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REPORT
107–40

EXPRESSING THE SENSE OF CONGRESS THAT THE 2008 OLYMPIC GAMES SHOULD NOT BE HELD IN BEIJING UNLESS THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA RELEASES ALL POLITICAL PRISONERS, RATIFIES THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AND OBSERVES INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

APRIL 4, 2001.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Con. Res. 73]

[Including cost estimate of the Committee]

The Committee on International Relations, to whom was referred the concurrent resolution (H. Con. Res. 73) expressing the sense of Congress that the 2008 Olympic Games should not be held in Beijing unless the Government of the People's Republic of China releases all political prisoners, ratifies the International Covenant on Civil and Political Rights, and observes internationally recognized human rights, having considered the same, reports favorably thereon with amendments and recommends that the concurrent resolution as amended be agreed to.

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THE AMENDMENT

The amendments are as follows:

Strike all after the resolving clause and insert the following:

That the Congress—

(1) acknowledges and supports the January 16, 2001, open letter released by Chinese dissidents and the families of imprisoned Chinese political prisoners stating that the release of China's political prisoners would improve Beijing's stature in its bid to host the 2008 Olympic Games;

(2) expresses the view that, consistent with its stated principles, the International Olympic Committee should not award the 2008 Olympics to Beijing unless the Government of the People's Republic of China releases all of China's political prisoners, ratifies the International Covenant on Civil and Political Rights without major reservations, fully implements the International Covenant on Economic, Social and Cultural Rights, and observes internationally recognized human rights;

(3) calls for the creation of an international Beijing Olympic Games Human Rights Campaign in the event that Beijing receives the Olympics to focus international pressure on the Government of the People's Republic of China to grant a general amnesty for all political prisoners prior to the commencement of the 2008 Olympics as well as to ratify the International Covenant on Civil and Political Rights;

(4) calls on the Secretary of State to endorse publicly the creation of the Beijing Olympic Games Human Rights Campaign in the event that Beijing receives the Olympics, and to utilize all necessary diplomatic resources to encourage other nations to endorse and support the campaign as well, focusing particular attention on member states of the European Union and the Association of Southeast Asian Nations (ASEAN), Japan, Canada, Australia, the Nordic countries, and all other countries engaged in human rights dialogue with China;

(5) requests that the President, during his expected participation in the Asia-Pacific Economic Cooperation (APEC) Leaders Summit in Shanghai in October 2001, call for the release of all Chinese political prisoners and Chinese ratification of the International Covenant on Civil and Political Rights;

(6) recommends that the Congressional-Executive Commission on the People's Republic of China, established under title III of the U.S.-China Relations Act of 2000 (Public Law 106–286), devote significant resources to monitoring any violations of the rights of political dissidents and political prisoners, or other increased abuses of internationally recognized human rights, in the preparation to the 2008 Olympic Games and during the Olympic Games themselves; and

(7) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the senior International Olympic Committee representative in the United States with the request that it be circulated to all members of the Committee.

Amend the preamble to read as follows:

Whereas the International Olympic Committee is in the process of determining the venue of the Olympic Games in the year 2008 and is scheduled to make that decision at the IOC meeting scheduled for Moscow in July 2001;

Whereas the city of Beijing has made a proposal to the International Olympic Committee that the summer Olympic Games in the year 2008 be held in Beijing;

Whereas the Olympic Charter states that Olympism and the Olympic ideal seek to foster "respect for universal fundamental ethical principles";

Whereas the United Nations General Assembly Resolution 48/11 (October 25, 1993) recognized "that the Olympic goal of the Olympic Movement is to build a peaceful and better world by educating the youth of the world through sport, practiced without discrimination of any kind and the Olympic spirit, which requires mutual understanding, promoted by friendship, solidarity and fair play";

Whereas United National General Assembly Resolution 50/13 (November 7, 1995) stressed "the importance of the principles of the Olympic charter, according to which any form of discrimination with regard to a country or a person on

grounds of race, religion, politics, sex or otherwise is incompatible with the Olympic Movement";

Whereas the Department of State's Country Reports on Human Rights Practices for 2000 reports the following:

(1) "The [Chinese] government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms.".

(2) "Abuses included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process.".

(3) "The Government infringed on citizens' privacy rights.".

(4) "The Government maintained tight restrictions on freedom of speech and of the press, and increased its efforts to control the Internet; self-censorship by journalists continued.".

(5) "The Government severely restricted freedom of assembly and continued to restrict freedom of association.".

(6) "The Government continued to restrict freedom of religion and intensified controls on some unregistered churches.".

(7) "During the year, there were numerous credible reports of abuse of Falun Gong practitioners by the police and other security personnel, including police involvement in beatings, detention under extremely harsh conditions, and torture (including by electric shock and by having hands and feet shackled and linked with crossed steel chains).".

(8) "The Government continued to restrict freedom of movement.".

(9) "The Government does not permit independent domestic nongovernmental organizations (NGOs) to monitor publicly human rights conditions.".

(10) "[The Government has not stopped] violence against women (including coercive family planning practices—which sometimes include forced abortion and forced sterilization).".

(11) "The Government continued to restrict tightly worker rights, and forced labor in prison facilities remains a serious problem. Child labor exists and appears to be a growing problem in rural areas as adult workers leave for better employment opportunities in urban areas.".

