Patrick Tyler, "China Charges Leading Dissident with Trying to Overthrow Regime," *New York Times*, November 22, 1995.

public, and he was sentenced to 14 years imprisonment by a three-judge panel.<sup>56</sup> The House passed legislation calling for his immediate and unconditional release, and if not released, urged that he be granted internationally recognized rights of counsel, communication with family, and a public trial open to the press and human rights monitors. This measure also called on the State Department to press the Chinese government for his release through both bilateral and multilateral forums.<sup>57</sup> Similarly, the Senate passed its own version stating that the U.S. government should press for the immediate and unconditional release of Wei and aggressively pursue a resolution at the UNCHR regarding conditions in China.<sup>58</sup>

Rebiya Kadeer, a prominent ethnic Uighur in the Xinjiang Uighur Autonomous Region, was another example of Congress advocating for high-profile prisoners.<sup>59</sup> Kadeer had been arrested as she tried to meet with a Congressional Research Service delegation in August 1999, and she was

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<sup>56</sup> Patrick Tyler, "Verdict in Beijing: The Overview; Beijing Sends a Strong Warning with Long Sentence for Dissenter," *New York Times*, December 14, 1995.

<sup>57</sup> This measure passed in the House by a vote of 409-0. House, *Concerning Writer, Political Philosopher, Human Rights Advocate, and Nobel Peace Prize Nominee Wei Jingsheng*, 104th Cong., 1st sess., 1995, H.CON.RES.117.

<sup>58</sup> This bill was passed in the Senate by a voice vote. It was referred to the House, which did not take action on the measure, as it had already passed its own version. Senate, *A Joint Resolution Expressing the Sense of Congress Regarding Wei Jingsheng; Gedhun Choekyi Nyima, the Next Panchen Lama of Tibet; and the Human Rights Practices of the Government of the People's Republic of China*, 104th Cong., 1st sess., 1995, S.J.RES.43.

<sup>59</sup> Uighurs are the largest ethnic group in Xinjiang who are predominantly Muslim and maintain ties with Central Asia. Some Uighurs opposed China's presence in Xinjiang as an imperial occupation, and groups such as the East Turkestan Islamic Movement (ETIM) often used violence to protest China's policy of Han mass migration into the province. Although Xinjiang has enjoyed intermittent periods of independence, it was formally declared a province of China since the communists seized the territory in 1949. It is officially classified as an "autonomous region" of China. Preeti Bhattacharji, "Uighurs and China's Xinjiang Region", Council on Foreign Relations, [http://www.cfr.org/publication/16870/uighurs\\_and\\_chinas\\_xinjiang\\_region.html](http://www.cfr.org/publication/16870/uighurs_and_chinas_xinjiang_region.html) (accessed January 31, 2011).

sentenced to eight years imprisonment in March 2000 for revealing state secrets.<sup>60</sup> The Senate passed a resolution calling for Beijing to release Kadeer and permit her to leave for the United States.<sup>61</sup> With no response from Beijing between 2000 and 2003, the Senate passed another bill condemning her detention and calling for her immediate unconditional release. The bill also called on President Bush to lobby for her release when he met with President Hu Jintao at the upcoming Asia-Pacific Economic Conference (APEC).<sup>62</sup>

In March 2004, China reduced the sentence of Kadeer and scheduled her release for early 2006, but Congress continued to legislate on Kadeer's case even after her release.<sup>63</sup> Kadeer resumed her human rights advocacy work in the United States immediately after being released, and as a result, the Chinese government detained her children. Two were imprisoned and a third was placed under house arrest, all reportedly beaten by their captors. The House passed a

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<sup>60</sup> Of note, Kadeer is married to Sidik Rouzi, an active protestor against Beijing's Uighur policies who was exiled to the United States where he was working for Radio Free Asia.

<sup>61</sup> This measure, which also called for the release of her secretary and her son, was passed in the Senate by unanimous consent and in the House by voice vote. Senate, *A Concurrent Resolution Expressing the Sense of the Congress That the Government of the People's Republic of China Should Immediately Release Rabiya Kadeer, Her Secretary, and Her Son, and Permit Them to Move to the United States If They So Desire*, 106th Cong., 2nd sess., 2000, S.CON.RES.81.

<sup>62</sup> This measure passed in the Senate by unanimous consent. When Bush did meet with Hu at the APEC gathering, the agenda was dominated by security concerns regarding North Korea, and human rights issues were not raised. David E. Sanger, "Bush Proposes North Korea Security Plan to China," *New York Times*, October 20, 2003; Senate, *A Resolution Calling on the People's Republic of China Immediately and Unconditionally to Release Rebiya Kadeer, and for Other Purposes*, 108th Cong., 1st sess., 2003, S.RES.230.

<sup>63</sup> Joseph Kahn, "China: Dissident's Sentence Cut," *New York Times*, March 4, 2004.

resolution in September 2007 that called on China to immediately release her children and cease harassing her family.<sup>64</sup>

A final example of congressional interest in high-profile prisoners regarded Beijing's refusal to recognize Gedhun Choekyi Nyima — a six-year-old boy — as the reincarnation of the Panchen Lama. When Beijing discovered that the abbot who headed the search committee had submitted the list of finalists to the Dalai Lama for his approval from exile, the abbot was dismissed, and Beijing accused the Dalai Lama of interfering in Chinese matters. His selection was rejected by the communist party leadership, because the boy was chosen by the Dalai Lama. He was subsequently detained and held incommunicado.<sup>65</sup> The Senate passed a measure that simply stated that the U.S. government should assist in ensuring the new Panchen Lama's safety, and aggressively pursue a resolution at the UNCHR regarding conditions in China.<sup>66</sup> In 2002, the House and Senate

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<sup>64</sup> This measure also mentioned the imprisonment of Canadian citizen Huseyin Celil and called for his release and return to Canada. This resolution was passed in the House by voice vote. House, *Expressing the Sense of the House of Representatives That the Government of the People's Republic of China Should Immediately Release from Custody the Children of Rebiya Kadeer and Canadian Citizen Huseyin Celil and Should Refrain from Further Engaging in Acts of Cultural, Linguistic, and Religious Suppression Directed against the Uyghur People, and for Other Purposes*, 110th Cong., 1st sess., 2007, H.RES.497.

<sup>65</sup> The Panchen Lama is the second most holy figure in Tibet, just behind the Dalai Lama. Patrick Tyler, "China Rejects Choice of Boy as Tibet Lama," *New York Times*, November 13, 1995.

<sup>66</sup> This bill was passed in the Senate by a voice vote. It was referred to the House, which did not take action on the measure, as it had already passed its own version. Senate, *A Joint Resolution Expressing the Sense of Congress Regarding Wei Jingsheng; Gedhun Choekyi Nyima, the Next Panchen Lama of Tibet; and the Human Rights Practices of the Government of the People's Republic of China*.

both passed resolutions calling on China to release the Panchen Lama and allow him to commence his religious work.<sup>67</sup>

## **EVOLUTION IN CONGRESSIONAL POLICYMAKING IN HUMAN RIGHTS**

Between 1992 and 2008, legislative activity remained relatively consistent in advocating for human rights in China throughout this period. These interests were unaffected by China's increasing power or the expanding Sino-U.S. trade relationship.

Amplifying the consistency of these interests, Congress continued to pass legislation on human rights issues even amidst a political environment where the United States was under greater scrutiny for its own human rights record stemming from perceived human rights abuses during the Bush administration's so-called "Global War on Terrorism." American detention centers particularly exposed the United States to recrimination.<sup>68</sup> After being the subject of criticism for years in the annual State Department report on human rights, Beijing turned the tables on Washington in 2003, asserting that the United States was guilty of human rights violations in Afghanistan and Iraq. It also noted the increasing level

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<sup>67</sup> This bill passed in the Senate by unanimous consent. House, *Expressing the Sense of the House of Representatives Regarding Human Rights Violations in Tibet, the Panchen Lama, and the Need for Dialogue between the Chinese Leadership and the Dalai Lama or His Representatives*, 107th Cong., 2nd sess., 2002, H.RES.410; Senate, *A Resolution Expressing the Sense of the Senate Regarding Human Rights Violations in Tibet, the Panchen Lama, and the Need for Dialogue between the Chinese Leadership and the Dalai Lama or His Representatives*, 107th Cong., 2nd sess., 2002, S.RES.252.

<sup>68</sup> Joseph Kahn, "In Response, China Attacks U.S. Record on Rights," *New York Times*, March 10, 2006.

of discrimination against Arabs and Muslims in the United States.<sup>69</sup> Even Washington's closest allies condemned these policies, with countries such as Canada listing the United States among states that tortured or abused prisoners.<sup>70</sup> By 2007, the pressure had increased to the point where the Bush administration acknowledged being in a difficult position of criticizing human rights abroad while defending its own record at home. The introduction to the 2007 State Department report on human rights stated, "We recognize that we are writing this report at a time when our own record, and actions we have taken to respond to the terrorist attacks against us, have been questioned," particularly regarding the detention, treatment and trial of suspected terrorists.<sup>71</sup> The continued flow of human rights policy legislation from Congress, all while the United States was under fire for its anti-terrorism policies, demonstrated that the legislature was determined to continue advocating for human rights in China.

The consistency of congressional policy in human rights is even more apparent when compared to the Bush administration's China policy shift after September 11th. White House human rights objections were overcome by the administration's interest in building a Sino-U.S. security partnership in its "Global War on Terrorism," as well as the campaign to halt North Korea's nuclear program. While Congress was criticizing China for its human rights practices, the

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<sup>69</sup> "China: Hitting Back," *New York Times*, April 4, 2003.

<sup>70</sup> This categorization appeared in Canada's Department of Foreign Affairs training manual. Ian Austen, "Canadian Manual Has U.S. On Torture List," *New York Times*, January 18, 2008.

<sup>71</sup> Helen Cooper, "U.S. Releases Rights Report, with an Acknowledgment," *New York Times*, March 7, 2007; State Department of the United States, "2006 Country Reports on Human Rights Practices", Bureau of Democracy, Human Rights, and Labor, <http://www.state.gov/g/drl/rls/hrrpt/2006/index.htm> (accessed February 1, 2011).

White House fostered closer relations with Beijing, such as announcing that the United States would list the East Turkestan Islamic Movement (ETIM) — a separatist group that had been fighting Chinese forces in western Xinjiang — as a terrorist organization. Beijing had lobbied for this action, because it would reduce the group's funding, and it would lend legitimacy to China's crackdown on Uighur muslims in Xinjiang, now that it was characterized as part of the global campaign against terrorists.<sup>72</sup> In another example, human rights issues were played down during a summit at the Bush ranch in Texas in October 2002, where Presidents Bush and Jiang engaged in a strategy session on how to jointly approach the nuclear crisis in North Korea.<sup>73</sup> Despite the administration's newfound security interests, Congress continued to condemn China over its human rights practices throughout the post-September 11th period.

While Congress consistently pursued its human rights interests, there was a subtle evolution in its approach that is worth noting. Specifically, Congress did not simply pass the same types of legislation throughout this period. Early efforts to pass binding legislation to compel human rights policy changes in Beijing were centered on linking China's most favored nation (MFN) status to human rights conditions. For example, the *United-States China Act of 1992* sought to preemptively head-off renewal of China's MFN status by stating that the

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<sup>72</sup> This announcement occurred during a trip to Beijing by Deputy Secretary of State Richard Armitage in August 2002. In an apparent political deal, the United States made this change after China announced missile export regulations that relieved a considerable point of contention over China's adherence to MTCR. Erik Eckholm, "American Gives Beijing Good News: Rebels on Terror List," *New York Times*, August 27, 2002; Elisabeth Rosenthal, "China Issues Rules on Export of Missile Gear," *New York Times*, August 26, 2002.

<sup>73</sup> David E. Sanger, "East and West at the Ranch; Bush and Jiang Vow to Cooperate on North Korea Issue," *New York Times*, October 26, 2002.

President could not recommend a waiver unless he could certify that China had accounted for all Chinese who were detained in the Tiananmen crackdown and had made “overall significant progress” in human rights.<sup>74</sup> The apparent linking and then final delinking of human rights and trade policy under President Clinton was a setback for human rights advocates in Congress, but these advocates found new ways to pursue human rights interests through binding policy. While hortatory legislation remained popular in Congress in the aftermath of Clinton’s human rights-trade delinking, congressional policymaking shifted to binding legislation that focused on funding restrictions and increased oversight of the executive branch to enforce human rights policies. For example, congressional oversight requirements were established for the White House to report on China’s compliance with an agreement to prohibit the export of forced labor products and to report on the status of human rights initiatives that leveraged the World Bank and WTO. Similarly, funding restrictions were established as Congress began targeting forced population controls by threatening funds for non-governmental organizations and the UN Population fund, should they persist with abortion-related activities in China.<sup>75</sup>

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<sup>74</sup> Human rights goals were described as: preventing violations in Tibet; preventing exports produced by prison or forced labor; terminating religious persecution; removing restrictions on freedom of the press; terminating harassment of Chinese in the United States; ending torture and inhuman prison conditions; ensuring freedom of peaceable assembly; engaging in high-level discussions on human rights; and adhering to the *Joint Declaration on Hong Kong*. This legislation also aimed to alter the language of the *Tariff Act of 1930* to penalize offenders who “should have known” that their imports were convict-made and increase the penalties for importing convict-made goods to \$10,000 for the first offense, \$100,000 for the second offense, and \$1,000,000 for subsequent offenses. House, *United States-China Act of 1992*.

<sup>75</sup> Based on the President’s MFN renewal policy statement on May 26, 1994, this measure required the administration to report on issues such as the status of high-level dialogue on human rights, efforts to press human rights issues at the United Nations and UNCHR, a plan to address



## DOMESTIC POLITICAL FACTORS

In the human rights issue area, Congressional policymaking was most affected by two domestic political factors: interbranch rivalry and partisan competition. Partisan competition played a special role in congressional policymaking, because human rights policy, and in particular measures that defunded family planning programs, emphasized the ideological divide between the political parties.

### *Interbranch Rivalry*

While there was a general interbranch agreement on the principle of human rights, an agreement which accepted human rights as defined in the Universal Declaration of Human Rights, Congress and the President frequently clashed on the policy approach toward advocating for human rights in China. This divide was evident as early as 1992, when President Bush vetoed the *United-States China Act of 1991*. In his veto message, Bush stated that he was returning the bill, because:

There is no doubt in my mind that if we present China's leaders with an ultimatum on MFN, the result will be weakened ties to the West and further repression. The end result will not be progress on

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human rights in Tibet and promote discussions between Beijing and the Dalai Lama, and an "information strategy" using broadcasts on Voice of America and Radio Free Asia. This measure also called on the President to appoint a State Department special envoy for Tibet with the rank of ambassador. This envoy would be tasked with promoting negotiations between Beijing and the Dalai Lama, and this post was required to consult with Congress on Tibet policy. This measure was passed in the House by a vote of 222-192 and in the Senate 82-16. The President vetoed this bill in April 1996, however, of all the reasons listed in the veto message, the bill was not returned for Congress due to the human rights policies discussed here. Clinton, "Veto Message from the President of the United States (H.R.1561)"; House, *Foreign Relations Authorization Act, Fiscal Years 1996 and 1997*.

human rights.... Anyone familiar with recent Chinese history can attest that the most brutal and protracted periods of repression took place precisely when China turned inward, against the world.<sup>76</sup>

He also reaffirmed previous claims that steady progress was occurring in China, and this progress was attributable to the administration's policy of comprehensive engagement rather than isolation.<sup>77</sup> Within months, Congress re-sent the bill as the *United States-China Act of 1992*, which was promptly returned by President Bush.<sup>78</sup> In this veto message, the President again cited its placement of conditions on China's MFN renewal. He continued to defend a policy of comprehensive engagement, highlighting recent successes in proliferation and trade issues, but the President acknowledged that, "The limited steps China has taken on human rights are inadequate."<sup>79</sup> Should the United States withhold trade benefits, the President argued, relations could deteriorate and end the human rights dialogue that allowed Washington to express its views directly to China's leaders.<sup>80</sup>

In another example, Congress directly challenged President Clinton on plans to visit China in 1998. Considerable interbranch tension arose when Chinese officials indicated that the President would be formally received in

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<sup>76</sup> George H. W. Bush, "Message to the House of Representatives Returning without Approval the United States-China Act of 1991", George Bush Presidential Library and Museum, [http://bushlibrary.tamu.edu/research/public\\_papers.php?id=4015&year=1992&month=3](http://bushlibrary.tamu.edu/research/public_papers.php?id=4015&year=1992&month=3) (accessed September 4, 2010).

<sup>77</sup> Ibid.

<sup>78</sup> The measure was passed in the Senate by unanimous consent. House, *United States-China Act of 1992*.

<sup>79</sup> It should be noted that the statement mentioned the agreement to ban prison labor exports, but it was categorized as a trade issue rather than one of human rights. Bush, "Message to the House of Representatives Returning without Approval the United States-China Act of 1992".

<sup>80</sup> Ibid.

Tiananmen Square in the first presidential visit to China since the Tiananmen crackdown. Congress passed two resolutions ahead of this visit. The House passed a bill restating the details of June 4, 1989, and declared that President Clinton should not be received in Tiananmen Square unless Beijing “acknowledges the Tiananmen Square massacre, pledges that such atrocities will never happen again, and releases those Chinese students still imprisoned for supporting freedom and democracy that day.”<sup>81</sup> The Senate version similarly listed the details of June 4th and expressed support for the Chinese students “attempting to assert their internationally-recognized rights.”<sup>82</sup>

Finally, as mentioned above regarding the evolution of congressional policymaking, President Bush and Congress disagreed on an approach toward China in the aftermath of September 11th. Human rights concerns in the White House were overcome by the administration’s goal of building a Sino-U.S. security partnership for the “Global War on Terrorism” and the campaign to halt North Korea’s nuclear program, which was evident in its announcement in August 2002 that the United States would list the East Turkestan Islamic Movement (ETIM) as a terrorist organization, as well as the October 2002 summit where Presidents Bush and Jiang engaged in a strategy session on how to jointly

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<sup>81</sup> This bill was passed in the House by a vote of 305-116. House, *Expressing the Sense of the Congress That the President of the United States Should Reconsider His Decision to Be Formally Received in Tiananmen Square by the Government of the People's Republic of China*, 105th Cong., 2nd sess., 1998, H.CON.RES.285.

<sup>82</sup> This measure passed in the Senate by unanimous consent. Senate, *A Resolution Expressing the Sense of the Senate on the Ninth Anniversary of the Massacre of Pro-Democracy Demonstrators on Tiananmen Square by Military Forces Acting under Orders from the Government of the People's Republic of China*, 105th Cong., 2nd sess., 1998, S.RES.244.

approach the nuclear crisis in North Korea.<sup>83</sup> Conversely, Congress continued criticizing China for its human rights practices in measures that addressed all three congressional interests: advocating for group rights, provincial rights, and high-profile prisoners.

### *Partisan Competition*

Some policy disagreements between Congress and the President were not driven by an interbranch rivalry, but rather, were motivated by partisan competition. This factor was prevalent in the late 1990s, as Washington politics became dominated by hyper-partisanship.

Consider, for example, the “11-Point Initiative” sponsored by Representative Christopher Cox (R-CA), which was a Republican legislative agenda on East Asia policy that resulted in five consecutive bills from the House on China’s human rights policies.<sup>84</sup> These bills — the *Political Freedom in China*

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<sup>83</sup> Beijing had lobbied for this action, because it would reduce the group’s funding, and it would lend legitimacy to China’s crackdown on Uighur muslims in Xinjiang, now that it was characterized as part of the global campaign against terrorists. In an apparent political deal, the United States made this change after China announced missile export regulations that relieved a considerable point of contention over China’s adherence to MTCR. Eckholm, "American Gives Beijing Good News: Rebels on Terror List"; Rosenthal, "China Issues Rules on Export of Missile Gear."; Sanger, "East and West at the Ranch; Bush and Jiang Vow to Cooperate on North Korea Issue."

<sup>84</sup> Mike Lampton describes this strategy as an example of how Congress can “flood the legislative inbox with bills until the administration is exhausted.” Bills that stand little chance of final passage, let alone the President’s signature, require the administration to devote human resources and leadership attention, so it is in the President’s interest to concede on a certain policy dispute if it results in ending the “flood” of bills. In this case, Representative Christopher Cox (R-CA) wanted an increase in funding for Radio Free Asia, which the administration opposed, so he coordinated the 11-point initiative to force the administration’s hand. The White House eventually capitulated on increasing the funding, and none of these bills ever advanced further than the House. Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, Kindle edition: 4653-4665.

*Act of 1997, Laogai Slave Labor Products Act of 1997, Forced Abortion Condemnation Act, Communist China Subsidy Reduction Act of 1997, and Radio Free Asia Act of 1997* — were part of a Republican strategy to compel the President to support the last initiative, which funded Radio Free Asia and Voice of America to develop 24-hour broadcasts in Mandarin, Cantonese and Tibetan. In effect, the other bills would be dropped if the President funded the Radio Free Asia program.<sup>85</sup> Upon continued opposition from the administration, the House continued the partisan fight into the next year by passing the *Radio Free Asia Act of 1998*, which was a second attempt at the same policy initiative. The White House finally capitulated and agreed to embedding the measure in the *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999* and the

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<sup>85</sup> The *Political Freedom in China Act of 1997* set out to fund programs for human rights monitoring and democracy building in China, and it had sense of Congress language regarding democracy in Hong Kong and alleged prisoner organ harvesting and transplanting in China. The bill also reiterated the State Department requirement to establish a prisoner information registry and to submit an annual report on human rights, religious persecution, development of democratic institutions and the rule of law. The *Laogai Slave Labor Products Act of 1997* authorized funding for additional customs personnel to monitor forced labor imports, and it required the Commissioner of Customs to submit a report on the status of confronting such imports. It also called on the President to determine if China was “frustrating implementation” of the forced labor agreement, and if so, to renegotiate the agreement to establish more effective enforcement procedures. The *Forced Abortion Condemnation Act* also declared that any officials involved in population control policies that resulted in forced abortions or sterilizations were ineligible for visas. The *Communist China Subsidy Reduction Act of 1997* included a sense of Congress section that established a code of conduct for U.S. citizens involved in industrial projects in China. It listed ten principles that Americans should adhere to, including: refuse to use forced labor or the products of forced labor; ensure respect for political and religious views; promote freedom of association among employees; provide the State Department information on prisoners; prevent political indoctrination programs in the workplace; and prohibit forced population control activities on the premises. H.R.2358 passed in the House by a vote of 416-5. H.R.2195 was passed in the House by a vote of 419-2, with 1 present. H.R.2570 passed in the House by a vote of 415-1. H.R.2605 was passed in the House by a vote of 354-59. H.R.2232 was passed in the House by a vote of 401-21. House, *Communist China Subsidy Reduction Act of 1997*, 105th Cong., 1st sess., 1997, H.R.2605; House, *Forced Abortion Condemnation Act*, 105th Cong., 1st sess., 1997, H.R.2570; House, *Laogai Slave Labor Products Act of 1997*, 105th Cong., 1st sess., 1997, H.R.2195; House, *Political Freedom in China Act of 1997*, 105th Cong., 1st sess., 1997, H.R.2358; House, *Radio Free Asia Act of 1998*, 105th Cong., 1st sess., 1997, H.R.2232.

*Department of Energy National Security Act for Fiscal Year 1999*.<sup>86</sup> This partisan battle occurred during a period of easing Sino-U.S. tensions at the end of 1997, when the President wished to avoid diplomatic conflicts with Beijing in an effort to develop closer relations. Although he was supported by Democrats in Congress, the Republican strategy achieved the party's policy goal.

In another example, the initiative to defund programs that supported abortions in China was a distinctly Republican issue opposed by the Democratic President. In 1998 and 1999, House Republicans inserted language in the *Foreign Affairs Reform and Restructuring Act of 1998* and *Foreign Operations, Export Financing and Related Programs Appropriations Act of 1999*, which restricted foreign assistance to organizations that performed abortions. Additionally, it cut off all funds for the UN Population Fund unless it had terminated activities in China. It aimed to amend the *Foreign Assistance Act of 1961* to add a section restricting foreign assistance to organizations that perform abortions, and it cut off funding for the UN Population Fund unless it had terminated all activities in China. Senate Republicans also added language that called for limiting visas to

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<sup>86</sup> The Senate version of H.R. 3616 contained sections on forced labor, which authorized funds for additional customs personnel to monitor convict-made goods, established oversight requirements for the Commissioner of Customs, and called on the President to renegotiate forced-labor agreements should China impede enforcement. This measure was passed in the House by a vote of 305-116 and in the Senate by unanimous consent. The Senate language regarding forced labor was removed during conference, because the House version did not have a similar section. The bill was eventually signed by the President, which as described above, represented the administration's agreement with the Republican congressional leadership to approve the additional funding for Radio Free Asia in exchange for ending the other bills in the Republican 11-point legislative initiative on East Asia policy. S.2058 passed in the Senate by unanimous consent, but it was never taken up by the House. The funds needed for Radio Free Asia were authorized as part of the *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999*, and the sections on forced labor were considered a Senate initiative that did not have support in the House. House, *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999*; Senate, *Department of Energy National Security Act for Fiscal Year 1999*, 105th Cong., 2nd sess., 1998, S.2058.

Chinese officials who implemented policies for coercive family planning and religious persecution. The President opposed any efforts to limit family planning, including those operating overseas and funded by foreign assistance programs, and Clinton ultimately won this policymaking fight with a single veto. He returned the *Foreign Affairs Reform and Restructuring Act of 1998* to Congress, and the Republicans did not have enough votes in the Senate to override a veto. Subsequently, the Senate never took up the House-passed measure, because it contained language regarding funding international family planning organizations that would certainly be vetoed.<sup>87</sup>

## CONCLUSION

This chapter found that Congress pursued human rights interests by legislating on three key interests: advocating for the rights of specific Chinese groups, the rights of certain Chinese provinces, and the release of high-profile prisoners in China. Congressional policymaking in human rights remained consistent from 1992 to 2008, demonstrating unwavering congressional interests in advocating for human rights in China throughout this period. These interests were unaffected by China's increasing power or the expanding Sino-U.S. trade relationship. While Congress consistently pursued these interests, there was a

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<sup>87</sup> H.R.4569 passed in the House by a vote of 255-161. It was referred to the Senate but was never taken up because of the restrictions on overseas family planning. H.R.1757 also called for U.S.-based organizations such as the National Endowment for Democracy to expand activities in China to encourage reform that embraced liberal democratic values. These bills were passed in the House by a voice vote and in the Senate by unanimous consent. House, *Foreign Affairs Reform and Restructuring Act of 1998*; House, *Foreign Operations, Export Financing and Related Programs Appropriations Act of 1999*, 105th Cong., 2nd sess., 1998, H.R.4569; "Legislative Summary: Appropriations," *CQ Weekly*, November 14, 1998.

subtle evolution in its policymaking, where early efforts to pass binding legislation to compel human rights policy changes in Beijing were centered on linking China's most favored nation (MFN) status to human rights conditions. Later congressional policymaking efforts shifted to legislation that focused on funding restrictions and increased oversight of the executive branch to enforce human rights policies. Congressional policymaking in human rights was also affected by two domestic political factors: interbranch rivalry and partisan competition.



## CHAPTER FIVE

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### TRADE

When the United States and China began the normalization process in the early 1970s, trade interests were not primary motivators. Henry Kissinger told Mao Zedong in February 1973, “Our interest in trade with China is not commercial. It is to establish a relationship that is necessary for the political relations we both have.”<sup>1</sup> Still, the normalization of relations in 1979 was marked by President Carter’s designation of most favored nation (MFN) trading status for China, and the closer strategic relationship that continued over the next decade facilitated an expansion of bilateral trade. The annual extension of trade benefits was routine, and by the end of the decade, bilateral trade had more than doubled.<sup>2</sup>

The end of the Cold War, with its associated reduction in concern for the Soviet threat, allowed policymakers in both Washington and Beijing to focus on trade issues. In China, the communist regime based its legitimacy on export-led economic success since reforms began under Deng Xiaoping, which was one of the few attractive aspects of communist rule in the aftermath of Tiananmen. In the United States, the end of the Cold War brought popular calls to achieve a “peace dividend” by focusing less on building strong defenses and more on

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<sup>1</sup> Henry Kissinger and William Burr, *The Kissinger Transcripts: The Top Secret Talks with Beijing and Moscow* (New York: New Press: Distributed by W.W. Norton, 1999), 93-94.

<sup>2</sup> U.S. Department of Commerce, *Statistical Abstract of the United States: 1992* (Washington, DC, 1992).

restructuring the U.S. economy to increase its competitiveness in the international market.<sup>3</sup>

This chapter aims to consider one central question: Since the end of the Cold War, what explains the evolution of congressional policymaking in U.S. trade policy toward China? The review of legislation that follows will reveal that interests within Congress centered primarily on the growing Sino-U.S. trade gap, where Chinese exports to the United States exceeded U.S. exports to China and increased year over year. More specifically, congressional policy focused on the perceived “unfair trade practices” that facilitated this gap. Comparatively, trade interests in Congress outweighed other interests, such as human rights and proliferation, but this chapter will describe two instances when trade interests were subordinated to security interests. This examination will ultimately reveal that congressional policymaking principally evolved in *how* it approached the Sino-U.S. trade gap: at the beginning of the post-Cold War period, when China was relatively weaker, Congress focused on unfair trade practices that blocked American access to Chinese markets; however, as China’s economic strength grew, congressional policymaking focused on protecting American markets from China’s advance.

To pursue the central research question, this chapter is structured in three main sections. The first section will examine congressional interests as expressed through legislation that achieved a floor vote to answer the question, “What were congressional trade interests vis-à-vis China?” Careful attention is paid to this

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<sup>3</sup> David M. Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, (Berkeley: University of California Press, 2001), Kindle edition: 1595-1604.

question, because congressional interests are not readily apparent. Trade policy toward China is not neatly contained in periodic “China trade policy” measures, but rather, is often buried in omnibus legislation or as amendments to unrelated bills. The second section will consider how these interests evolved over time. Finally, the third section will examine trends in domestic political factors that influenced policymaking. Before continuing to the three main sections, however, this introductory section will briefly examine the importance of trade in Sino-U.S. relations.

#### *Why Trade Matters in Sino-U.S. Relations*

While both states shared security interests in opposing the Soviet threat during the Cold War, once those security imperatives passed, both the United States and China focused more on economic issues, where trade policy served as a nexus between domestic and foreign policy.<sup>4</sup>

From a policymaking perspective in Washington, economic and trade issues were managed within an intertwined legal and political system. Trade policymaking toward China in Congress was primarily guided by the Jackson-Vanik Amendment of the *Trade Act of 1974*, which denied most favored nation (MFN) trading status to any state that had a non-market economy and prohibited free emigration of its citizens. The law was originally intended to pressure the Soviet Union to improve its human rights policies by allowing its citizens to

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<sup>4</sup> For example, U.S. Trade Representative Mickey Kantor observed how the President used trade policy to bridge the gap between foreign and domestic policy, noting, “Trade and international economics have joined the foreign-policy table.” Steven Erlanger and David E. Sanger, “On World Stage, Many Lessons for Clinton,” *New York Times*, July 29, 1996.

freely emigrate, but the definitions established in the legislation also fit China. This law did not strictly *prohibit* the President from extending trade benefits to these nations, but rather, it allowed the administration to grant a one-year waiver with a requirement to notify Congress. Congress could then override the decision through legislation, but if the President had already decided to grant MFN status, this legislation would likely be vetoed. As such, Congress effectively needed a two-thirds majority to block the President's policy through a veto override.<sup>5</sup>

From a policymaking perspective in Beijing, the leadership needed economic growth to generate employment as a means of preventing political instability that could result in regime change. China's decision-makers were pursuing economic reform to this end, but their policy was hampered by contradictory interests. China had built an export-driven economy, such that its evolution from developing to developed nation would be facilitated by the manufacture and export of goods produced by cheap labor. This approach required access to global markets to maximize export potential, particularly western markets in the United States and Europe. Still, China had other interests to defend, such as the protection of domestic markets from foreign exploitation. Beijing structured foreign trade around a complex system of bilateral agreements that provided market protection through subsidies, selective tariffs and obscure non-tariff barriers.

Policymakers in Washington referred to these subsidies, tariffs and non-tariff barriers as "unfair trade practices." These trade mechanisms are

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<sup>5</sup> Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, Kindle edition: 1652; "Trade Act of 1974," in *Pub.L. 93-618, 88 Stat. 1978, 19 U.S.C. (1974)*.

traditionally designed to manipulate the market to gain a price advantage for domestically-produced goods over foreign imports, such that domestic consumers choose a less expensive product, given an absence in preference for the product's origin. *Subsidies* are paid by the government to the domestic producer to lower a product's price. *Tariffs* are levied on foreign-produced goods to raise a product's price. *Non-tariff barriers* offer the same type of advantage to local producers by using various bureaucratic or legal tools to make it more difficult, and subsequently more costly, to import comparable goods. Non-tariff barriers include import licensing, rules for the valuation of goods, pre-shipment inspections, rules of origin, and trade-related investment measures.<sup>6</sup>

Intellectual property rights protection has also been a recurring friction point throughout the Sino-U.S. relationship. In their simplest form, intellectual property rights recognize an individual's ownership of "creations of the mind" and give the creator exclusive rights over use for a specific period of time. Intellectual property is customarily divided into two general categories: copyright and industrial property. Copyright applies to literary and artistic work and is protected for a minimum of 50 years after the author's death.<sup>7</sup> Industrial property includes more traditional inventions, which are typically protected by patents, but also includes trademarks that distinguish goods as either from a group or region.

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<sup>6</sup> For further discussion on tariff and non-tariff barriers to trade, see: "Tariffs", World Trade Organization, [http://www.wto.org/english/tratop\\_e/tariffs\\_e/tariffs\\_e.htm](http://www.wto.org/english/tratop_e/tariffs_e/tariffs_e.htm) (accessed February 23, 2011); "Understanding the WTO: The Agreements; Non-Tariff Barriers: Red Tape, Etc", World Trade Organization, [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/agrm9\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm9_e.htm) (accessed February 23, 2011).

<sup>7</sup> This category also includes performers, music producers and broadcasting companies. "What Are Intellectual Property Rights?" World Trade Organization, [http://www.wto.org/english/tratop\\_e/trips\\_e/intell\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/intell_e.htm) (accessed February 22, 2011).

Patented inventions are typically protected for 20 years, but trademarks may last indefinitely.<sup>8</sup> These intellectual property rights have traditionally been defined by the World Trade Organization (WTO), as well as its predecessor the Global Agreement on Tariffs and Trade (GATT), but enforcement of these international rules relies on domestic frameworks. In effect, international organizations establish IPR standards, and individual states are expected to institute mechanisms to enforce those standards. Should one nation ignore or refuse to enforce those standards, rules within the same international organizations permit member states to adopt punitive policies to compel the offending state to comply.

The protection of intellectual property rights is particularly important for the U.S. economy, because innovation has been a critical factor in American prosperity, where the American style of “innovation economics” emphasizes its importance to economic growth. The U.S. position has been that counterfeit and pirated goods threaten the American economy and commercial competitiveness.<sup>9</sup> IPR violations in China total billions of dollars each year and include products such as: publishing, software, music, films, pharmaceuticals, chemicals, microchips, and foodstuffs. In addition to the immediate monetary effect, IPR violations influence long-term business decision-making. If IPR protections are inadequate, American businesses are less likely to relocate IPR-intensive manufacturing processes to China, which also inhibits Chinese economic growth.

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<sup>8</sup> Indefinite protections are contingent on the trademark maintaining its distinctive quality over time. Ibid.

<sup>9</sup> "Intellectual Property Rights", United States Department of Homeland Security, [http://www.customs.gov/xp/cgov/trade/priority\\_trade/ipr/](http://www.customs.gov/xp/cgov/trade/priority_trade/ipr/) (accessed February 22, 2011).

They may even refrain from exporting certain goods to China if it is likely that the exported goods will be illegally reproduced in mass quantities.<sup>10</sup> Intellectual property rights have been a concern since official trade relations restarted in 1979, but as the bilateral trade deficit grew throughout China's economic reforms, IPR theft became a symbol in Washington of Sino-U.S. trade inequity and a flagrant disregard for the rule of law.<sup>11</sup>

China's perspective of intellectual property rights differs greatly from the American view, and this difference can be attributed to China's historical experience. Specifically, China's contemporary attitude toward IPR enforcement is an outgrowth of its cultural development. While both China and the West have a history of using publishing restrictions to control information flow to the populace, the West broke from this approach when it began using copyright and patents to spur innovation through research and development. By establishing protections for authors and inventors, western governments created an incentive to innovate, because inventors would then hold a monopoly on its reproduction. This capitalist approach was one of the key factors behind western development. In China, however, a cultural contempt for the profit motive inhibited appreciation for intellectual property rights. This difference was compounded at the beginning of the 20th century, when western powers tried to compel Chinese

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<sup>10</sup> Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, Kindle edition: 1692.

<sup>11</sup> Ibid.

compliance with modern IPR enforcement without ever explaining the benefits of protecting intellectual property.<sup>12</sup>

This cultural obstacle confounded Chinese authorities as well, once it became apparent that IPR compliance would be required for WTO accession. Despite extensive efforts in Beijing to establish IPR protections through domestic law, certain factors delayed effective implementation. Widespread government and private corruption facilitated a general disregard for the rule of law, and piracy was often associated with military and civilian officials who provided enforcement protection in exchange for a share of the profits. In addition, China exhibited the characteristics of both a developed and a developing nation. American trade negotiators working toward IPR enforcement agreements dealt primarily with Chinese counterparts in Beijing who understood the importance of IPR protection to trade relations with developed nations. Enforcement of IPR agreements, however, occurred at the local level, and the general population still had a limited understanding of intellectual property based on its cultural history. The illegality of counterfeit or pirated goods was not widely accepted as wrong in either the legal or moral sense, more closely resembling a developing nation. While U.S. policymakers and stakeholders demonstrated an impatience with IPR enforcement progress in China, genuine evolution of IPR protection was hampered by a lack of developed nation features, such as the institutionalization

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<sup>12</sup> For further discussion of China's historical experience in intellectual property rights, see William P. Alford, *To Steal a Book Is an Elegant Offense: Intellectual Property Law in Chinese Civilization*, Studies in East Asian Law (Stanford, Calif.: Stanford University Press, 1995).



of rule of law, an independent judiciary, and the emergence of Chinese innovators who sought protection of their own intellectual property.<sup>13</sup>

In U.S. policymaking, IPR policy is governed by Special Section 301 of the *Omnibus Trade and Competitiveness Act of 1988*, in addition to sanctions authorized in the *Trade Act of 1974*. This section requires that the U.S. trade representative compile an annual list of states that failed to adequately provide IPR protections and designate these states as either “priority watch” or “priority foreign country.” The former was intended to signal the need for negotiations to resolve a dispute, and the latter set a six-month deadline for improvement under the threat of sanctions that were proportional to the claimed IPR losses. The United States put China on the “priority watch list” after Special Section 301 was passed in 1988, so that Beijing might adjust to U.S. enforcement expectations. From Washington’s perspective, however, the IPR concerns were not adequately addressed, and China was ultimately placed on the “priority foreign country list” in 1991.<sup>14</sup>

In addition to IPR violations, another disputed trade practice was China’s strict control over the value of the yuan, where Beijing specifically set its value less than the U.S. dollar and pegged its future valuation to the same. Doing so ensured that, while the yuan appreciated and depreciated, it would not change relative to the dollar. Since China already enjoyed a trade surplus with the United States, pegging the value of the yuan to the dollar was one of the factors that

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<sup>13</sup> Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, 1721.

<sup>14</sup> *Ibid.*, Kindle edition: 1735.

provided Chinese goods with a price advantage that fueled China's export-led economy.<sup>15</sup>

China's use of prison labor to produce export goods has also been highlighted in Washington as an unfair trade practice, as goods produced by manufacturers with zero labor costs unfairly disadvantaged American goods produced by paid workers. As discussed in the previous chapter, the statutory basis for prohibiting the importation of prison-made goods was established in the *Tariff Act of 1930*, known widely as the "Smoot-Hawley Tariff." This protectionist measure was intended to shield American farmers and manufacturing jobs during the Great Depression. Section 307 of this bill proved particularly important for Sino-U.S. relations in the 1990s, because the prohibition on convict-made goods was applied to the Chinese Laogai system.<sup>16</sup> This section prohibited the importation of goods produced by convict, forced, or indentured labor, where forced labor was defined as "work or service which is exacted from any person under the menace of any penalty for its nonperformance

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<sup>15</sup> Decreasing relative prices of a state's exports, driven by the value of its currency, tends to increase net exports and raise its real gross domestic product (GDP). Increasing prices of imported goods, driven by the originating state's currency, also raise exports and GDP. William J. Baumol and Alan S. Blinder, *Economics: Principles and Policy*, 10th ed. (Mason, Ohio: Thomson/South-Western, 2006), 753.

<sup>16</sup> The Laogai, or "reform through labor," system is an extrajudicial institution used by Chinese authorities to detain individuals in labor reform camps for up to three years without trial or other court intervention. Several thousand political dissidents were detained in this fashion during the post-Tiananmen crackdown. The Laogai system gained widespread notoriety after Harry Wu (Wu Hongda) — then a Chinese citizen who has since become a naturalized American — escaped from a labor camp and published the expose entitled *Laogai: The Chinese Gulag*. This book compared the Laogai system to concentration camps in Nazi Germany and Soviet Russia. In addition to revealing these human rights abuses to the outside world, it caused a policy stir in Washington with the claim that manufactured products from the Laogai system were being exported to the United States in large quantities. Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*, 478-479; Wu and Slingerland, *Laogai: The Chinese Gulag*.

and for which the worker does not offer himself voluntarily.” Interestingly, this statute included a special provision stating that it would not be applicable if production in the United States was insufficient to meet consumptive demand, revealing that the motivation behind this section was trade rather than human rights.<sup>17</sup>

In Washington, as the Sino-U.S. trade gap grew, there was a general concern among policymakers that these unfair trade practices would accentuate the potential flood of inexpensive goods into U.S. markets that would compete directly with those produced domestically by much more expensive American labor. While free trade advocates pressed for closer trade relations with China, it was almost assured that reducing tariffs on Chinese-made goods would expand the trade deficit further. At the end of the Cold War in 1991, China had already achieved a trade surplus of more than \$23 billion, and reduced tariffs on Chinese exports facilitated a surplus that reached \$268 billion by 2008.<sup>18</sup>

Despite the reservations on both sides, Beijing and Washington actively engaged in negotiating for China's entry into international trade organizations, with each side carefully guarding its interests. China began negotiating for accession into GATT in 1986 and continued to pursue membership when GATT

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<sup>17</sup> Mike Lampton characterized this statute as an interesting example of how 1930s protectionist legislation had become a 1990s tool for policing human rights violations. *Tariff Act of 1930*, Public Law 71-361, Sec. 1307, *U.S. Statutes at Large* 26 (1929-1931): 689-690; Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, Kindle edition: 1805-1810.

<sup>18</sup> Commerce, *Statistical Abstract of the United States: 1992*; "U.S. Exports, Imports, and Merchandise Trade Balance by Country: 2004 to 2008", United States Census Bureau, <http://www.census.gov/compendia/statab/2010/tables/10s1271.pdf> (accessed February 23, 2011).

evolved into the WTO.<sup>19</sup> Beijing's interest in joining the international trading system increased over time. At first, the economic disadvantages outweighed the advantages of opening China's markets, reducing tariffs on foreign goods and relinquishing sovereignty to trade adjudication mechanisms. This calculation changed, however, after the Tiananmen crackdown and the end of the Cold War. Suddenly, the automatic renewal of most favored nation (MFN) status was no longer certain, as human rights advocates sought to link trade and human rights policies.<sup>20</sup> The annual debate on the floor of Congress attacking human rights policies in China — even if never impacting the final decision to extend trade benefits — provided Beijing an incentive to join the international trade institution in order to stop the annual public criticism by Congress, because membership in GATT/WTO would require the United States to guarantee trade benefits without conditions or periodic review. Beijing still maintained an interest, however, in protecting its domestic markets from foreign exploitation by wealthier trading partners, which complicated negotiations for years.

Trade issues, much like the human rights issues discussed in the previous chapter, share a dualism with other issue areas that broadens its impact in the Sino-U.S. relationship. For example, the use of prison labor in China for the production of export goods is a trade issue, because it forces U.S. manufacturers to compete against cheaper imports produced with no labor costs. It is also a

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<sup>19</sup> The World Trade Organization replaced GATT as the world's trading system on January 1, 1995. World Trade Organization, "What Is the World Trade Organization?" [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/fact1\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/fact1_e.htm) (accessed June 1, 2010).

<sup>20</sup> This human rights—trade policy linkage is discussed in more detail in the earlier chapter on human rights policy.

human rights issue, because Chinese prison labor systems do not offer remuneration, and as such, represent forced or slave labor. Similarly, U.S. protests over labor rights in China — absence of independent unions, minimum wage violations, long work hours — involve trade interests that highlight China's advantage in cheap labor but also draws human rights objections regarding the treatment of Chinese workers. These issues played a considerable part in the annual renewal of China's trade benefits and negotiations over China's WTO accession during the 1990s, and in the American political system, this dualism resulted in coalitions of convenience among labor and human rights interests in Congress that otherwise might not have existed.

#### **CONGRESSIONAL INTERESTS IN TRADE POLICY (1992-2008)**

Congressional interests between 1992 and 2008 centered primarily on the growing Sino-U.S. trade gap, where Chinese exports to the United States exceeded U.S. exports to China and increased year over year. More specifically, congressional policy focused on the perceived unfair trade practices that facilitated this gap. Comparatively, trade interests in Congress outweighed other interests, such as human rights and proliferation.

In an early example of legislation that addressed the trade gap, the *United-States China Act of 1992* accused China of engaging in unfair trade practices by employing tariffs, taxes as a surcharge on tariffs, discriminatory customs rates, import quotas, licensing and testing requirements to limit imports, and masking the true trade deficit by shipping exports through third-party states. This measure

attempted to set minimum standards of behavior that China would have to meet before the President could extend trade benefits. It asserted that one of the conditions for the President to renew MFN the following year would be evidence that China had begun lowering tariffs and removing non-tariff barriers, resulting in increased purchases of U.S. goods and services.<sup>21</sup>

Congress extensively legislated to address China's inability to enact anti-piracy measures. For example, consider how the *Regulatory Transition Act of 1995* addressed the Sino-U.S. dispute over IPR violations. The administration aggressively pursued wider trade with China, but Clinton's desire to expand trade was disrupted at the end of the year by lingering disputes over unfair trade practices.<sup>22</sup> Complaints over China's failure to protect U.S. intellectual property resulted in the USTR office threatening a list of \$2.8 billion worth of Chinese exports to be sanctioned. Specifically, the United States accused China of refusing to clamp down on piracy in software, movies and music that had cost American companies an estimated \$1 billion annually in patent and copyright

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<sup>21</sup> This bill also aimed to establish a distinction between MFN status for state-owned and non-state-owned businesses, where the President could authorize trade benefits for private companies but not for state-owned firms. This aspect of the bill was intended to circumvent the President's argument that withholding trade benefits would unfairly hurt poorer Chinese who were counting on economic reforms to pull themselves out of poverty. This bill was passed in the House by a vote of 339-62. House, *United States-China Act of 1992*.

<sup>22</sup> The White House moved quickly to pursue its trade goals, dispatching Commerce Secretary Ronald Brown to Beijing three months later to escort a high-level American business delegation. The trip was billeted as an opening round of a new era of commercial diplomacy, where the United States would pursue an economic agenda of creating jobs by lowering trade barriers and increasing exports. During the visit, the American power-generation firm Westinghouse signed a \$140 million contract to supply steam turbines for a power plant in Jiangsu Province, and \$20 million contracts were awarded to both IBM and Pitney Bowes for software, hardware and services that integrate communications. Pitney Bowes, "Our Company", Pitney Bowes, <http://www.pb.com/our-company/> (accessed February 14, 2011); Patrick Tyler, "Sidetracking Rights, U.S. Aide Pursues Business in China," *New York Times*, August 30, 1994.

violations. The USTR office demanded that the Chinese government shut down 29 CD factories in southern China, and the administration insisted that the piracy issue would have to be solved before the United States would cease blocking China's membership in the WTO.<sup>23</sup> After the February 4th deadline passed without action from Beijing, the administration imposed 100 percent punitive tariffs on more than \$1 billion of Chinese goods, which was the largest imposition of trade sanctions in U.S. history.<sup>24</sup> The House weighed in with an amendment to the *Regulatory Transition Act of 1995* that stated: "China's failure to enforce intellectual property rights and to provide market access is unreasonable and constitutes a burden or restriction on United States commerce." As such, the measure asserted, trade action and sanctions were required.<sup>25</sup>

Closely related to the *Regulatory Transition Act of 1995* was the *China Policy Act of 1995*. This measure asserted that China continued to engage in discriminatory practices, including: the exportation of prison labor goods; import limits through direct quotas, licensing, and testing requirements; tariffs and taxes as surcharges on tariffs; barring certain imports; and falsification of country of origin documentation. It employed hortatory language regarding China's non-

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<sup>23</sup> The threat against China's entry into the WTO was conveyed in person later that year, when President Clinton met with Jiang Zemin at a summit in New York. Allison Mitchell, "The U.N. At 50: Clinton and Jiang; China's President and Clinton Meet to Repair Fences," *New York Times*, October 25, 1995; David E. Sanger, "U.S. Threatens \$2.8 Billion of Tariffs on China Exports," *New York Times*, January 1, 1995; "U.S. Preparing Trade Sanctions against China," *New York Times*, December 31, 1994.

<sup>24</sup> David E. Sanger, "President Imposes Trade Sanctions on Chinese Goods," *New York Times*, February 5, 1995.

<sup>25</sup> This bill passed in the House by a vote of 276-146. House, *Regulatory Transition Act of 1995*, 104th Cong., 1st sess., 1995, H.R.450.

adherence to international trade regime rules and failure to implement reciprocal market access policies, as well as its export of forced-labor goods. This language was strengthened by additional congressional oversight requirements, as the President would be required every six months to report on the status of these trade goals, including U.S. efforts at the United Nations, World Bank and WTO.<sup>26</sup> While Congress did not take the policy lead in passing the previously discussed *Regulatory Transition Act of 1995*, it aggressively pressed China in the *China Policy Act of 1995* to cease its unfair trade practices and permit market access to alleviate the trade gap.

The most high-profile legislation between 1992 and 2008 occurred amidst China's bid to enter the WTO. By the end of 1999, Washington and Beijing had concluded 13 years of negotiations and announced a deal for WTO accession.<sup>27</sup> The agreement would require the United States to award Permanent Normal Trade Relations (PNTR) status to China.<sup>28</sup> In addition to lowering trade barriers

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<sup>26</sup> This bill was passed in the House by a vote of 416-10, but it was not taken up by the Senate. Clinton administration official Robert Suettinger explained that the White House encouraged and cooperated with the House in developing this bill, because it would allow Congress to vent over such issues in a measure that would never be taken up by the Senate. House, *China Policy Act of 1995*.

<sup>27</sup> Beijing agreed to reduce tariffs on both industrial and agricultural products, as well as lift non-tariff barriers that had impeded banks, insurance and telecommunications companies. The United States, for its part, agreed to fully support China's accession to the WTO. Erik Eckholm and David E. Sanger, "The Trade Deal: The Overview; U.S. Reaches an Accord to Open China Economy as Worldwide Market," *New York Times*, November 16, 1999.

<sup>28</sup> (1) Normal Trade Relations (NTR) was the successor categorization to Most-Favored Nation (MFN). The change in terminology was driven by domestic political considerations, as policymakers were put in the difficult position of explaining to constituents why they voted to name China as "most-favored," when in fact the term simply means that China would be extended the same benefits as any other nation. To overcome this perception, the terminology was changed from "most-favored" to "normal." (2) The accession process had begun in 1986, when Beijing applied to recover its membership in the General Agreement on Tariffs and Trade (GATT). China's economic reforms during the 1980s made the emerging industrial power appear to be an



for China, awarding PNTR would also obviate what had become an annual tradition, where the President extended trade benefits to China, and Congress addressed trade policy linkage in a floor debate. This annual event allowed members in Congress to air their objections in other issue areas, such as human rights, proliferation, and cross-strait relations. The legislature never blocked the President's decision, so approving PNTR effectively removed the ability of members to vent their frustration during floor debate, and this vote would prove a critical test of congressional preferences in elevating trade interests above cross-strait, proliferation and human rights interests.<sup>29</sup> In May 2000, Congress approved PNTR but used this measure to address many of the unfair trade practices that had facilitated the Sino-U.S. trade gap. Reflecting U.S. concerns

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ideal candidate for the organization, but negotiations with Beijing were complicated by world reaction to the Tiananmen crackdown, a perception that former Soviet bloc states had been hastily allowed into GATT under lenient terms, and a widening trade deficit with the United States. The WTO replaced GATT on January 1, 1995, and subsequently, Beijing began negotiating for entry in the WTO. Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, Kindle edition: 2439; Organization, "What Is the World Trade Organization?"

<sup>29</sup> Of note, before the House brought that bill to the floor, it voted on the *Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001*. This bill included an amendment entitled "National Security Implications of United States-China Trade Relationship," which established the United States-China Security Review Commission (USCC). This group was chartered to "monitor, investigate, and report to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China," and its findings would be submitted to Congress in an annual report. This measure specifically directed the commission to report on: the portion of overall trade and the trade surplus that China used to enhance its military; the American national security effects caused by China's financial transactions, capital flows and currency manipulation; China's actions in the WTO that adversely affected U.S. national security interests; and trading patterns with non-U.S. trading partners that threatened U.S. national security. This bill passed in the House by a vote of 382-31 and in the Senate by a vote of 90-3. It was subsequently signed by the President. The Senate originally voted on its own version of the defense authorization act, which passed by unanimous consent, but the upper chamber chose to adopt the House version. The Senate version contained language on the United States-China Security Review Commission that was nearly identical to the House version. Of note, this commission was later renamed the United States-China Economic and Security Review Commission. House, *Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (H.R. 4205)*, 106th Cong., 1st sess., 2000; Senate, *Department of Defense Authorization Act for Fiscal Year 2001*, 106th Cong., 2nd sess., 2000, S.2550.

over the potential for Chinese companies to begin “dumping” products in the United States, this bill established a detailed process for investigating and addressing market disruptions that could result from non-discriminatory treatment.<sup>30</sup>

This bill also included an amendment entitled the *U.S.-China Relations Act of 2000*, which characterized China’s record of implementing Sino-U.S. trade agreements as “mixed,” and it voiced congressional reservations over China’s human rights practices, even though this vote in fact subordinated human rights interests to trade interests. This measure also established two additional oversight requirements. First, the U.S. trade representative was required to submit a report to Congress annually that detailed China’s compliance with WTO obligations in both multilateral and bilateral commitments with the United States. Second, it mandated a task force — composed of representatives from the Departments of Treasury, Commerce, Labor, State and the Commissioner of Customs — to report annually on China’s export of prison labor goods.<sup>31</sup> Passage of this measure

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<sup>30</sup> “Dumping” is defined as deliberately exporting a product at a lower price than normally charged in the originating market, which unfairly undercuts competing products in the destination market. House, *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*; World Trade Organization, "Understanding the Wto: The Agreements; Anti-Dumping, Subsidies, Safeguards", World Trade Organization, [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/agrm8\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm8_e.htm) (accessed February 17, 2011).

<sup>31</sup> This measure was premised on the five major trade agreements signed over the previous decade to address unfair trade practices: the 1992 market access agreement, 1992 prison labor agreement, 1992 and 1995 intellectual property agreements, and 1999 agricultural agreement. Of note, this bill also established the Congressional-Executive Commission on the People’s Republic of China (CECC), which was charged with monitoring human rights practices in China. This commission is discussed in greater detail in Chapter Four. House, *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*.

demonstrated a policy preference to pursue wider trade with China, but the extensive language regarding “dumping” and the additional congressional oversight requirements illustrated persistent congressional interests in China’s unfair trade practices that facilitated the trade gap.

In another demonstration of congressional interests, both the House and Senate addressed Beijing’s refusal to allow the yuan to float freely after the administration accused China of backsliding on promises to improve its trade practices.<sup>32</sup> Policymakers in Washington were under considerable political pressure from manufacturing interests that had lost nearly three million jobs since China’s WTO accession, and subsequently, congressional members from industrial states pressed for legislation to threaten China because of its refusal to allow the yuan to float freely. The Senate weighed in with a resolution urging China to establish a market-based yuan valuation and fulfill its trade agreements. This bill specifically cited the yuan’s undervaluation as contributing to American business closures and the significant loss of jobs.<sup>33</sup> The House subsequently passed a similar measure.<sup>34</sup>

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<sup>32</sup> Commerce Secretary Donald Evans announced in September 2003 that he was forming an “Unfair Trade Practices Team” to investigate allegations of non-tariff barriers and software piracy. Secretary Evans continued the administration’s tough talk in person during a trip to Beijing in October, telling an audience of American businesspeople, “China is moving far too slowly in its transition to an open, market-based economy. Time is running out. We need to see results.” Edmund L. Andrews, “Administration Joins Outcry against China Trade Policies,” *New York Times*, September 16, 2003; Chris Buckley, “China Is Told Again to Open Markets,” *New York Times*, October 29, 2003.

<sup>33</sup> This measure passed in the Senate by unanimous consent. Senate, *A Resolution to Encourage the People's Republic of China to Establish a Market-Based Valuation of the Yuan and to Fulfill Its Commitments under International Trade Agreements*, 108th Cong., 1st sess., 2003, S.RES.219.

<sup>34</sup> This bill passed in the House by a vote of 411-1. House, *To Encourage the People's Republic of China to Fulfill Its Commitments under International Trade Agreements, Support the United*

Congressional interests in confronting the trade gap became even more apparent when viewed in the context of China's post-accession export growth. For example, consider the events of 2005, which proved to be the most eventful year in Sino-U.S. trade relations since China entered the WTO. January 1, 2005 marked the end of a global 12-year phase-out of textile trade quotas, and China's significant comparative advantage in textile manufacturing generated a shock once unleashed. In just the first month after the quotas were lifted, overall imports from China increased by 75 percent, with textile imports growing disproportionately.<sup>35</sup> This increase represented a negative shift in domestic market share for American manufacturers, which quickly drew the attention of Congress, due to its interest in protecting U.S. markets from China's economic growth.<sup>36</sup>

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*States Manufacturing Sector, and Establish Monetary and Financial Market Reforms*, 108th Cong., 1st sess., 2003, H.RES.414.

<sup>35</sup> Cotton knit shirts, for example, jumped more than 1800 percent from the previous January. In real numbers, China shipped 941,000 shirts in January 2004 and 18.2 million in January 2005. David Barboza and Elizabeth Becker, "Free of Quota, China Textiles Flood the U.S.," *New York Times*, March 10, 2005.

<sup>36</sup> By the end of the first quarter of 2005, the administration became convinced that reinstating quotas was necessary to prevent a rapid takeover of market share, which was measured in lost jobs and closed textile mills. The Commerce Department announced in April that it would impose import quotas on some clothing and investigate the need to reimpose all the quotas lifted at the beginning of the year. Quotas were imposed specifically on shirt, trousers and underwear, and the threat of wider quotas would apply to apparel more generally. China retaliated by announcing that it would lift textile export tariffs to offset the impact of Washington's decision. Although the imposition of import quotas was permitted under an agreement signed upon China's entry into the WTO, where "safeguard measures" could be employed to limit Chinese imports of certain textile products to 7.5 percent annual increases, China argued that U.S. failure to adequately prepare for the quota phase-out was preventing global market liberalization. Edmund L. Andrews and Elizabeth Becker, "U.S. Begins Steps to Limit Import Surge from China," *New York Times*, April 5, 2005; Chris Buckley, "China to End Its Taxes on Textile Exports in Retaliation for U.S. And European Quotas," *New York Times*, May 31, 2005.

The House subsequently passed the *United States Trade Rights Enforcement Act*, addressing trade concerns exacerbated by China's increased market share during 2005. First, this bill codified the commitments established during China's WTO accession to end unfair trade practices, including IPR violations, market access denial, and unfair subsidies. It also invoked congressional oversight power to require the President to submit a report to Congress every six months on China's efforts to meet these commitments, with a monthly report on specific obligations.<sup>37</sup> Additionally, this measure required the Treasury Secretary to submit a report to Congress that specifically defined currency manipulation, with subsequent reports detailing actions by Beijing to move the yuan closer to a market-based valuation. Finally, confronting a lesser known unfair trade practice, this bill criticized China for failing to join the Agreement on Government Procurement (GPA), a subordinate agreement within the WTO that prohibited the exclusion of international competitors from government contracts.<sup>38</sup> The measure highlighted that Beijing had not even commenced negotiations to join the GPA, and it had passed laws that codified preferences for domestic goods and services, which specifically disadvantaged U.S. software companies competing for the estimated \$8 billion worth of business in the Chinese government sector. The President was urged to direct more active

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<sup>37</sup> The monthly report was required to report on the specific steps taken in IPR prosecutions, Chinese government offices only using licensed software, approvals of backlogged distribution license applications, meetings of the U.S.-China Insurance Dialogue, and Chinese subsidies.

<sup>38</sup> The GPA that is currently in force was signed in 1994. Considered a "plurilateral" agreement within the framework of the WTO, not all WTO members have acceded to the GPA. "Overview of the Agreement on Government Procurement", World Trade Organization, [http://www.wto.org/english/tratop\\_e/gproc\\_e/gpa\\_overview\\_e.htm](http://www.wto.org/english/tratop_e/gproc_e/gpa_overview_e.htm) (accessed February 19, 2011).

involvement from government officials in securing China's commitment to accede to the GPA.<sup>39</sup>

Congressional interests in confronting China's larger presence in U.S. markets in 2005 were also evident in the *National Defense Authorization Act for Fiscal Year 2006*. This bill called for the President to provide Congress a "comprehensive strategy" to address China's growth, promote trade relations and encourage Beijing to adhere to international trade rules. The measure stated that such a strategy should specifically address unfair trade practices, including yuan valuation, IPR violations, market access denial and unfair subsidies.<sup>40</sup> The Senate passed a similar measure, which stated that Beijing had failed to enforce its own piracy laws, and that it was not living up to its WTO commitments to end unfair trade practices. The measure urged the administration to become more actively involved in compelling China's compliance.<sup>41</sup>

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<sup>39</sup> This measure was passed in the House by a vote of 255-168, but it was never taken up by the Senate. Although the bill won a wide majority in the House, it was motivated more by politics than policy. This measure was considered at the same time that the Central American Free Trade Agreement (CAFTA) was under debate in Congress. Several members feared that voter backlash toward members might result from supporting CAFTA, so the *United States Trade Rights Enforcement Act* was expedited to a floor vote — without committee consideration — to permit such members to vote for a bill that criticized China for free trade violations and then vote for CAFTA. This legislative maneuver swayed an additional 10 members to support CAFTA. House, *United States Trade Rights Enforcement Act*, 109th Cong., 1st sess., 2005, H.R.3283; Stephen J. Norton, "Central American Trade by Way of Beijing," *CQ Weekly*, August 1, 2005.

<sup>40</sup> This measure passed in the House by a vote of 390-39 and in the Senate by unanimous consent. It was subsequently signed by the President. The Senate passed similar language in two of its own measures — S.1042 passed by a vote of 98-0 and S.1043 passed by unanimous consent — and Both bills were referred to the House but neither were taken up, since the House version of this legislation was accepted in the Senate. House, *National Defense Authorization Act for Fiscal Year 2006*; Senate, *Department of Defense Authorization Act for Fiscal Year 2006*, 109th Cong., 1st sess., 2005, S.1043; Senate, *National Defense Authorization Act for Fiscal Year 2006*, 109th Cong., 1st sess., 2005, S.1042.

<sup>41</sup> This resolution, which also identified Russia as a chronic IPR violator, passed in the Senate by unanimous consent. Senate, *A Concurrent Resolution Expressing the Sense of the Congress on*

In a final example of congressional interests in China trade policy, the House passed legislation addressing the inability of American financial services to gain entry into Chinese markets. This measure asserted that U.S. companies had been subjected to discriminatory treatment, because they were prohibited from owning more than 49 percent of Chinese financial firms, 20 percent of banks, and 24.9 percent of insurance companies, among other restrictions. This bill demanded that Beijing meet its WTO commitments to end unfair trade practices and permit market access for American financial services. It also called on the administration to focus the next Strategic Economic Dialogue to remove limits on foreign investment in Chinese banking, life insurance, asset management, and securities markets.<sup>42</sup>

The review of legislation presented above demonstrated congressional interests in confronting the unfair trade practices associated with the Sino-U.S. trade gap, but each of these measures passed under the premise that it was in the U.S. interest to expand trade with China. Consequently, in each of these bills, trade interests usurped other interests — such as human rights, proliferation and cross-strait relations — as was evident in the vote to grant PNTR to China. In fact, there were only two instances when Congress subordinated trade interests to other interests — the 1998 dispute over satellite exports to China and the 2005 CNOOC-UNOCAL sale — and these instances warrant consideration.

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*World Intellectual Property Day Regarding the Importance of Protecting Intellectual Property Rights Globally*, 109th Cong., 1st sess., 2005, S.CON.RES.28.

<sup>42</sup> This bill passed in the House by a vote of 401-4. House, *Calling on the Government of the People's Republic of China to Remove Barriers to United States Financial Services Firms Doing Business in China*, 110th Cong., 1st sess., 2007, H.RES.552.

Satellite Exports. When the House “Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China” released the so-called “Cox Report,” congressional efforts to address proliferation concerns did have implications for Sino-U.S. trade.<sup>43</sup> One of the recommendations of the report was to transfer final authority for approving satellite launches from the Commerce Department to the State Department, and the purpose of this move was to force the administration to make decisions on satellite exports based solely on security concerns rather than pursuing commercial interests.<sup>44</sup>

This recommendation was codified in the *Strom Thurmond Defense Authorization Act for Fiscal Year 1999*.<sup>45</sup> While the Clinton administration had agreed to implement this change when signing the bill, the White House

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<sup>43</sup> As discussed in chapter three, the “Cox Committee” was formed after the revelation that the President authorized continued satellite exports, despite the compromise of classified satellite launch data to Chinese military authorities. In February 1996, a Chinese rocket carrying an American satellite exploded on takeoff, and Loral Space and Communications and Hughes Electronics — the two associated American satellite companies — sent technical experts to determine the cause of failure. These experts proceeded to provide launch data that might improve Chinese ballistic missile guidance systems. A federal grand jury was called to investigate whether any laws were broken, and while the investigation was ongoing in February 1998, the President authorized Loral to launch another satellite aboard a Chinese rocket and provide the same technical assistance that was in question. The decision was opposed by the Justice Department on the grounds that it could undermine government efforts to prosecute Loral and Hughes. The Republican leadership in both the House and the Senate aggressively pushed for an investigation and hearings. The House panel — formally named the House “Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China” — was headed by Representative Christopher Cox (R-CA) and would come to be known as the “Cox Committee.” Senate Majority Leader Trent Lott (R-MS) announced a separate Senate inquiry into the matter. Senator Richard Shelby (R-AL) was named to head the Senate inquiry. Mitchell, “Gingrich Plans Panel on China and Clinton Tie”; Schmitt, “House Votes to Prohibit Satellite Exports to China.”

<sup>44</sup> Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, “U.S. National Security and Military/Commercial Concerns with the People's Republic of China”.

<sup>45</sup> House, *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999*.



continued to elevate trade interests and delayed implementation of the law. Further, the administration tried to sidestep the spirit of this requirement by establishing a role for the Commerce Department to contribute toward State Department decisions on satellite exports. Effectively, the Commerce Department would provide an assessment of the impact of the satellite export on trade interests, which was a perspective that Congress wanted to exclude. This bureaucratic maneuvering drew the ire of the Senate, which sent a letter to the President in January 1999 warning him not to “undermine the clear intent” of the law to elevate security concerns over trade interests.<sup>46</sup> Congress subsequently moved to constrain satellite exports to China with the *National Aeronautics and Space Administration Authorization Act of 2000*. This measure included an amendment entitled “Competitiveness and International Cooperation” that required NASA to notify Congress 15 days in advance of any agreement with China that involved spacecraft or space launching systems. This congressional oversight requirement mandated that the NASA administrator certify that the agreement was not detrimental to the U.S. space launch industry.<sup>47</sup>

CNOOC-UNOCAL Sale. In June 2005, the China National Offshore Oil Corporation (CNOOC) made an \$18.5 billion unsolicited bid to purchase the Union Oil Company of California (UNOCAL), which had already accepted a \$16.5 billion bid from Chevron. Policymakers in Washington were concerned

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<sup>46</sup> Jeff Gerth, "Republicans Warn Clinton Not to Dilute Satellite Export Law," *New York Times*, January 05, 1999.

<sup>47</sup> It also required a certification that it would not improve China’s missile or space launch capabilities. This bill was passed in the House by a vote of 259-168 and in the Senate by unanimous consent. It was subsequently signed by the President. House, *National Aeronautics and Space Administration Authorization Act of 2000*, 106th Cong., 1st sess., 1999, H.R.1654.

about the prospect of a Chinese firm owning an American energy company and its resource rights, but even more concerning, the Chinese government owned 70 percent of CNOOC.<sup>48</sup>

Within weeks, the House passed a resolution regarding the CNOOC bid. This bill stated that CNOOC's acquisition of UNOCAL would put the United States in a position where China could "threaten or impair the national security of the United States." While this measure did not accuse China of threatening U.S. national security, it tied together several assertions to illustrate the importance of the potential transaction, such as control of oil and natural gas reserves and the necessity to share dual-use exploration technologies with Chinese entities. The House urged the President to thoroughly review the deal by using the power of the *Defense Production Act of 1950*, which authorized the President to suspend or prohibit a foreign acquisition of American corporations if it provided a foreign interest enough control to threaten or impair U.S. national security.<sup>49</sup> In addition, the House added a very short statement to an appropriation bill that prohibited the use of federal funds to recommend approval of the UNOCAL sale to CNOOC.<sup>50</sup>

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<sup>48</sup> David Barboza and Andrew Ross Sorkin, "Chinese Oil Giant in Takeover Bid for U.S. Corporation," *New York Times*, June 23, 2005.

<sup>49</sup> This bill passed in the House by a vote of 398-15. House, *Expressing the Sense of the House of Representatives That a Chinese State-Owned Energy Company Exercising Control of Critical United States Energy Infrastructure and Energy Production Capacity Could Take Action That Would Threaten to Impair the National Security of the United States*, 109th Cong., 1st sess., 2005, H.RES.344.

<sup>50</sup> This measure passed in the House by a vote of 405-18 and in the Senate by 93-1. This language was subsequently removed during conference, which occurred months after the deal fell through and become obsolete. House, *Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006*, 109th Cong., 1st sess., 2005, H.R.3058. It should also be noted that language was inserted in two bills passed in June regarding trade with China. Both restated the reporting requirement for the USCC, but neither changed the trade-related requirements from those discussed earlier in this chapter.

Chevron responded to CNOOC's unsolicited bid the next month, increasing its offer to \$17 billion. While this offer was still \$1.5 billion less than CNOOC's bid, Chevron had the ability to complete the sale without a government investigation under the *Defense Production Act of 1950*, not to mention avoiding the associated political and public relations costs. Still, the entire bidding process was inherently uncertain, because the final decision would be determined by the shareholders, who were due to vote in August. While the board of directors preferred the less complicated deal with Chevron, the shareholders might seek a higher selling price.<sup>51</sup> Shareholders would never have this choice, however, as CNOOC succumbed to the political pressure and withdrew its bid before the vote.<sup>52</sup>

These two issues — the 1998 dispute over satellite exports to China and the 2005 CNOOC-UNOCAL sale — represent only two instances when Congress subordinated trade interests to other interests, so these issues should be weighed in context of the myriad trade measures in Congress between 1992 and 2008. Overall, Congress pursued trade interest above other competing interests.

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House, *Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006*, 109th Cong., 1st sess., 2005, H.R.3057; House, *Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006*, 109th Cong., 1st sess., 2005, H.R.2862.

<sup>51</sup> Andrew Ross Sorkin and Jad Mouawad, "Bid by Chevron in Big Oil Deal Thwarts China," *New York Times*, July 20, 2005.

<sup>52</sup> David Barboza and Andrew Ross Sorkin, "Chinese Company Drops Bid to Buy U.S. Oil Concern," *New York Times*, August 3, 2005.

## EVOLUTION OF CONGRESSIONAL POLICYMAKING IN TRADE POLICY

The preceding review of congressional trade policy illustrated a consistent interest in opposing unfair trade practices that facilitated the Sino-U.S. trade gap, but examining all the legislation between 1992 and 2008 revealed an interesting evolution in congressional policymaking during this period. Specifically, in the first few years after 1991, when China was relatively weaker, Congress focused on unfair trade practices that blocked American access to Chinese markets. China's growing economic strength, however, resulted in an evolution in congressional policymaking that focused more on protecting American markets from China's advance.

Consider the types of bills passed during the first decade of this period. One of the earliest bills after 1991 — the *United-States China Act of 1992* — accused China of engaging in unfair trade practices by employing tariffs, taxes as a surcharge on tariffs, discriminatory customs rates, import quotas, licensing and testing requirements to limit imports.<sup>53</sup> Similarly, the *Regulatory Transition Act of 1995* focused exclusively on China's failure to enforce intellectual property rights and provide market access, and the measure called for trade action and sanctions to compel Beijing to permit access to its markets.<sup>54</sup> In another example, the *China Policy Act of 1995* asserted that China continued to engage in discriminatory practices, including: import limits through direct quotas, licensing, and testing requirements; tariffs and taxes as surcharges on tariffs; barring certain

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<sup>53</sup> House, *United States-China Act of 1992*.

<sup>54</sup> House, *Regulatory Transition Act of 1995*.

imports; and falsification of country of origin documentation.<sup>55</sup> These policy measures in the first decade were focused on China's protectionist policies, namely, Beijing's efforts to block access to its markets for U.S. businesses.<sup>56</sup>

The subsequent evolution in congressional policymaking became apparent after the Clinton administration reached a deal for China's accession to the WTO. Reflecting concerns over the potential for Chinese companies to begin "dumping" products in the United States, legislation to grant PNTR also established a detailed process for investigating and addressing market disruptions that could result from non-discriminatory treatment.<sup>57</sup> As fears of China's post-WTO export growth materialized, Congress legislated even more aggressively to protect American markets. The *United States Trade Rights Enforcement Act* specifically addressed trade concerns exacerbated by China's increased market share during 2005 that directly struck at congressional interests in protecting U.S. markets from China's economic growth. This measure required the Treasury Secretary to submit a report to Congress on the yuan valuation, which was considered among policymakers in Washington to be a root cause of China's competitive advantage and growth in world markets. Congressional interests in confronting China's

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<sup>55</sup> House, *China Policy Act of 1995*.

<sup>56</sup> The only exception to this conclusion was legislative language regarding the export of prison-made goods, which would have more directly affected the competitiveness of Chinese exports abroad rather than domestically. The importance of this factor, however, should be weighed in the realm of competing interests. As discussed in the previous chapter on human rights, the issue of prison labor served as an issue of political convenience that facilitated an unlikely coalition between human rights and business interests.

<sup>57</sup> House, *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*; World Trade Organization, "Understanding the WTO: The Agreements; Anti-Dumping, Subsidies, Safeguards".

larger presence in U.S. markets in 2005 were also evident in the *National Defense Authorization Act for Fiscal Year 2006*, which called for the President to provide Congress a “comprehensive strategy” to address China’s economic growth.<sup>58</sup>

To be sure, Congress did not abandon its policy efforts to gain greater market access for U.S. businesses. This persistent congressional interest was evident in its 2007 bill regarding financial services markets, which asserted that U.S. companies had been subjected to discriminatory treatment, because they were prohibited from owning more than 49 percent of Chinese financial firms, 20 percent of banks, and 24.9 percent of insurance companies, among other restrictions.<sup>59</sup> Still, the above policymaking illustrates how congressional policymaking evolved to more aggressively employ measures designed to protect American markets from China’s growth.

## **DOMESTIC POLITICAL FACTORS**

In the trade issue area, Congressional policymaking was most affected by two domestic political factors: interbranch rivalry and elections.

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<sup>58</sup> This measure passed in the House by a vote of 390-39 and in the Senate by unanimous consent. It was subsequently signed by the President. The Senate passed similar language in two of its own measures — S.1042 passed by a vote of 98-0 and S.1043 passed by unanimous consent — and Both bills were referred to the House but neither were taken up, since the House version of this legislation was accepted in the Senate. House, *National Defense Authorization Act for Fiscal Year 2006*; Senate, *Department of Defense Authorization Act for Fiscal Year 2006*; Senate, *National Defense Authorization Act for Fiscal Year 2006*.

<sup>59</sup> This bill demanded that Beijing meet its WTO commitments to end unfair trade practices and permit market access for American financial services. It also called on the administration to focus the next Strategic Economic Dialogue to achieve the removal of limits on foreign investment in Chinese banking, life insurance, asset management and securities markets and nondiscriminatory licensing and regulation of U.S. financial services. This bill passed in the House by a vote of 401-4. House, *Calling on the Government of the People's Republic of China to Remove Barriers to United States Financial Services Firms Doing Business in China*.

### *Interbranch Rivalry*

Between 1992 and 2008, Congress and the White House demonstrated a shared interest in pursuing wider trade with China, but the two branches often disagreed on a policy approach to achieve trade goals. The first such example of an interbranch rivalry occurred in 1992 when the President vetoed the *United-States China Act of 1991*. In his veto message, President Bush stated that he was returning the bill, because he disagreed with the presumption that presenting an ultimatum on MFN would cause Beijing to change its trade policies. Bush argued that this approach, instead, would result in weakened ties with the West. He also reaffirmed previous claims that the recent IPR agreement was directly attributable to the administration's policy of comprehensive engagement rather than isolation, asserting:

Our approach is one of targeting specific areas of concern with the appropriate policy instruments to produce the required results. H.R. 2212 would severely handicap U.S. business in China, penalizing American workers and eliminating jobs in this country.<sup>60</sup>

Subsequently, the administration reaffirmed its policy of comprehensive engagement when it announced that China's trade benefits would be renewed for another year, arguing that it was the best strategy to support reform in China.<sup>61</sup>

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<sup>60</sup> Bush, "Message to the House of Representatives Returning without Approval the United States-China Act of 1991".

<sup>61</sup> The Senate failed to override the veto by a vote of 60-38, which was attributable in part to election year politics, as republican Senators refused to hand the President a bipartisan defeat ahead of the election. Two points bear consideration. First, as discussed in the previous chapter, the debate over MFN renewal was primarily about human rights practices in China, but White House did cite economic reform as a reason to renew China's trade benefits. Second, the process of renewing MFN status was an inter-branch process. By law, the President had to notify Congress by June 1st of his intent to extend trade benefits, and then Congress had three months to

This interbranch rivalry sparked another resolution from Congress within months of this veto. The House passed the *United States-China Act of 1992*, which closely resembled the 1991 version.<sup>62</sup> Congressional attempts to pass this legislation just months after a similar version was vetoed demonstrated its eagerness to threaten trade benefits despite assurances that the President would veto the bill over similar objections to the 1991 version. This bill was promptly returned by President Bush with a veto message again faulting the placement of conditions on China's MFN renewal. He continued to defend a policy of comprehensive engagement, highlighting the recent agreements on IPR protections and prison labor exports, and he argued that imposing conditions would not result in faster progress toward free and fair trade practices. He also contended that withholding trade benefits would unfairly impact market-oriented regions in southern China and Hong Kong and argued that the United States would lose market share to foreign competitors at a time when China was opening its market, which would result in a net loss of American jobs.<sup>63</sup>

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block the decision by way of legislation. Since this legislation would be subject to a presidential veto, the legislation logically had to garner a veto-proof margin to ultimately change the policy outcome. Thomas Friedman, "Bush Seeks Trade Benefits for China," *New York Times*, June 3, 1992; House, *United States-China Act of 1991*; "Trade Act of 1974."

<sup>62</sup> This bill was passed in the House by a vote of 339-62. House, *United States-China Act of 1992*.

<sup>63</sup> The veto message was not entirely upbeat about the prospect for Chinese reform, however, as the President threatened to "take trade action" if China failed to address unfair trade practices, such as trade barriers. He also attacked the prospect of targeting only state-owned enterprises, asserting that, "family-owned and operated entities are interlinked in the manufacturing process with large, state-controlled factories and marketing agencies. They would not be shielded from the effects of this bill." Of note, the administration finally reached a deal with China in October to remove a broad array of trade barriers. Beijing committed to eliminating the majority of quotas and licensing restrictions, among other concealed methods used to suppress American imports, with 75 percent of trade barriers removed within two years. In exchange, the United States agreed to reduce restrictions on exports of technology goods, such as computers and telecommunications equipment. Reflecting the administration's focus in the last month of the election, the agreement



The clearest example of this interbranch rivalry was the disagreement over satellite exports to China. Congress pressed for the administration to transfer final authority for approving satellite launches from the Commerce Department to the State Department in order to force the administration to make decisions regarding satellite exports solely based on security concerns rather than pursuing trade interests.<sup>64</sup> Congress went so far as to codify this requirement in the *Strom Thurmond Defense Authorization Act for Fiscal Year 1999*.<sup>65</sup> Although the Clinton administration agreed to implement this change, it delayed implementation, even sidestepping the spirit of this measure by protecting the Commerce Department's role in decisions on satellite exports.<sup>66</sup> This bureaucratic maneuvering drew the ire of the Senate, which warned the President not to "undermine the clear intent" of the law.<sup>67</sup>

### *Elections*

The legislative exchange between Congress and the President over the *United-States China Act of 1991* and *United States-China Act of 1992* also

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was announced as critical for creating jobs and generating revenue for both farmers and manufacturing. Bush, "Message to the House of Representatives Returning without Approval the United States-China Act of 1992"; Steven Greenhouse, "China Trade Pact with U.S. Is Signed," *New York Times*, October 11, 1992.

<sup>64</sup> Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, "U.S. National Security and Military/Commercial Concerns with the People's Republic of China".

<sup>65</sup> House, *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999*.

<sup>66</sup> Effectively, the Commerce Department would provide an assessment of the impact of the satellite export on trade interests, which was a perspective that Congress wanted to exclude.

<sup>67</sup> Gerth, "Republicans Warn Clinton Not to Dilute Satellite Export Law."

illustrated the importance of election year politics on policymaking in the trade issue area. Although seemingly occurring in two consecutive years, both bills were passed and presented to the President in 1992, with the former passed during the primary election season and the latter passed during the general election season. In both cases, these measures were easily approved in the House and the Senate, but once the President vetoed the bills, the Senate could not muster enough votes to override the veto. The key political feature to recognize is the Republican majority in the Senate, which understood the President's opposition to such a measure. In short, the Republican Senate passed bills that were opposed by the Republican President but would not subsequently embarrass the President with a veto override in an election year. This policymaking approach served two purposes, in that Republican senators could go on the record as taking a tough stance toward China in trade issues yet still support the party leadership by defeating a veto override.

Another example of elections affecting congressional policymaking occurred in 1996. Despite increased tensions over intellectual property rights, President Clinton renewed China's MFN status, citing that the MFN decision was "not a referendum on all China's policies."<sup>68</sup> Soon afterward, the House voted on a resolution to block the renewal of trade benefits, and just as in previous years, the resolution was soundly defeated.<sup>69</sup> The House then overwhelmingly passed a

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<sup>68</sup> Allison Mitchell, "Despite Tensions, Clinton Urges Renewal of China's Trade Status," *New York Times*, May 21, 1996.

<sup>69</sup> The bill was failed in the House by a vote of 141-286. House, *Disapproving the Extension of Nondiscriminatory Treatment (Most-Favored-Nation Treatment) to the Products of the People's Republic of China*, 104th Cong., 2nd sess., 1996, H.J.RES.182.

measure calling for hearings and possible punitive legislation toward China for its unfair trade practices, including tariffs, non-tariff barriers, and piracy of intellectual property. This apparent disparity in floor votes illustrated the influence of elections on China trade legislation. In an effort to ease election-year concerns that members would be accused of complicity with China in supporting MFN renewal, Congress voted overwhelming on the same day for two seemingly divergent policy outcomes: one bill supporting wider trade with China and one bill calling for punitive legislation to reduce trade with China. This political maneuver demonstrated how congressional interests have been tempered by electoral concerns.<sup>70</sup>

## CONCLUSION

This chapter found that interests within Congress centered primarily on the Sino-U.S. trade gap, and more specifically, legislation focused on the perceived “unfair trade practices” that facilitated this gap. Congressional policymaking principally evolved in *how* it approached the Sino-U.S. trade gap. When China was relatively weaker in the years just after 1991, Congress focused on unfair trade practices that blocked American access to Chinese markets. As China’s economic strength grew, however, congressional policymaking focused on protecting American markets from China’s advance. Legislation in trade policy

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<sup>70</sup> The bill passed in the House by a vote of 411-7, with 3 voting present. Carroll J. Doherty, “China Trade Battle Subsides as House Backs Extension,” *CQ Weekly*, June 29, 1996; House, *Regarding U.S. Concerns with Human Rights Abuse, Nuclear and Chemical Weapons Proliferation, Illegal Weapons Trading, Military Intimidation of Taiwan, and Trade Violations by the People's Republic of China and the People's Liberation Army, and Directing the Committees of Jurisdiction to Commence Hearings and Report Appropriate Legislation*.

was also affected by two domestic political factors: interbranch rivalry and elections.

## CHAPTER SIX

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### CONCLUSIONS

This dissertation began by posing one overarching question: What explains the post-Cold War evolution of congressional policymaking in U.S. policy toward China, when the dissolution of the Soviet Union removed what had been the foundation of an implicit Sino-U.S. alliance? Political disagreements over cross-strait relations, proliferation practices, and human rights were no longer excused in order to facilitate a counter-Soviet strategy, as the Sino-U.S. partnership did not carry a strategic value that outweighed the political cost of ignoring American ideals. Policymakers in both Washington and Beijing, uninhibited by the Soviet threat, similarly focused on trade interests, which further exposed Sino-U.S. trade policy differences.

Throughout this dissertation, careful attention is paid to the question, “What were congressional interests?” because congressional interests vis-à-vis China are not readily apparent. Without thoroughly examining the congressional voting record, these interests would not clearly present themselves to administration officials, policymakers in Beijing, or even congressional members themselves. In fact, scholars who have studied these issues and claimed to understand congressional interests might benefit from reexamining their conclusions through the approach presented here. This dissertation has identified congressional interests by systematically reviewing all legislation passed between 1992 and 2008, and in this chapter, the conclusions drawn from this analysis are

reviewed, with particular consideration for how they might assist policymakers and scholars.

Chapter one concluded that the existing literature does not adequately explain the research question of this dissertation due to three specific deficiencies. First, the work on Congress in the broader context of the Sino-U.S. relationship suffers from a general problem of insufficient attention to the legislative branch, where Congress is traditionally regarded as peripheral to the executive branch and described as a body that merely checks the foreign policy efforts of the President.<sup>1</sup> Second, none of the literature identified congressional interests over time. Some issues have been discussed in depth, but the analysis has been limited to single issues or a handful of issues during the same timeframe. Finally, the existing literature does not adequately study congressional actions in the context of the international environment. As the Soviet influence evaporated and China enjoyed rapid economic and military growth, Congress adapted U.S. policy toward China in light of Beijing's growing influence in a number of issue areas. This dissertation addressed these three shortfalls by exploring how Congress took an active role in making policy, what its interests were as expressed in legislation, and how the international environment affected policymaking decisions.

The preceding chapters explored congressional policymaking toward China from 1992 to 2008 and examined the four issue areas that encompassed

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<sup>1</sup> See for example: Warren I. Cohen, *America's Response to China: A History of Sino-American Relations* 4th ed. (New York: Columbia University Press, 2000); James Mann, *About Face: A History of America's Curious Relationship with China from Nixon to Clinton* 1st ed. (New York: Alfred Knopf : Distributed by Random House, 1999); Warren Christopher, *In the Stream of History: Shaping Foreign Policy for a New Era* (Stanford, Calif.: Stanford University Press, 1998); Robert Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*, (Washington, D.C.: Brookings Institution Press, 2003).

Sino-U.S. relations during this period: cross-strait relations, proliferation of weapons of mass destruction, human rights, and trade. To adequately determine congressional interests since the Soviet fall, I systematically reviewed all of the legislation vis-à-vis China during this timeframe. I then considered how congressional policymaking evolved over time and weighed the domestic political factors that influenced this legislative activity.

Regarding cross-strait relations, chapter two found that interests within Congress centered primarily on fostering a separate relationship with Taiwan. More specifically, congressional policy focused on pursuing three key interests: arms sales to Taiwan, promoting Taiwan's membership in international organizations, and ensuring access to the United States for visits by senior level Taiwan officials. Between 1992 and 2008, congressional policymaking evolved to less actively pursue these interests over time. When China was relatively weaker in the first years after 1991, Congress was much more assertive in pursuing a separate relationship with Taiwan. As China became stronger, however, Congress became much less active in legislating policy in this issue area. The cross-strait issue area was also affected by two domestic political factors: interbranch rivalry and elections.

As for proliferation, chapter three found that Congress consistently pursued proliferation interests that were uniform in intent but divided in approach. Some legislation primarily targeted China as an exporter, and other measures targeted the importing states — such as Iran, Syria and Pakistan — while specifically noting China as the source of their newly acquired capabilities. In

several cases, China was not mentioned specifically, even though the legislation targeted weapons exports from China to these states. Between 1992 to 2008, there was a distinct evolution in legislation that was driven by China's growth in power and the evolving international environment after September 11th. First, when China was relatively weaker immediately after the Cold War, Congress was much more assertive in legislating against China's proliferation activities. As China grew stronger, however, Congress became less active in naming China as a country of concern in proliferation issues. Second, the post-September 11th focus on so-called "rogue states" motivated legislation that highlighted the importing states, with notable but much less provocative mentions of China as a weapons supplier. Taken together, China's growing power and the focus on recipient states resulted in a legislative evolution that shifted from concentrating on China's export activities to focusing on the import activities of smaller states, which were purchasing arms from China. The proliferation issue area was also affected by two domestic political factors: interbranch rivalry and partisan competition.

Concerning human rights, chapter four found that Congress pursued human rights interests by legislating on three key interests: advocating for the rights of specific Chinese groups, the rights of certain Chinese provinces, and the release of high-profile prisoners in China. Congressional policymaking in human rights remained consistent from 1992 to 2008, demonstrating an unwavering congressional interest in advocating for human rights in China throughout this period. This interest was unaffected by China's increasing power or the expanding Sino-U.S. trade relationship. While Congress consistently pursued



these interests, there was a subtle evolution in its approach. Early efforts to pass binding legislation to compel human rights policy changes in Beijing were centered on linking China's most favored nation (MFN) status to human rights conditions. Later policymaking efforts shifted to legislation that focused on funding restrictions and increased oversight of the executive branch to enforce human rights policies. Congressional policymaking in human rights was also affected by two domestic political factors: interbranch rivalry and partisan competition.

With respect to trade policy, chapter five found that interests within Congress centered primarily on the Sino-U.S. trade gap, and more specifically, legislation focused on the perceived "unfair trade practices" that facilitated this gap. Congressional policymaking principally evolved in *how* it approached the Sino-U.S. trade gap. When China was relatively weaker in the years just after 1991, Congress focused on unfair trade practices that blocked American access to Chinese markets. As China's economic strength grew, however, congressional policymaking focused on protecting American markets from China's advance. Legislation in trade policy was also affected by two domestic political factors: interbranch rivalry and elections.

Collectively, this examination uncovered the striking consistency of congressional interests, despite changes in individual members and party control. Between 1992 and 2008, party control of the Senate changed four times, and control of the House changed three times. From an interbranch perspective, the

Presidency was split equally between the two parties.<sup>2</sup> Certain powerful members have come and gone, such as David Lampton's "guardians of the strategic passes."<sup>3</sup> This dissertation began by discussing the levels-of-analysis in studying Congress, and different levels of legislative forces were at work throughout this period, such as chambers, committees, committee chairmen, and individual members, not to mention non-legislative behavior, such as speaking to constituents, official foreign travel, and participation in international negotiations. While some scholars have contended that the nature of interest group and bureaucratic politics have threatened to make U.S. foreign policy less consistent and less coherent, my systematic review revealed that congressional interests have been remarkably consistent since between 1992 and 2008.<sup>4</sup> In sum, the unitary approach to studying Congress in this dissertation led to identifying consistent congressional interests.

The conclusions of this study provide valuable insight into congressional policymaking and its potential evolution in the future. China's growth in power

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<sup>2</sup> Democrats controlled the Senate 1992-1993, 2001-2002, and 2007-2008. Republicans controlled the Senate 1995-2000 and 2003-2006. Democrats controlled the House 1992-1993 and 2007-2008. Republicans controlled the House 1995-2006. President Clinton, a democrat, held office 1993-2001, and President Bush, a republican, held office 2001-2009. House, "Party Divisions of the House of Representatives (1789 to Present)", Office of the Clerk, [http://artandhistory.house.gov/house\\_history/partyDiv.aspx](http://artandhistory.house.gov/house_history/partyDiv.aspx) (accessed July 29, 2011); Senate, "Party Division in the Senate, 1789-Present", Secretary of the Senate, [http://www.senate.gov/pagelayout/history/one\\_item\\_and\\_teasers/partydiv.htm](http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm) (accessed July 29, 2011).

<sup>3</sup> Lampton offered examples from both chambers, including Senator Jesse Helms and Congressman Christopher Smith. Lampton, *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, 332-340.

<sup>4</sup> As mentioned in chapter one, this view has been expressed by Robert Ross, Ramon Myers, Michel Oksenberg and David Shambaugh. For example, see: Myers, Oksenberg, and Shambaugh, *Making China Policy: Lessons from the Bush and Clinton Administrations*, 8; Ross, *After the Cold War: Domestic Factors and U.S.-China Relations*, viii.

and international stature had a profound influence on legislation. When China was relatively weaker, Congress was much more assertive in: (1) pursuing a separate relationship with Taiwan, (2) confronting China's proliferation activities, and (3) targeting perceived unfair trade practices that blocked American access to Chinese markets. As its strength grew, however, Congress became: (1) much less active in cross-strait policymaking, (2) less prone to naming China as a country of concern in proliferation issues, and (3) more focused on protecting American markets from China's advance. The only issue area that appeared immune from this effect was human rights policy, as Congress consistently pursued human rights interests despite China's growth in power and international stature.

This dissertation has also shed light on the behavior of Congress in response to domestic political factors. The only factor that influenced all four issue areas was the interbranch rivalry. Elections affected policymaking in cross-strait and trade policy, and partisan competition influenced policymaking in proliferation and human rights policy. These findings indicate that, while the struggle over control of policy toward China will generally affect congressional policymaking in all issue areas, upcoming elections are more likely to result in legislation in cross-strait relations and trade policy, and a politically divided White House and Congress are more likely to result in legislation in proliferation and human rights policy.

These findings will interest students of Sino-U.S. relations, since this dissertation stands as the only study to date that identifies congressional interests

vis-à-vis China over time. However, these findings are also important to scholars and policymakers. Power transitions are inevitably difficult periods of intense strategic competition, and we must study these periods closely to assess the probability that competition will lead to war.<sup>5</sup> Understanding congressional policymaking during this period will help policymakers on both sides of the Pacific understand how Congress will approach the wide range of foreign policy choices ahead, ranging from a constructive accommodationist strategy to one that would abandon engagement for containment.<sup>6</sup>

In the literature over the last two decades regarding China's rise, scholars who explored the Sino-U.S. relationship have pursued increasingly complex explanations, moving away from simplistic predictions based on a particular academic theory or a certain perception about the nature of China. Whereas the literature in the mid-1990s can be categorized as either predicting danger ahead or growing cooperation, today's debate has gravitated away from these pessimistic and optimistic assessments, with a greater appreciation that the impact of international and national factors is not preordained. For example, Avery Goldstein noted that this environment "indicates the need for analysis that can offer decision-makers a window into the influences that define the challenge they face — a dynamic international situation in which China's role looms ever

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<sup>5</sup> That said, arguing that war has been caused by power transitions is different than arguing that power transitions cause war. Particular conflicts reflect particular circumstances, so we must study the circumstances surrounding this particular power transition. Ross and Zhu Feng, "The Rise of China: Theoretical and Policy Perspectives," 295 and 314.

<sup>6</sup> *Ibid.*, 315.

larger.”<sup>7</sup> This dissertation has contributed to this analytical need by examining this period of Chinese growth and determining what mattered to Congress in China policy, how this policymaking evolved over time, and what domestic political factors influenced policy outcomes.

For policymakers, this study offers insight into the Sino-U.S. relationship and its potential for stability. Determining how Congress demonstrated its interests through legislation allows policymakers to better understand future congressional efforts to influence policy toward Beijing, given China’s projected increase in military and economic power. By identifying congressional interests, the evolution in policymaking, and domestic political factors, this study has revealed a policymaking pattern in Congress that will help policymakers in Beijing and administration officials in Washington better anticipate the actions of Congress. Even though Beijing’s anticipation of such actions would likely not change China’s response, it may alleviate some of the political tensions that arises from surprise.

With these findings, policymakers in Beijing would benefit from understanding that congressional interests have remained consistent during the last two decades, despite changes in individuals and party control. One might conclude that such consistency would serve as a stabilizing factor in Sino-U.S. relations, but this consistency often resulted in measures that consistently criticized Beijing. This legislative characteristic, however, might better foster

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<sup>7</sup> Goldstein, "Parsing China's Rise: International Circumstances and National Attributes," 85.

stable Sino-U.S. relations than if Congress haphazardly shifted between opposing policy positions.

These interests are unlikely to change over the next two decades, and as such, Beijing should expect legislation from Congress that pursues these interests. Still, future growth in China's power and international stature should continue to affect the evolution of congressional policymaking. As China's strength and influence grow, Congress will likely become even less active in cross-strait policymaking, less prone to naming China as a country of concern in proliferation issues, and even more focused on protecting American markets from China's advance. Beijing's increased strength and international influence, however, will have limited impact on congressional interests in human rights, and Chinese policymakers should expect continued legislation that establishes funding restrictions and mandates increased congressional oversight of the executive branch to enforce human rights policies.

Of all the domestic political factors that influence congressional policymaking, Beijing should most closely watch the congressional-executive interbranch rivalry, because tension between the White House and Congress has resulted in legislation across all four issue areas. Elections and partisan competition were less influential, but Chinese policymakers should expect that upcoming elections are more likely to result in legislation in cross-strait relations and trade policy, and a politically divided White House and Congress are more likely to result in legislation in proliferation and human rights policy.

While the value of these findings for Beijing is limited to managing Chinese expectations, policymakers in the executive branch might make more practical use of this information. Understanding the consistency of these congressional interests could help administration officials better manage legislative interactions between the White House and Congress. For example, if legislative activity is increasing to the point of considerably changing policy toward China in a way that contravenes the administration's goals, White House officials could seek legislative "pressure releases" to avert legislation that might considerably affect the Sino-U.S. relationship. The Clinton administration effectively demonstrated this strategy with the *China Policy Act of 1995*. Sensing frustration in Congress over human rights policies in China, the White House encouraged and cooperated with the House leadership in developing this bill, because it provided a means for congressmen to vent over human rights issues in a measure that would certainly die in the Senate. This bill was passed in the House by a vote of 416-10, allowing the House to express its interests legislatively, despite the measure's eventual demise. Consequently, the administration was able to compartmentalize these frustrations into a bill that had minor political implications — in that the House passed the measure to Beijing's chagrin — but never resulted in actual policy change.<sup>8</sup>

For this strategy to work, the White House must anticipate when these legislative "pressure releases" are necessary. The findings of this dissertation will help administration officials identify issues that fall squarely within congressional

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<sup>8</sup> House, *China Policy Act of 1995*.

interests, and the evolution in congressional policymaking over the last two decades indicates how these interests will be pursued in the years ahead, as the future growth in China's power and international stature continue to affect the evolution of congressional policymaking. China's continued growth in strength and influence grow will likely result in more congressional activity in protecting American markets from China's advance and undiminished levels of legislation regarding human rights, so the White House should anticipate the need to relieve political pressure regarding trade and human rights issues.

Similarly, these findings can permit administration officials to anticipate the domestic political factors that influence congressional policymaking vis-à-vis China. Since the White House is the intended target of legislation motivated by the interbranch rivalry, it is difficult to envision administration-sanctioned legislation that would relieve this type of political motivation. Still, the White House could anticipate that upcoming elections are more likely to result in legislation in cross-strait relations and trade policy, and a politically divided White House and Congress are more likely to result in legislation in proliferation and human rights policy.

As the subject of this study, Congress was treated as a unitary actor, but knowledge of these findings might prove useful to individual members as well. For example, congressmen could use these findings to gauge the probable success or failure of introduced legislation in one of these issue areas. As China's strength and influence grow, bills that aim to protect American markets from China's advance will be more likely to win wider congressional support, but



measures addressing cross-strait policymaking or naming China as a country of concern in proliferation issues will be less likely to succeed. Human rights issues can be expected to tap into the interests of the wider body, despite future increases in China's power and international influence. Regarding political motivations, the congressional-executive interbranch rivalry would be an effective means to motivate fellow members to support legislation in all four issue areas, and upcoming elections are more likely to generate support for bills in cross-strait relations and trade policy. Congressmen should also note that, when the White House and Congress are divided between political parties, legislation in proliferation and human rights policy are more likely to achieve a successful floor vote. Of course, this prescription is based on the assumption that a member judges success as final passage of a proposed measure.<sup>9</sup>

These findings should cause us to reconsider certain assumptions underlying previous studies. First, the consistency of congressional interests, despite changes in party control and dominant individual members, demonstrates that these interests are more durable than the parties or members moving legislation through the process. This is not to say that parties or members are irrelevant, but more accurately, that they have less influence on policy outcomes than the force of the interests themselves. This conclusion only became evident by examining Congress as a unitary actor. While this finding has proven true in

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<sup>9</sup> As discussed in chapter one, legislators can introduce a bill in committee without intending to push for advancement to the full House or Senate. This tactic is sometimes used by members to placate a constituency within their district, enabling the legislator to say that the bill was introduced but never gained the support of other congressmen. Meeting with Ron O'Rourke, Congressional Research Service, September 1, 2009.

congressional policymaking vis-à-vis China, further research in congressional policymaking toward other states might shed light on the universality of studying Congress as a unitary actor in foreign policymaking more generally.

Additionally, previous studies have pointed to the influence of interest groups in winning support for legislation that is more favorable for China.<sup>10</sup> Since 1992, congressional policymaking has become less critical of China in some issue areas but not others. This dissertation discussed how issues share a dualism between issue areas, but if interest groups were as influential as previous studies implied, they would be expected to achieve some parity of success in affecting legislative outcomes across all issue areas. More research is warranted to explore the interrelationship between China's increasing power and the interest groups that lobbied for legislation more favorable for China, and more pointedly, the relative influence of each.

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<sup>10</sup> For example, Robert Sutter has been the leading scholar in examining the role of interest groups in congressional policy toward China. Sutter, "The U.S. Congress: Personal, Partisan, Political"; Sutter, *U.S. Policy toward China: An Introduction to the Role of Interest Groups* .

## Bibliography

- Abshire, David M., and Ralph D. Nurnberger. *The Growing Power of Congress*. Washington, D.C.: Center for Strategic and International Studies/Sage Publications, 1981.
- Alford, William P. *To Steal a Book Is an Elegant Offense: Intellectual Property Law in Chinese Civilization Studies in East Asian Law*. Stanford, Calif.: Stanford University Press, 1995.
- Andrews, Edmund L. "Administration Joins Outcry against China Trade Policies." *New York Times*, September 16, 2003.
- Andrews, Edmund L., and Elizabeth Becker. "U.S. Begins Steps to Limit Import Surge from China." *New York Times*, April 5, 2005.
- Art, Robert J. "The United States and the Rise of China: Implications for the Long Haul." In *China's Ascent: Power, Security, and the Future of International Politics*, edited by Robert S. Ross and Zhu Feng, viii, 323 p. Ithaca: Cornell University Press, 2008.
- Austen, Ian. "Canadian Manual Has U.S. On Torture List." *New York Times*, January 18, 2008.
- Bailey, Michael. "Quiet Influence: The Representation of Diffuse Interests on Trade Policy, 1983-94." *Legislative Studies Quarterly* 26, no. 1 (2001): 45-80.
- Bailey, Michael, and David W. Brady. "Heterogeneity and Representation: The Senate and Free Trade." *American Journal of Political Science* 42, no. 2 (1998): 524-544.
- Barboza, David, and Elizabeth Becker. "Free of Quota, China Textiles Flood the U.S." *New York Times*, March 10, 2005.
- Barboza, David, and Andrew Ross Sorkin. "Chinese Company Drops Bid to Buy U.S. Oil Concern." *New York Times*, August 3, 2005.

\_\_\_\_\_. "Chinese Oil Giant in Takeover Bid for U.S. Corporation." *New York Times*, June 23, 2005.

Baumol, William J., and Alan S. Blinder. *Economics: Principles and Policy*. 10th ed. Mason, Ohio: Thomson/South-Western, 2006.

Bernstein, Robert A., and William W. Anthony. "The Abm Issue in the Senate, 1968-1970: The Importance of Ideology." *The American Political Science Review* 68, no. 3 (1974): 1198-1206.

Bhattacharji, Preeti, "Uighurs and China's Xinjiang Region", Council on Foreign Relations  
[http://www.cfr.org/publication/16870/uighurs\\_and\\_chinas\\_xinjiang\\_region.html](http://www.cfr.org/publication/16870/uighurs_and_chinas_xinjiang_region.html) (accessed January 31, 2011).

"Bill of Rights", United States National Archives and Records Administration  
[http://www.archives.gov/exhibits/charters/bill\\_of\\_rights\\_transcript.html](http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html) (accessed January 2, 2011).

Bitzinger, Richard A. "Arms to Go: Chinese Arms Sales to the Third World." *International Security* 17, no. 2 (1992): 84-111.

Bradsher, Keith. "Beijing Asserts New Control over Election Laws in Hong Kong." *New York Times*, April 06, 2004.

\_\_\_\_\_. "Taiwan Legislators Step Back from Confronting China." *New York Times*, November 28, 2003.

Bradsher, Keith, and Joseph Kahn. "Taiwan's Leader Wins Re-Election; Tally Is Disputed." *New York Times*, March 21, 2004.

Broad, William J., David Rohde, and David E. Sanger. "Inquiry Suggests Pakistanis Sold Nuclear Secrets." *New York Times*, December 22, 2003.

Buckley, Chris. "China Is Told Again to Open Markets." *New York Times*, October 29, 2003.

\_\_\_\_\_. "China to End Its Taxes on Textile Exports in Retaliation for U.S. And European Quotas." *New York Times*, May 31, 2005.

Bush, George H. W., "Message to the House of Representatives Returning without Approval the United States-China Act of 1991", George Bush Presidential Library and Museum  
[http://bushlibrary.tamu.edu/research/public\\_papers.php?id=4015&year=1992&month=3](http://bushlibrary.tamu.edu/research/public_papers.php?id=4015&year=1992&month=3) (accessed September 4, 2010).

\_\_\_\_\_, "Message to the House of Representatives Returning without Approval the United States-China Act of 1992", George Bush Presidential Library and Museum  
[http://bushlibrary.tamu.edu/research/public\\_papers.php?id=4866&year=1992&month=9](http://bushlibrary.tamu.edu/research/public_papers.php?id=4866&year=1992&month=9) (accessed September 4, 2010).

Calabrese, John. "Peaceful or Dangerous Collaborators? China's Relations with the Gulf Countries." *Pacific Affairs* 65, no. 4 (1992): 471-485.

"China Applies to Joint Nuclear Suppliers Group." *Xinhua*, January 27, 2004.

"China: Hitting Back." *New York Times*, April 4, 2003.

Christopher, Warren. *In the Stream of History: Shaping Foreign Policy for a New Era* Stanford, Calif.: Stanford University Press, 1998.

Clinton, William J., "Remarks by the President and the First Lady in Discussion on Shaping China for the 21st Century", National Archives and Records Administration <http://clinton6.nara.gov/1998/06/1998-06-30-remarks-by-president-and-first-lady-at-shanghai-library.html> (accessed March 6, 2011).

\_\_\_\_\_, "Statement by the President on Most Favored Nation Status for China", White House <http://clinton6.nara.gov/1993/05/1993-05-28-presidents-statement-on-mfn-for-china.html> (accessed October 5, 2010).

\_\_\_\_\_, "Veto Message from the President of the United States (H. Doc. No. 104-197)", Library of Congress, <http://thomas.loc.gov/> (accessed June 22, 2010).

\_\_\_\_\_, "Veto Message from the President of the United States (H. Doc. No. 106-145)", Library of Congress, <http://thomas.loc.gov/> (accessed June 22, 2010).

\_\_\_\_\_, "Veto Message from the President of the United States (H.R.1561)", National Archives and Records Administration <http://clinton6.nara.gov/1996/04/1996-04-12-president-vetoes-foreign-relations-authorization.html> (accessed January 14, 2011).

\_\_\_\_\_, "Veto Message from the President of the United States (H.R. 1757)", Library of Congress <http://thomas.loc.gov> (accessed June 24, 2010).

CNN, "U.S.: Iran Working on Nuclear Weapons", CNN <http://archives.cnn.com/2002/WORLD/meast/12/13/iran.nuclear/> (accessed September 15, 2010).

Cobb, Stephen A. "Defense Spending and Foreign Policy in the House of Representatives." *The Journal of Conflict Resolution* 13, no. 3 (1969): 358-369.

Cohen, Warren I. *America's Response to China: A History of Sino-American Relations* 4th ed. New York: Columbia University Press, 2000.

Commerce, U.S. Department of. *Statistical Abstract of the United States: 1992*. Washington, DC, 1992.

Congress, Library of, "Bill Summary & Status, 104th Congress (1995 - 1996), H.R.1561, Major Congressional Actions," <http://thomas.loc.gov> (accessed June, 16, 2010).

Conley, Richard S. "Derailing Presidential Fast-Track Authority: The Impact of Constituency Pressures and Political Ideology on Trade Policy in Congress." *Political Research Quarterly* 52, no. 4 (1999): 785-799.

"Control of Arms Exports and Imports." TITLE 22, CHAPTER 39, SUBCHAPTER III, § 2778. United States, 1976.

Conybeare, John A. C. "Voting for Protection: An Electoral Model of Tariff Policy." *International Organization* 45, no. 1 (1991): 57-81.

- Cooper, Helen. "U.S. Releases Rights Report, with an Acknowledgment." *New York Times*, March 7, 2007.
- Cushman, John H. "Iraqi Missile Hits U.S. Navy Frigate in Persian Gulf." *New York Times*, May 18, 1987.
- "Declaration of Independence", United States National Archives and Records Administration  
[http://www.archives.gov/exhibits/charters/declaration\\_transcript.html](http://www.archives.gov/exhibits/charters/declaration_transcript.html)  
(accessed January 2, 2011).
- Deering, Christopher J. "Decision Making in the Armed Services Committees." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by Randall B. Ripley and James M. Lindsay, viii, 337 p. Ann Arbor: University of Michigan Press, 1993.
- Devroy, Ann, and Jeffrey Smith. "U.S. Evidence 'Suggests' China Breaks Arms Pact." *Washington Post*, May 18, 1993.
- Doherty, Carroll J. "China Trade Battle Subsides as House Backs Extension." *CQ Weekly*, June 29, 1996.
- Eckholm, Erik. "American Gives Beijing Good News: Rebels on Terror List." *New York Times*, August 27, 2002.
- Eckholm, Erik, and David E. Sanger. "The Trade Deal: The Overview; U.S. Reaches an Accord to Open China Economy as Worldwide Market." *New York Times*, November 16, 1999.
- Embassy of the United States (Beijing), "Joint Communiqués of the United States of America and the People's Republic of China" [http://beijing.usembassy-china.org.cn/joint\\_communiques.html](http://beijing.usembassy-china.org.cn/joint_communiques.html) (accessed October 1, 2009).
- Erlanger, Steven. "U.S. Won't Punish China over Sale of Nuclear Gear." *New York Times*, May 11, 1996.
- Erlanger, Steven, and David E. Sanger. "On World Stage, Many Lessons for Clinton." *New York Times*, July 29, 1996.

- Faison, Seth. "Chinese Convict Harry Wu as Spy and Order Him Out." *New York Times*, August 24, 1995.
- \_\_\_\_\_. "In Beijing: A Roar of Silent Protesters." *New York Times*, April 27, 1999.
- Fleisher, Richard. "Economic Benefit, Ideology, and Senate Voting on the B-1 Bomber " *American Politics Research* 13, no. 2 (1985): 200-211.
- Forsythe, David P. *Human Rights and U.S. Foreign Policy : Congress Reconsidered*. Gainesville: University Presses of Florida, University of Florida Press, 1988.
- Franck, Thomas M., Michael J. Glennon, and Sean D. Murphy. *Foreign Relations and National Security Law*. Eagan, MN: Thomson West, 2007.
- Franck, Thomas M., and Edward Weisband. *Foreign Policy by Congress*. New York: Oxford University Press, 1979.
- Frank Whelon, Wayman. "Arms Control and Strategic Arms Voting in the U.S. Senate: Patterns of Change, 1967-1983." *The Journal of Conflict Resolution* 29, no. 2 (1985): 225-251.
- Friedman, Thomas. "Bush Seeks Trade Benefits for China." *New York Times*, June 3, 1992.
- Fukuyama, Francis. *The End of History and the Last Man*. 1st Free Press trade pbk. ed. New York: Free Press, 1992.
- Gaddis, John Lewis. *Strategies of Containment : A Critical Appraisal of American National Security Policy During the Cold War*. Rev. and expanded ed. New York: Oxford University Press, 2005.
- Garrison, Jean A. *Making China Policy: From Nixon to G.W. Bush* Boulder, Colo.: Lynne Rienner Publishers, 2005.



- Gartzke, Erik, and J. Mark Wrighton. "Thinking Globally or Acting Locally? Determinants of the Gatt Vote in Congress." *Legislative Studies Quarterly* 23, no. 1 (1998): 33-55.
- Garver, John W. *The Sino-American Alliance : Nationalist China and American Cold War Strategy in Asia*. Armonk, N.Y.: M.E. Sharpe, 1997.
- George, Alexander L., and Andrew Bennett. *Case Studies and Theory Development in the Social Sciences* Cambridge, Mass.: MIT Press, 2005.
- Gerth, Jeff. "Democratic Fundraiser Said to Detail China Tie." *New York Times*, May 15, 1998.
- \_\_\_\_\_. "Republicans Warn Clinton Not to Dilute Satellite Export Law." *New York Times*, January 05, 1999.
- Gerth, Jeff, and Raymond Bonner. "Companies Are Investigated for Aid to China on Rockets." *New York Times*, April 4, 1998.
- Gerth, Jeff, and John M. Broder. "Papers Show White House Staff Favored a China Satellite Permit." *New York Times*, May 23, 1998.
- Gertz, Bill. "Two Lawmakers Say Pakistan Has Missiles; Cite Cia Report on Chinese M-11s." *Washington Times*, June 21, 1993.
- Gill, Bates, and Even S. Medeiros. "Foreign and Domestic Influences on China's Arms Control and Nonproliferation Policies." *The China Quarterly*, no. 161 (2000).
- Gilpin, Robert. *U.S. Power and the Multinational Corporation: The Political Economy of Foreign Direct Investment* The Political Economy of International Relations Series. New York: Basic Books, 1975.
- Glennon, Michael J. *Constitutional Diplomacy*. Princeton: Princeton University Press, 1991.
- Goldstein, Avery. "Parsing China's Rise: International Circumstances and National Attributes." In *China's Ascent: Power, Security, and the Future*

*of International Politics*, edited by Robert S. Ross and Zhu Feng, viii, 323 p. Ithaca: Cornell University Press, 2008.

Gourevitch, Peter. "The Second Image Reversed: The International Sources of Domestic Politics." *International Organization* 32, no. 4 (1978): 881-912.

Greenhouse, Steven. "China Trade Pact with U.S. Is Signed." *New York Times*, October 11, 1992.

Grimmett, Richard F. *Crs Report: Trends in Conventional Arms Transfers to the Third World by Major Supplier, 1980-1987*. Congressional Research Service, Library of Congress, 1988.

\_\_\_\_\_, "Foreign Policy Roles of the President and Congress", State Department [www.fpc.state.gov/6172.htm](http://www.fpc.state.gov/6172.htm) (accessed August 28, 2009).

Group, Nuclear Suppliers, "Guidelines for Nuclear Transfers", NSG <http://www.nuclearsuppliersgroup.org/Leng/02-guide.htm> (accessed September 10, 2010).

\_\_\_\_\_, "What Are the Guidelines?", NSG <http://www.nuclearsuppliersgroup.org/Leng/02-guide.htm> (accessed September 20, 2010).

Henkin, Louis. *Foreign Affairs and the US Constitution*. New York: Oxford University Press, USA, 1997.

Hirschman, Albert O. *National Power and the Structure of Foreign Trade*. Berkeley and Los Angeles,: University of California press, 1945.

Holmes, Steven A. "China Denies Violating Pact by Selling Arms to Pakistan." *New York Times*, July 26, 1993.

\_\_\_\_\_. "U.S. Determines China Violated Pact on Missiles." *New York Times*, August 25, 1993.

House, "Making Omnibus Consolidated Appropriations for Fiscal Year 1997 Conference Report to Accompany H.R. 3610", Library of Congress

<http://thomas.gov/cgi-bin/cpquery/T?&report=hr863&dbname=104&>  
(accessed September 13, 2010).

\_\_\_\_\_. "Party Divisions of the House of Representatives (1789 to Present)",  
Office of the Clerk  
[http://artandhistory.house.gov/house\\_history/partyDiv.aspx](http://artandhistory.house.gov/house_history/partyDiv.aspx) (accessed July  
29, 2011).

\_\_\_\_\_. *International Security Assistance and Arms Exports Control Act*, 94th  
Cong., 2nd sess., 1976. H.R. 13680.

\_\_\_\_\_. *Taiwan Relations Act*, 96th Cong., 1st sess., 1979. H.R.2479.

\_\_\_\_\_. *Expressing the Sense of the Congress on the Movement for Democracy  
in China (H.Con 136)*, 101st Cong., 1st sess., 1989.

\_\_\_\_\_. *National Defense Authorization Act for Fiscal Year 1991*, 101st Cong.,  
2nd sess., 1990. H.R. 4739.

\_\_\_\_\_. *Foreign Operations, Export Financing, and Related Programs  
Appropriations Act, 1993*, 102nd Cong., 2nd sess., 1992. H.R.5368.

\_\_\_\_\_. *National Defense Authorization Act for Fiscal Year 1993*, 102nd  
Cong., 2nd sess., 1992. H.R. 5006.

\_\_\_\_\_. *United States-China Act of 1991*, 102nd Cong., 2nd sess., 1992.  
H.R.2212.

\_\_\_\_\_. *United States-China Act of 1992*, 102nd Cong., 2nd sess., 1992.  
H.R.5318.

\_\_\_\_\_. *Foreign Relations Authorization Act, Fiscal Years 1994 and 1995*,  
103rd Cong., 1st sess., 1993. H.R.2333.

\_\_\_\_\_. *Immigration and Nationality Technical Corrections Act of 1994*, 103rd  
Cong., 2nd sess., 1994. H.R.783.

- \_\_\_\_\_. *Calling Upon the People's Republic of China to Release U.S. Citizen Harry Wu Unconditionally and to Provide for an Accounting of His Arrest and Detention*, 104th Cong., 1st sess., 1995. H.RES.178.
- \_\_\_\_\_. *China Policy Act of 1995*, 104th Cong., 1st sess., 1995. H.R.2058.
- \_\_\_\_\_. *Concerning Writer, Political Philosopher, Human Rights Advocate, and Nobel Peace Prize Nominee Wei Jingsheng*, 104th Cong., 1st sess., 1995. H.CON.RES.117.
- \_\_\_\_\_. *Expressing the Sense of the Congress Regarding a Private Visit by President Lee Teng-Hui of the Republic of China on Taiwan to the United States*, 104th Cong., 1st sess., 1995. H.CON.RES.53.
- \_\_\_\_\_. *Foreign Relations Authorization Act, Fiscal Years 1996 and 1997*, 104th Cong., 1st sess., 1995. H.R.1561.
- \_\_\_\_\_. *Regulatory Transition Act of 1995*, 104th Cong., 1st sess., 1995. H.R.450.
- \_\_\_\_\_. *To Prohibit Funding by United States Government Agencies of the Participation of Certain Officials of the Chinese Government in International Conferences, Programs, and Activities until the Chinese Government Releases Certain Individuals Imprisoned or Detained on Religious Grounds (H. R. 2829)*, 104th Cong., 1st sess., 1995.
- \_\_\_\_\_. *A Concurrent Resolution Expressing the Sense of Congress Regarding Missile Tests and Military Exercises by the People's Republic of China*, 104th Cong., 2nd sess., 1996. H.CON.RES.148.
- \_\_\_\_\_. *Disapproving the Extension of Nondiscriminatory Treatment (Most-Favored-Nation Treatment) to the Products of the People's Republic of China*, 104th Cong., 2nd sess., 1996. H.J.RES.182.
- \_\_\_\_\_. *Endorsing the Adoption by the European Parliament of a Resolution Supporting the Republic of China on Taiwan's Efforts at Joining the Community of Nations*, 104th Cong., 2nd sess., 1996. H.CON.RES.212.

- \_\_\_\_\_. *Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997*, 104th Cong., 2nd sess., 1996. H.R.3540.
- \_\_\_\_\_. *National Defense Authorization Act for Fiscal Year 1997*, 104th Cong., 2nd sess., 1996. H.R.3230.
- \_\_\_\_\_. *Regarding U.S. Concerns with Human Rights Abuse, Nuclear and Chemical Weapons Proliferation, Illegal Weapons Trading, Military Intimidation of Taiwan, and Trade Violations by the People's Republic of China and the People's Liberation Army, and Directing the Committees of Jurisdiction to Commence Hearings and Report Appropriate Legislation*, 104th Cong., 2nd sess., 1996. H.RES.461.
- \_\_\_\_\_. *To Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act*, 104th Cong., 2nd sess., 1996. H.R.3121.
- \_\_\_\_\_. *Communist China Subsidy Reduction Act of 1997*, 105th Cong., 1st sess., 1997. H.R.2605.
- \_\_\_\_\_. *Forced Abortion Condemnation Act*, 105th Cong., 1st sess., 1997. H.R.2570.
- \_\_\_\_\_. *Foreign Operations, Export Financing, and Related Programs Appropriations Act for 1998*, 105th Cong., 1st sess., 1997. H.R.2159.
- \_\_\_\_\_. *Hong Kong Reversion Act*, 105th Cong., 1st sess., 1997. H.R.750.
- \_\_\_\_\_. *Laogai Slave Labor Products Act of 1997*, 105th Cong., 1st sess., 1997. H.R.2195.
- \_\_\_\_\_. *Political Freedom in China Act of 1997*, 105th Cong., 1st sess., 1997. H.R.2358.
- \_\_\_\_\_. *Radio Free Asia Act of 1998*, 105th Cong., 1st sess., 1997. H.R.2232.
- \_\_\_\_\_. *Acknowledging the Positive Role of Taiwan in the Current Asian Financial Crisis and Affirming the Support of the American People for Peace and Stability on the Taiwan Strait and Security for Taiwan's Democracy*, 105th Cong., 2nd sess., 1998. H.CON.RES.270.

\_\_\_\_\_. *Affirming the United States Commitment to Taiwan*, 105th Cong., 2nd sess., 1998. H.CON.RES.301.

\_\_\_\_\_. *Expressing the Sense of the Congress That the President of the United States Should Reconsider His Decision to Be Formally Received in Tiananmen Square by the Government of the People's Republic of China*, 105th Cong., 2nd sess., 1998. H.CON.RES.285.

\_\_\_\_\_. *Foreign Affairs Reform and Restructuring Act of 1998*, 105th Cong., 2nd sess., 1998. H.R.1757.

\_\_\_\_\_. *Foreign Operations, Export Financing and Related Programs Appropriations Act of 1999*, 105th Cong., 2nd sess., 1998. H.R.4569.

\_\_\_\_\_. *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999*, 105th Cong., 2nd sess., 1998. H.R.3616.

\_\_\_\_\_. *Commemorating the 20th Anniversary of the Taiwan Relations Act*, 106th Cong., 1st sess., 1999. H.CON.RES.56.

\_\_\_\_\_. *Concerning the Participation of Taiwan in the World Health Organization*, 106th Cong., 1st sess., 1999. H.R.1794.

\_\_\_\_\_. *Expressing the Sense of the Congress That the Government of the People's Republic of China Should Stop Its Persecution of Falun Gong Practitioners*, 106th Cong., 1st sess., 1999. H.CON.RES.218.

\_\_\_\_\_. *Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2000 (H.R.2606)*, 106th Cong., 1st sess., 1999. H.R.2606.

\_\_\_\_\_. *Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2000 (H.R.3196)*, 106th Cong., 1st sess., 1999. H.R.3196.

\_\_\_\_\_. *National Aeronautics and Space Administration Authorization Act of 2000*, 106th Cong., 1st sess., 1999. H.R.1654.

- \_\_\_\_\_. *Taiwan Security Enhancement Act*, 106th Cong., 1st sess., 1999.  
H.R.1838.
- \_\_\_\_\_. *Expressing the Sense of the Congress Regarding Taiwan's Participation in the United Nations*, 106th Cong., 2nd sess., 2000.  
H.CON.RES.390.
- \_\_\_\_\_. *Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (H.R. 4205)*, 106th Cong., 1st sess., 2000.
- \_\_\_\_\_. *Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2001 (H.R.4811)*, 106th Cong., 2nd sess., 2000.  
H.R.4811.
- \_\_\_\_\_. *Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2001 (S.2522)*, 106th Cong., 2nd sess., 2000.  
S.2522.
- \_\_\_\_\_. *Taiwan Security Enhancement Act*, 106th Cong., 2nd sess., 2000.  
H.R.1838.
- \_\_\_\_\_. *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*, 106th Cong., 2nd sess., 2000. H.R.4444.
- \_\_\_\_\_. *Bob Stump National Defense Authorization Act for Fiscal Year 2003*, 107th Cong., 2nd sess., 2002. H.R.4546.
- \_\_\_\_\_. *Expressing the Sense of Congress Regarding North Korean Refugees Who Are Detained in China and Returned to North Korea Where They Face Torture, Imprisonment, and Execution*, 107th Cong., 2nd sess., 2002.  
H.CON.RES.213.
- \_\_\_\_\_. *Expressing the Sense of Congress That the Government of the People's Republic of China Should Cease Its Persecution of Falun Gong Practitioners*, 107th Cong., 2nd sess., 2002. H.CON.RES.188.

- \_\_\_\_\_. *Expressing the Sense of the House of Representatives Regarding Human Rights Violations in Tibet, the Panchen Lama, and the Need for Dialogue between the Chinese Leadership and the Dalai Lama or His Representatives*, 107th Cong., 2nd sess., 2002. H.RES.410.
- \_\_\_\_\_. *Foreign Relations Authorization Act, Fiscal Year 2003*, 107th Cong., 2nd sess., 2002. H.R.1646.
- \_\_\_\_\_. *To Encourage the People's Republic of China to Fulfill Its Commitments under International Trade Agreements, Support the United States Manufacturing Sector, and Establish Monetary and Financial Market Reforms*, 108th Cong., 1st sess., 2003. H.RES.414.
- \_\_\_\_\_. *Urging Passage of a Resolution Addressing Human Rights Abuses in North Korea at the 59th Session of the United Nations Commission on Human Rights, and Calling on the Government of North Korea to Respect and Protect the Human Rights of Its Citizens*, 108th Cong., 1st sess., 2003. H.RES.109.
- \_\_\_\_\_. *A Concurrent Resolution Expressing the Concern of Congress over Iran's Development of the Means to Produce Nuclear Weapons.*, 108th Cong., 2nd sess., 2004. H.CON.RES.398.
- \_\_\_\_\_. *Expressing Support for Freedom in Hong Kong*, 108th Cong., 2nd sess., 2004. H.RES.667.
- \_\_\_\_\_. *Expressing the Sense of Congress Regarding Oppression by the Government of the People's Republic of China of Falun Gong in the United States and in China*, 108th Cong., 2nd sess., 2004. H.CON.RES.304.
- \_\_\_\_\_. *Reaffirming Unwavering Commitment to the Taiwan Relations Act, and for Other Purposes*, 108th Cong., 2nd sess., 2004. H.CON.RES.462.
- \_\_\_\_\_. *Expressing the Sense of the House of Representatives That a Chinese State-Owned Energy Company Exercising Control of Critical United States Energy Infrastructure and Energy Production Capacity Could Take Action That Would Threaten to Impair the National Security of the United States*, 109th Cong., 1st sess., 2005. H.RES.344.



- \_\_\_\_\_. *Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006*, 109th Cong., 1st sess., 2005. H.R.3057.
- \_\_\_\_\_. *Foreign Relations Authorization Act for Fiscal Years 2006 and 2007*, 109th Cong., 1st sess., 2005. H.R.2601.
- \_\_\_\_\_. *Iran Freedom Support Act*, 109th Cong., 1st sess., 2005. H.R.282.
- \_\_\_\_\_. *National Defense Authorization Act for Fiscal Year 2006*, 109th Cong., 1st sess., 2005. H.R.1815.
- \_\_\_\_\_. *Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006*, 109th Cong., 1st sess., 2005. H.R.2862.
- \_\_\_\_\_. *Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006*, 109th Cong., 1st sess., 2005. H.R.3058.
- \_\_\_\_\_. *United States Trade Rights Enforcement Act*, 109th Cong., 1st sess., 2005. H.R.3283.
- \_\_\_\_\_. *Urging the European Union to Maintain Its Arms Embargo on the People's Republic of China.*, 109th Cong., 1st sess., 2005. H.RES.57.
- \_\_\_\_\_. *John Warner National Defense Authorization Act for Fiscal Year 2007*, 109th Cong., 2nd sess., 2006. H.R.5122.
- \_\_\_\_\_. *Sonny Montgomery National Defense Authorization Act for Fiscal Year 2007*, 109th Cong., 2nd sess., 2006. H.R.5122.
- \_\_\_\_\_. *Calling on the Government of the People's Republic of China to Remove Barriers to United States Financial Services Firms Doing Business in China*, 110th Cong., 1st sess., 2007. H.RES.552.
- \_\_\_\_\_. *Calling on the Government of the People's Republic of China to Respect the Human Rights of Refugees from North Korea*, 109th Cong., 1st sess., 2007. H.CON.RES.234.

\_\_\_\_\_. *Declaring That It Shall Continue to Be the Policy of the United States, Consistent with the Taiwan Relations Act, to Make Available to Taiwan Such Defense Articles and Services as May Be Necessary for Taiwan to Maintain a Sufficient Self-Defense Capability*, 110th Cong., 1st sess., 2007. H.CON.RES.676.

\_\_\_\_\_. *Expressing the Sense of Congress Regarding High Level Visits to the United States by Democratically-Elected Officials of Taiwan*, 110th Cong., 1st sess., 2007. H.CON.RES.136.

\_\_\_\_\_. *Expressing the Sense of the House of Representatives That the Government of the People's Republic of China Should Immediately Release from Custody the Children of Rebiya Kadeer and Canadian Citizen Huseyin Celil and Should Refrain from Further Engaging in Acts of Cultural, Linguistic, and Religious Suppression Directed against the Uyghur People, and for Other Purposes*, 110th Cong., 1st sess., 2007. H.RES.497.

\_\_\_\_\_. *Iran Counter-Proliferation Act of 2007*, 110th Cong., 1st sess., 2007. H.R.1400.

\_\_\_\_\_. *Calling on the Government of the People's Republic of China to End Its Crackdown in Tibet and Enter into a Substantive Dialogue with His Holiness the Dalai Lama to Find a Negotiated Solution That Respects the Distinctive Language, Culture, Religious Identity, and Fundamental Freedoms of All Tibetans, and for Other Purposes*, 110th Cong., 2nd sess., 2008. H.RES.1077.

\_\_\_\_\_. *To Require the Secretary of State, in Consultation with the Secretary of Defense, to Provide Detailed Briefings to Congress (H.R.6646)*, 110th Cong., 2nd sess., 2008. H.R.6646.

Hyer, Eric. "China's Arms Merchants: Profits in Command." *The China Quarterly*, no. 132 (1992): 1101-1118.

"Intellectual Property Rights", United States Department of Homeland Security [http://www.customs.gov/xp/cgov/trade/priority\\_trade/ipr/](http://www.customs.gov/xp/cgov/trade/priority_trade/ipr/) (accessed February 22, 2011).

International Atomic Energy Agency, "International Conventions & Agreements: Treaty on the Non-Proliferation of Nuclear Weapons", IAEA <http://www.iaea.org/Publications/Documents/Treaties/npt.html> (accessed September 21, 2010).

International Commission of Jurists, "Overview", International Commission of Jurists [http://www.icj.org/default.asp?nodeID=430&langage=1&myPage=About\\_us](http://www.icj.org/default.asp?nodeID=430&langage=1&myPage=About_us) (accessed January 16, 2011).

Kahn, Joseph. "China: Dissident's Sentence Cut." *New York Times*, March 4, 2004.

\_\_\_\_\_. "In Response, China Attacks U.S. Record on Rights." *New York Times*, March 10, 2006.

Kahn, Joseph, and Keith Bradsher. "Hong Kong Reformers Protest Election Rule." *New York Times*, April 07, 2004.

King, Gary, Robert O. Keohane, and Sidney Verba. *Designing Social Inquiry : Scientific Inference in Qualitative Research*. Princeton, N.J.: Princeton University Press, 1994.

Kirshner, Jonathan. "The Consequences of China's Economic Rise for Sino-U.S. Relations." In *China's Ascent: Power, Security, and the Future of International Politics*, edited by Robert S. Ross and Zhu Feng, viii, 323 p. Ithaca: Cornell University Press, 2008.

Kissinger, Henry, and William Burr. *The Kissinger Transcripts : The Top Secret Talks with Beijing and Moscow*. New York: New Press : Distributed by W.W. Norton, 1999.

Kissinger, Henry. *White House Years*. 1st ed. Boston: Little, Brown, 1979.

Krasner, Stephen D. "A Statist Interpretation of American Oil Policy toward the Middle East." *Political Science Quarterly* 94, no. 1 (1979): 77-96.

Kristof, Nicholas D. "Chinese Students, in About-Face, Will Continue Occupying Square." *New York Times*, May 30, 1989.

- Lampton, David M. *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, Berkeley: University of California Press, 2001.
- \_\_\_\_\_. *Same Bed, Different Dreams: Managing U.S.-China Relations, 1989-2000*, Berkeley: University of California Press, 2001.
- Landler, Mark. "China Steps up Its Drive to Halt Dissident Sect." *New York Times*, July 23, 1999.
- "Legislative Summary: Appropriations." *CQ Weekly*, November 14, 1998.
- Levy, Jack S. "Power Transition Theory and the Rise of China." In *China's Ascent: Power, Security, and the Future of International Politics*, edited by Robert S. Ross and Zhu Feng, viii, 323 p. Ithaca: Cornell University Press, 2008.
- Lewis, Flora. "Foreign Affairs; China and Arms Sales." *New York Times*, April 24, 1988.
- Lewis, John Wilson, and Hua Di. "China's Ballistic Missile Program: Technologies, Strategies and Goals." *International Security* 17, no. 2 (1992).
- Lindsay, James M. "Parochialism, Policy, and Constituency Constraints: Congressional Voting on Strategic Weapons Systems." *American Journal of Political Science* 34, no. 4 (1990): 936-960.
- \_\_\_\_\_. "Congress and Foreign Policy: Why the Hill Matters." *Political Science Quarterly* 107, no. 4 (1992): 607-628.
- \_\_\_\_\_. "Congress, Foreign Policy, and the New Institutionalism." *International Studies Quarterly* 38, no. 2 (1994): 281-304.
- Livingston, Steven G. "The Limits of High Politics: When National Security & International Economic Goals Conflict in American Foreign Policymaking." *Polity* 26, no. 3 (1994): 417-439.

- Lord, Winston, "Statement to the Senate Foreign Relations Committee on the Taiwan Policy Review" [http://usinfo.org/sino/review\\_e.htm](http://usinfo.org/sino/review_e.htm) (accessed June 1, 2010).
- Lubman, Stanley. "The Dragon as Demon: Images of China on Capitol Hill." *Journal of Contemporary China* 13, no. 40 (2004): 541-565.
- Lum, Thomas. *China and Falun Gong*. Congressional Research Service, Library of Congress, 2006.
- Madsen, Richard. *China and the American Dream: A Moral Inquiry* Berkeley: University of California Press, 1995.
- Mann, James. *About Face: A History of America's Curious Relationship with China from Nixon to Clinton* 1st ed. New York: Alfred Knopf : Distributed by Random House, 1999.
- \_\_\_\_\_. *About Face: A History of America's Curious Relationship with China from Nixon to Clinton*. 1st ed. New York: Alfred Knopf : Distributed by Random House, 1999.
- McCormick, James M. "Decision Making in the Foreign Affairs and Foreign Relations Committees." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by Randall B. Ripley and James M. Lindsay, viii, 337 p. Ann Arbor: University of Michigan Press, 1993.
- McCormick, James M., and Michael Black. "Ideology and Senate Voting on the Panama Canal Treaties." *Legislative Studies Quarterly* 8, no. 1 (1983): 45-63.
- "Measure Preserving Privileges for Hong Kong Is Cleared." *CQ Weekly*, June 21, 1997.
- Missile Technology Control Regime, "Missile Technology Control Regime" <http://www.mtcr.info> (accessed September 20, 2010).
- Mitchell, Allison. "Despite Tensions, Clinton Urges Renewal of China's Trade Status." *New York Times*, May 21, 1996.

- \_\_\_\_\_. "Gingrich Plans Panel on China and Clinton Tie." *New York Times*, May 20, 1998.
- \_\_\_\_\_. "The U.N. At 50: Clinton and Jiang; China's President and Clinton Meet to Repair Fences." *New York Times*, October 25, 1995.
- \_\_\_\_\_. "U.S. Delays New Financing of Companies' Trade with China." *New York Times*, February 29, 1996.
- Myers, Ramon Hawley, Michel Oksenberg, and David L. Shambaugh. *Making China Policy: Lessons from the Bush and Clinton Administrations*. Lanham, Md.: Rowman & Littlefield Publishers, 2001.
- Naughton, Barry. "Deng Xiaoping: The Economist." *The China Quarterly*, no. 135 (1993): 491-514.
- Nixon, Richard M. *Rn: The Memoirs of Richard Nixon*. New York: Grosset & Dunlap, 1978.
- Norton, Stephen J. "Central American Trade by Way of Beijing." *CQ Weekly*, August 1, 2005.
- Nuclear Threat Initiative, "Nuclear Suppliers Group (Nsg)", James Martin Center for Nonproliferation Studies at the Monterey Institute of International Studies <http://www.nti.org/db/china/nsgorg.htm> (accessed September 20, 2010).
- Office of the Clerk of the U.S. House of Representatives, "Congressional Gold Medal Recipients", U.S. House of Representatives [http://clerk.house.gov/art\\_history/house\\_history/goldMedal.html](http://clerk.house.gov/art_history/house_history/goldMedal.html) (accessed January 23, 2011).
- \_\_\_\_\_, "Final Vote Results for Roll Call 136", House, <http://clerk.house.gov/evs/1996/roll136.xml> (accessed June 22, 2010).
- Organization, World Health, "Constitution of the World Health Organization" <http://www.who.int/governance/eb/constitution/en/index.html> (accessed June 1, 2010).

Organization, World Trade, "Member Information, Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei) and the Wto", WTO [http://www.wto.org/english/thewto\\_e/countries\\_e/chinese\\_taipei\\_e.htm](http://www.wto.org/english/thewto_e/countries_e/chinese_taipei_e.htm) (accessed July 7, 2010).

\_\_\_\_\_, "What Is the World Trade Organization?" [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/fact1\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/fact1_e.htm) (accessed June 1, 2010).

"Overview of the Agreement on Government Procurement", World Trade Organization [http://www.wto.org/english/tratop\\_e/gproc\\_e/gpa\\_overview\\_e.htm](http://www.wto.org/english/tratop_e/gproc_e/gpa_overview_e.htm) (accessed February 19, 2011).

Peppers, D. A. "The Two Presidencies: Eight Years Later." In *Perspectives on the Presidency*, edited by Aaron B. Wildavsky, ix, 539 p. Boston: Little, Brown, 1975.

Pitney Bowes, "Our Company", Pitney Bowes <http://www.pb.com/our-company/> (accessed February 14, 2011).

Pomfret, John. "Clinton Restates 'Three Noes' Policy on Taiwan." *The Washington Post*, June 30, 1998.

Pomper, Miles A., "Appropriations: Debt Issue Stalls Foreign Aid", CQ Weekly Online, <http://library.cqpress.com.ezproxy.library.tufts.edu/cqweekly/wr19991113-44appropsforap001> (accessed June 22, 2010).

\_\_\_\_\_, "Foreign Affairs: Administration Says House Vote to Shore up Taiwan Relations Endangers U.S. China Strategy", CQ Weekly Online <http://library.cqpress.com.ezproxy.library.tufts.edu/cqweekly/weeklyreport106-000000030591> (accessed June 23, 2010).

\_\_\_\_\_, "Foreign Affairs: Partners and Adversaries", CQ Weekly Online <http://library.cqpress.com.ezproxy.library.tufts.edu/cqweekly/weeklyreport106-000000023567> (accessed June 23, 2010).

- Pomper, Miles A. , "Appropriations: Gop Determined to Yield Little in Talks on Vetoed Foreign Aid Bill", CQ Weekly Online, <http://library.cqpress.com.ezproxy.library.tufts.edu/cqweekly/WR19991023-41FORAP001> (accessed June 22, 2010).
- Porter, John, "Congressional Record, 104th Congress (1995-1996), Expressing the Sense of Congress Regarding a Visit by the President of the Republic of China on Taiwan (House of Representatives - May 02, 1995) [Page: H4453]", Library of Congress, <http://thomas.loc.gov/cgi-bin/query/C?r104:./temp/~r104yNRxkO> (accessed June 26, 2010).
- Potter, William C. "Issue Area and Foreign Policy Analysis." *International Organization* 34, no. 3 (1980): 405-427.
- Putnam, Robert D. "Diplomacy and Domestic Politics: The Logic of Two-Level Games." *International Organization* 42, no. 3 (1988): 427-460.
- Putrich, Gayle S., "Foreign Affairs Bills Get More Complex", CQ Weekly Online <http://library.cqpress.com.ezproxy.library.tufts.edu/cqweekly/weeklyreport109-000001792019> (accessed June 22, 2010).
- Ray, Bruce A. "Military Committee Membership in the House of Representatives and the Allocation of Defense Department Outlays." *The Western Political Quarterly* 34, no. 2 (1981): 222-234.
- Regime, Missile Technology Control, "Missile Technology Control Regime" <http://www.mtcr.info> (accessed September 20, 2010).
- Riding, Alan. "Signing of Chemical-Arms Pact Begins." *New York Times*, January 14, 1993.
- Ripley, Randall B., and James M. Lindsay. *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*. Ann Arbor: University of Michigan Press, 1993.
- \_\_\_\_\_. *U.S. Foreign Policy after the Cold War* Pitt Series in Policy and Institutional Studies. Pittsburgh: University of Pittsburgh Press, 1997.



- Robinson, James Arthur. *Congress and Foreign Policy-Making*. Rev. ed. The Dorsey Series in Political Science. Homewood, Ill.,: Dorsey Press, 1967.
- Rohde, David, and David E. Sanger. "Key Pakistani Is Said to Admit Atom Transfers." *New York Times*, February 2, 2004.
- Rosenthal, Elisabeth. "Beijing Increases Detentions of Illegal North Korean Immigrants." *New York Times*, March 21, 2002.
- \_\_\_\_\_. "China Issues Rules on Export of Missile Gear." *New York Times*, August 26, 2002.
- \_\_\_\_\_. "North Koreans Seek Asylum at Consulates in China." *New York Times*, May 9, 2002.
- Ross, Robert S. *After the Cold War: Domestic Factors and U.S.-China Relations* Armonk, N.Y.: M.E. Sharpe, 1998.
- Ross, Robert S., and Zhu Feng. *China's Ascent: Power, Security, and the Future of International Politics* Cornell Studies in Security Affairs. Ithaca: Cornell University Press, 2008.
- Ross, Robert, and Zhu Feng. "The Rise of China: Theoretical and Policy Perspectives." In *China's Ascent: Power, Security, and the Future of International Politics*, edited by Robert S. Ross and Zhu Feng, viii, 323 p. Ithaca: Cornell University Press, 2008.
- Russett, Bruce M. *What Price Vigilance? The Burdens of National Defense* A Yale Fastback,. New Haven,: Yale University Press, 1970.
- Sanger, David E. "Bush Lauds China Leader as 'Partner' in Diplomacy." *New York Times*, December 10, 2003.
- \_\_\_\_\_. "Bush Proposes North Korea Security Plan to China." *New York Times*, October 20, 2003.
- \_\_\_\_\_. "East and West at the Ranch; Bush and Jiang Vow to Cooperate on North Korea Issue." *New York Times*, October 26, 2002.

\_\_\_\_\_. "A Nation at War: Asian Front; U.S. Rebukes Pakistanis for Lab's Aid to Pyongyang." *New York Times*, April 1, 2003.

\_\_\_\_\_. "President Imposes Trade Sanctions on Chinese Goods." *New York Times*, February 5, 1995.

\_\_\_\_\_. "U.S. Asks Taiwan to Avoid a Vote Provoking China." *New York Times*, December 9, 2003.

\_\_\_\_\_. "U.S. Threatens \$2.8 Billion of Tariffs on China Exports." *New York Times*, January 1, 1995.

Schattschneider, E. E. *Politics, Pressures and the Tariff; a Study of Free Private Enterprise in Pressure Politics, as Shown in the 1929-1930 Revision of the Tariff* Prentice-Hall Political Science Series. New York,: Prentice-Hall, inc., 1935.

\_\_\_\_\_. "Pressure Groups Versus Political Parties." *Annals of the American Academy of Political and Social Science*, no. 259 (1948): 17-23.

Schlesinger, Arthur M., and Alfred De Grazia. *Congress and the Presidency: Their Role in Modern Times* Rational Debate Seminars. Washington,: American Enterprise Institute for Public Policy Research, 1967.

Schmitt, Eric. "House Votes to Prohibit Satellite Exports to China." *New York Times*, May 21, 1998.

\_\_\_\_\_. "Lott Leads G.O.P. Attack on 'Mistakes' on China Trip." *New York Times*, July 8, 1998.

Schweid, Barry. "New Suspicions Beijing Sent Missile Technology to Pakistan." *Associated Press*, March 7, 1996.

Sciolino, Elaine. "Iran Will Allow U.N. Inspections of Nuclear Sites." *New York Times*, October 22, 2003.

\_\_\_\_\_. "U.S. Lifts Its Sanctions on China over High-Technology Transfers." *New York Times*, February 22, 1992.

Scott, James M. "Interbranch Rivalry and the Reagan Doctrine in Nicaragua." *Political Science Quarterly* 112, no. 2 (1997): 237-260.

Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, "U.S. National Security and Military/Commercial Concerns with the People's Republic of China", House of Representatives <http://www.house.gov/coxreport/> (accessed February 16, 2011).

Senate, "Party Division in the Senate, 1789-Present", Secretary of the Senate [http://www.senate.gov/pagelayout/history/one\\_item\\_and\\_teasers/partydiv.htm](http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm) (accessed July 29, 2011).

\_\_\_\_\_, "U.S. Senate Roll Call Votes 102nd Congress - 2nd Session", Senate [http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=102&session=2&vote=00255](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=102&session=2&vote=00255) (accessed September 10, 2010).

\_\_\_\_\_. *A Resolution Relative to Human Rights in Tibet*, 102nd Cong., 2nd sess., 1992. S.RES.271.

\_\_\_\_\_. *Expressing the Sense of the Senate That the United Nations Should Be Encouraged to Permit Representatives of Taiwan to Participate Fully in Its Activities, and for Other Purposes*, 103rd Cong., 2nd sess., 1994. S.RES.148.

\_\_\_\_\_. *National Defense Authorization Act for Fiscal Year 1995*, 103rd Cong., 2nd sess., 1994. S.2182.

\_\_\_\_\_. *To Express the Sense of the Senate Concerning United States Relations with Taiwan*, 103rd Cong., 2nd sess., 1994. S.RES.270.

\_\_\_\_\_. *Expressing the Sense of the Congress Regarding a Private Visit by President Lee Teng-Hui of the Republic of China on Taiwan to the United States (S. Con. Res. 9)*, 104th Cong., 1st sess., 1995.

\_\_\_\_\_. *A Joint Resolution Expressing the Sense of Congress Regarding Wei Jingsheng; Gedhun Choekyi Nyima, the Next Panchen Lama of Tibet; and*

*the Human Rights Practices of the Government of the People's Republic of China*, 104th Cong., 1st sess., 1995. S.J.RES.43.

\_\_\_\_\_. *A Resolution Expressing the Sense of the Senate Regarding the Arrest of Harry Wu by the Government of the People's Republic of China*, 104th Cong., 1st sess., 1995. S.RES.148.

\_\_\_\_\_. *An Original Resolution Expressing the Sense of the Senate with Respect to the International Obligation of the People's Republic of China to Allow an Elected Legislature in Hong Kong after June 30, 1997, and for Other Purposes*, 104th Cong., 2nd sess., 1996. S.RES.271.

\_\_\_\_\_. *A Bill to Extend Certain Privileges, Exemptions, and Immunities to Hong Kong Economic and Trade Offices*, 105th Cong., 1st sess., 1997. S.342.

\_\_\_\_\_. *A Concurrent Resolution Affirming U.S. Commitments under the Taiwan Relations Act*, 105th Cong., 2nd sess., 1998. S.CON.RES.107.

\_\_\_\_\_. *A Concurrent Resolution Expressing the Sense of the Congress in Support of the Recommendations of the International Commission of Jurists on Tibet and on United States Policy with Regard to Tibet*, 105th Cong., 2nd sess., 1998. S.CON.RES.103.

\_\_\_\_\_. *Department of Energy National Security Act for Fiscal Year 1999*, 105th Cong., 2nd sess., 1998. S.2058.

\_\_\_\_\_. *A Resolution Expressing the Sense of the Senate on the Ninth Anniversary of the Massacre of Pro-Democracy Demonstrators on Tiananmen Square by Military Forces Acting under Orders from the Government of the People's Republic of China*, 105th Cong., 2nd sess., 1998. S.RES.244.

\_\_\_\_\_. *Admiral James W. Nance Foreign Relations Authorization Act, Fiscal Years 2000 and 2001*, 106th Cong., 1st sess., 1999. S.886.

\_\_\_\_\_. *Concerning the 20th Anniversary of the Taiwan Relations Act*, 106th Cong., 1st sess., 1999. S.CON.RES.17.

\_\_\_\_\_. *Relating to Taiwan's Participation in the World Health Organization*, 106th Cong., 1st sess., 1999. S.RES.26.

\_\_\_\_\_. *Assistance for International Malaria Control Act*, 106th Cong., 2nd sess., 2000. S.2943.

\_\_\_\_\_. *A Concurrent Resolution Expressing the Sense of the Congress That the Government of the People's Republic of China Should Immediately Release Rabiya Kadeer, Her Secretary, and Her Son, and Permit Them to Move to the United States If They So Desire*, 106th Cong., 2nd sess., 2000. S.CON.RES.81.

\_\_\_\_\_. *Department of Defense Authorization Act for Fiscal Year 2001*, 106th Cong., 2nd sess., 2000. S.2550.

\_\_\_\_\_. *A Concurrent Resolution Expressing the Sense of Congress Regarding North Korean Refugees in China and Those Who Are Returned to North Korea Where They Face Torture, Imprisonment, and Execution*, 107th Cong., 2nd sess., 2002. S.CON.RES.114.

\_\_\_\_\_. *A Resolution Expressing the Sense of the Senate Regarding Human Rights Violations in Tibet, the Panchen Lama, and the Need for Dialogue between the Chinese Leadership and the Dalai Lama or His Representatives*, 107th Cong., 2nd sess., 2002. S.RES.252.

\_\_\_\_\_. *National Defense Authorization Act for Fiscal Year 2006*, 108th Cong., 1st sess., 2003. S.1042.

\_\_\_\_\_. *A Resolution Calling on the People's Republic of China Immediately and Unconditionally to Release Rebiya Kadeer, and for Other Purposes*, 108th Cong., 1st sess., 2003. S.RES.230.

\_\_\_\_\_. *A Resolution to Encourage the People's Republic of China to Establish a Market-Based Valuation of the Yuan and to Fulfill Its Commitments under International Trade Agreements*, 108th Cong., 1st sess., 2003. S.RES.219.

\_\_\_\_\_. *A Joint Resolution Expressing Support for Freedom in Hong Kong*, 108th Cong., 2nd sess., 2004. S.J.RES.33.

- \_\_\_\_\_. *A Resolution Expressing the Sense of the Senate Regarding the Detention of Tibetan Political Prisoners by the Government of the People's Republic of China*, 108th Cong., 2nd sess., 2004. S.RES.483.
- \_\_\_\_\_. *A Concurrent Resolution Expressing the Sense of the Congress on World Intellectual Property Day Regarding the Importance of Protecting Intellectual Property Rights Globally*, 109th Cong., 1st sess., 2005. S.CON.RES.28.
- \_\_\_\_\_. *Department of Defense Authorization Act for Fiscal Year 2006*, 109th Cong., 1st sess., 2005. S.1043.
- \_\_\_\_\_. *National Defense Authorization Act for Fiscal Year 2006*, 109th Cong., 1st sess., 2005. S.1042.
- \_\_\_\_\_. *A Resolution Urging the European Union to Maintain Its Arms Export Embargo on the People's Republic of China*, 109th Cong., 1st sess., 2005. S.RES.91.
- \_\_\_\_\_. *Fourteenth Dalai Lama Congressional Gold Medal Act*, 109th Cong., 2nd sess., 2006. S.2784.
- \_\_\_\_\_. *A Resolution Condemning the Violence in Tibet and Calling for Restraint by the Government of the People's Republic of China and the People of Tibet*, 110th Cong., 2nd sess., 2008. S.RES.504.
- Shenon, Philip. "No Policy Turn, U.S. Assures Taiwan Again." *New York Times*, July 7, 1998.
- Sigelman, Lee. "A Reassessment of the Two Presidencies Thesis." *The Journal of Politics* 41, no. 4 (1979): 1195-1205.
- Simon, Paul, "Congressional Record, 103rd Congress (1993-1994), Senate - July 20, 1994 [Page: S9330]", Library of Congress, <http://thomas.loc.gov/cgi-bin/query/D?r103:1:/temp/~r1030tvujJ:> (accessed June 25, 2010).
- \_\_\_\_\_, "Congressional Record, 103rd Congress (1993-1994), Taiwan in International Organizations (Senate - October 07, 1994), [Page: S14953]",

Library of Congress <http://thomas.loc.gov/cgi-bin/query/D?r103:3:./temp/~r103r3Ytqd:> (accessed June 25, 2010).

Sinclair, Barbara. "Congressional Party Leaders in the Foreign and Defense Policy Arena." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by Randall B. Ripley and James M. Lindsay, viii, 337 p. Ann Arbor: University of Michigan Press, 1993.

Singer, J. David. "The Level-of-Analysis Problem in International Relations." *World Politics* 14, no. 1 (1961): 77-92.

Sorkin, Andrew Ross, and Jad Mouawad. "Bid by Chevron in Big Oil Deal Thwarts China." *New York Times*, July 20, 2005.

Spanier, John W., and Eric M. Uslaner. *How American Foreign Policy Is Made*. 2d ed. Huntington, N.Y.: R. E. Krieger Pub. Co., 1978.

\_\_\_\_\_. *American Foreign Policy Making and the Democratic Dilemmas*. 4th ed. New York: Holt, Rinehart and Winston, 1985.

Spence, Floyd, "Congressional Record, 104th Congress (1995-1996), National Defense Authorization Act for Fiscal Year 1997 (House of Representatives - May 14, 1996)", Library of Congress <http://thomas.loc.gov/cgi-bin/query/C?r104:./temp/~r1044bxbpRy> (accessed September 11, 2010).

Staff. "Appropriations: Foreign Operations." *CQ Weekly*, November 2, 1996.

\_\_\_\_\_. "Iran Says It Will Not Give up Uranium Enrichment Program." *New York Times*, August 1, 2004.

State Department of the United States, "2006 Country Reports on Human Rights Practices", Bureau of Democracy, Human Rights, and Labor <http://www.state.gov/g/drl/rls/hrrpt/2006/index.htm> (accessed February 1, 2011).

\_\_\_\_\_. *Foreign Relations of the United States 1952 - 1975*. Houston, TX: RADIX Press, 2002.

- Studies, Center for Nonproliferation, "Missile Technology Control Regime"  
<http://cns.miis.edu/research/india/china/mtrorg.htm> (accessed September 20, 2010).
- Suettinger, Robert. *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*, Washington, D.C.: Brookings Institution Press, 2003.
- \_\_\_\_\_. *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000*, Washington, D.C.: Brookings Institution Press, 2003.
- Sutter, Robert. "The U.S. Congress: Personal, Partisan, Political." In *Making China Policy: Lessons from the Bush and Clinton Administrations*, edited by Ramon Hawley Myers, Michel Oksenberg and David L. Shambaugh, ix, 314 p. Lanham, Md.: Rowman & Littlefield Publishers, 2001.
- Sutter, Robert G. *U.S. Policy toward China: An Introduction to the Role of Interest Groups* Lanham, Md.: Rowman & Littlefield Publishers, 1998.
- Taiwan Documents Project, "The "Six Assurances" To Taiwan"  
<http://www.taiwandocuments.org/assurances.htm> (accessed September 30, 2009).
- "Taiwan Relations Act, 1979 Legislative Chronology." In *Congress and the Nation, 1977-1980*, 5, 65. Washington, D.C., United States: CQ Press, 1981.
- "Tariffs", World Trade Organization  
[http://www.wto.org/english/tratop\\_e/tariffs\\_e/tariffs\\_e.htm](http://www.wto.org/english/tratop_e/tariffs_e/tariffs_e.htm) (accessed February 23, 2011).
- Thurman, James N. "Why Should Us Use Foreign Rockets?" *Christian Science Monitor*, June 18 1998.
- Tierney, John T. "Interest Groups Involvement in Congressional Foreign and Defense Policy." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by Randall Ripley and James Lindsey. Ann Arbor: University of Michigan Press.



Tocqueville, Alexis de. *Democracy in America*. Vol. 1, Edited by Henry Reeve: Project Gutenberg EBook, 2006.

\_\_\_\_\_. *Democracy in America*. Vol. 2, Edited by Henry Reeve: Project Gutenberg EBook, 2006.

Tosini, Suzanne C., and Edward Tower. "The Textile Bill of 1985: The Determinants of Congressional Voting Patterns." *Public Choice* 54, no. 1 (1987): 19-25.

"Trade Act of 1974." In *Pub.L. 93-618, 88 Stat. 1978, 19 U.S.C.*, 19, 1974.

Tucker, Nancy Bernkopf. *China Confidential: American Diplomats and Sino-American Relations, 1945-1996*. New York: Columbia University Press, 2001.

\_\_\_\_\_. *Strait Talk: United States-Taiwan Relations and the Crisis with China*. Cambridge, MA: Harvard University Press, 2009.

Tyler, Patrick. "China Charges Leading Dissident with Trying to Overthrow Regime." *New York Times*, November 22, 1995.

\_\_\_\_\_. "China Protests U.S. Trade Sanctions." *New York Times*, August, 28, 1993.

\_\_\_\_\_. "China Rejects Choice of Boy as Tibet Lama." *New York Times*, November 13, 1995.

\_\_\_\_\_. "China Says Dissident Is Freed, but Family Waits." *New York Times*, September 15, 1993.

\_\_\_\_\_. "In Warning to U.S., China Cracks Down on 2 Dissidents." *New York Times*, June 29, 1995.

\_\_\_\_\_. "Sidetracking Rights, U.S. Aide Pursues Business in China." *New York Times*, August 30, 1994.

\_\_\_\_\_. "Verdict in Beijing: The Overview; Beijing Sends a Strong Warning with Long Sentence for Dissenter." *New York Times*, December 14, 1995.

\_\_\_\_\_. *A Great Wall: Six Presidents and China: An Investigative History*. 1st ed. New York: PublicAffairs, 1999.

Tyler, Patrick E. "Taiwan's Leader Wins Its Election and a Mandate." *New York Times*, March 24, 1996.

"U.S. Exports, Imports, and Merchandise Trade Balance by Country: 2004 to 2008", United States Census Bureau  
<http://www.census.gov/compendia/statab/2010/tables/10s1271.pdf>  
(accessed February 23, 2011).

"U.S. Preparing Trade Sanctions against China." *New York Times*, December 31, 1994.

U.S. State Department Spokesman, "Special Briefing on U.S.-China Discussions on Non-Proliferation and Nuclear-Related Exports", State Department  
<http://www.state.gov/www/current/debate/510spbrf.html> (accessed October 23, 2010).

"Understanding the Wto: The Agreements; Non-Tariff Barriers: Red Tape, Etc", World Trade Organization  
[http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/agrm9\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm9_e.htm)  
(accessed February 23, 2011).

United Nations Office for Disarmament Affairs, "Treaty on the Non-Proliferation of Nuclear Weapons (Npt)", United Nations  
<http://www.un.org/disarmament/WMD/Nuclear/NPT.shtml> (accessed September 21, 2010).

Van Vranken Kickey, Dennis. "New Directions in China's Arms for Export Policy: An Analysis of China's Military Ties with Iran." *Asian Affairs* 17, no. 1 (1990): 15-29.

Vogel, Ezra. *Deng Xiaoping and the Transformation of China*. Cambridge, MA: The Belknap Press of Harvard University Press, 2011.

- Weaver, Warren. "Unofficial U.S. Links to Taiwan Approved by House and Senate." *The New York Times*, March 14, 1979.
- Weiner, Tim. "China Sold Parts for Nuclear Arms, U.S. Officials Say." *New York Times*, February 8, 1996.
- Weinraub, Bernard. "India Becomes 6th Nation to Set Off Nuclear Device." *New York Times*, May 19, 1974.
- "What Are Intellectual Property Rights?", World Trade Organization  
[http://www.wto.org/english/tratop\\_e/trips\\_e/intell\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/intell_e.htm) (accessed February 22, 2011).
- White, Joseph. "Decision Making in the Appropriations Subcommittees on Defense and Foreign Operations." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by Randall B. Ripley and James M. Lindsay, viii, 337 p. Ann Arbor: University of Michigan Press, 1993.
- Wildavsky, Aaron. "The Two Presidencies." *Transaction*, no. IV (1966): 7-14.
- Wildavsky, Aaron B. *The Beleaguered Presidency*. New Brunswick, U.S.A.: Transaction Publishers, 1991.
- Wink, Kenneth A., C. Don Livingston, and James C. Garand. "Dispositions, Constituencies, and Cross-Pressures: Modeling Roll-Call Voting on the North American Free Trade Agreement in the U. S. House." *Political Research Quarterly* 49, no. 4 (1996): 749-770.
- World Trade Organization, "Understanding the Wto: The Agreements; Anti-Dumping, Subsidies, Safeguards", World Trade Organization  
[http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/agrm8\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm8_e.htm)  
(accessed February 17, 2011).
- Wu, Hongda Harry, and Ted Slingerland. *Laogai: The Chinese Gulag*. Boulder: Westview Press, 1992.
- Xie Tao. *U.S.-China Relations: China Policy on Capitol Hill*, Routledge Contemporary China Series. London/New York: Routledge, 2009.

Xu Guangqiu. *Congress and the U.S.-China Relationship, 1949-1979* 1st ed.  
Series on International, Political, and Economic History. Akron, OH:  
University of Akron Press, 2007.

Yardley, Jim. "Violence in Tibet as Monks Clash with the Police." *New York Times*, March 15, 2008.