(12) "Some minority groups, particularly Tibetan Buddhists and Muslim Uighurs, came under increasing pressure as the Government clamped down on dissent and 'separatist' activities.";

Whereas the egregious human rights abuses committed by the Government of the People's Republic of China are inconsistent with the Olympic ideal;

Whereas 119 Chinese dissidents and relatives of imprisoned political prisoners, from 22 provinces and cities, issued an open letter on January 16, 2001, signed at enormous political risk which expresses the "grief and indignation for each of China's political prisoners and their families", asks the Chinese Government to release all of China's political prisoners, and asserts that the release of China's political prisoners will improve "Beijing's stature in its bid for the 2008 Olympics"; and

Whereas, although the Government of the People's Republic of China signed the International Covenant on Civil and Political Rights in 1998, but has failed to ratify the treaty, and has indicated that it will not fully implement the recently ratified International Covenant on Economic, Social and Cultural Rights: Now, therefore, be it

BACKGROUND AND PURPOSE

H. Con. Res. 73 was introduced on March 21, 2001 by Mr. Lantos (for himself, Mr. Cox, and 50 other original co-sponsors). The resolution expresses the sense of Congress that the 2008 Olympic Games should not be held in Beijing unless the Government of the People's Republic of China releases all political prisoners, ratifies the International Covenant on Civil and Political Rights, and observes internationally recognized human rights. It relates facts and statements that indicate that Beijing currently is bidding to host the 2008 Olympic Games and that the Chinese Government continues systematically to violate internationally recognized human rights. The resolution acknowledges and supports a recent open letter from Chinese dissidents and the families of Chinese political prisoners, and expresses the view that the International Olympic

Committee should not award the 2008 Olympic Games to Beijing unless the Government of the People's Republic of China releases all political prisoners, ratifies the International Covenant on Civil and Political Rights, and observes internationally recognized human rights. It also calls for the creation of an international Beijing Olympic Games Human Rights Campaign in the event that Beijing receives the Olympics, calls on the Secretary of State to endorse publicly the creation of the Campaign and to utilize all resources to encourage other nations to support the Campaign, and requests that the President, when he participates in the October 2001 APEC meeting, call for the release of all Chinese political prisoners, and Chinese ratification of the International Covenant on Civil and Political Rights. The resolution also recommends that the Congressional-Executive Commission on the People's Republic of China devote significant resources to monitoring any violations of the rights of political dissidents and political prisoners in preparation for the 2008 Olympic Games, and directs the Clerk of the House to transmit a copy of H. Con. Res. 73 to the senior International Olympic Committee (IOC) representative in the United States with the request that it be circulated to all members of the Committee.

BEIJING'S BID FOR THE OLYMPICS AND HUMAN RIGHTS

International Olympic Committee officials currently are considering China's bid for the 2008 summer games and will make a decision at the IOC meeting scheduled for Moscow in July 2001. The resolution approved by the Committee clearly states that: Congress believes that the IOC should not grant China the privilege of hosting the Olympics; its repressive regime does not deserve the international legitimacy this honor bestows; and China's poor human rights record violates the spirit of the games and should disqualify Beijing from consideration.

The Olympics are first and foremost about sports—athletes from around the world uniting in their love of the game and their commitment to free and fair competition. But human rights are also central to the Olympic ideal. The Olympic charter makes clear that "Olympism" includes "respect for universal fundamental ethical principles." Given China's poor human rights record, it is unworthy to host the Olympics.

According to the State Department's annual Country Reports on Human Rights Practices, the Chinese government's record "worsened" over the past year as it committed "numerous serious abuses", from raiding home churches, to jailing internet entrepreneurs, to silencing democratic activists. Mary Robinson, High Commissioner for UN Human Rights, recently castigated China for its forced "re-education" labor camps for political dissidents. In particular, the regime's crackdown on the Falun Gong spiritual movement is well-known, including recent reports of forceable imprisonment in psychiatric hospitals. Eager to win international approval, Chinese officials argue that the human rights situation in their country is improving. The State Department's report proves just the opposite is true.

During the 1930's, Olympic officials faced a similar decision. Should they overlook Nazi Germany's human rights abuses and grant the resurgent economic power its bid for the 1936 games? Re-

grettably they did so, and this decision turned out to be a grave mistake. Jesse Owens' heroics notwithstanding, the Berlin Olympics served to strengthen Hitler's standing with the German people, providing him with a freer hand to crack down on internal political dissent. The rest is a chapter of history we dare not forget.

In 1993, Beijing was bidding to host the 2000 Olympic Games. In response to China's terrible human rights record, Congress overwhelmingly approved a resolution opposing Beijing's bid. Through this resolution, Congress sent a clear signal to the International Olympic Committee, which ultimately selected Sydney over Beijing. The 2000 Games in Sydney were an enormous success, in no small part due to the free and open environment in which they were held.

The Committee looks forward to the day when the Olympics will be held in Beijing. China is one of the world's great civilizations, rich in history and culture. Its people are among the most dynamic; its athletes among the most talented. But, regrettably, its government is among the most tyrannical. Denying China the Olympics would affirm the principle of right over might. China should earn the games not because of its size or economic strength, but by virtue of its commitment to human rights and to upholding the Olympic ideal.

COMMITTEE ACTION

On March 7, 2001, the Subcommittee on International Operations and Human Rights conducted a hearing on the State Department's Country Reports on Human Rights Practices for the Calendar Year 2000, including testimony regarding human rights conditions in the People's Republic of China.

H. Con. Res. 73 was introduced by Representative Lantos on March 21, 2001, along with 51 cosponsors, and was referred by the Speaker to the Committee on International Relations.

On March 28, 2001, the International Relations Committee marked up H. Con. Res. 73, pursuant to notice, in open session.

The Committee adopted, by a rollcall vote of 32–1, an amendment offered by Mr. Lantos which added a clause to the preamble calling attention to the abuse of members of the spiritual organization Falun Gong by the Chinese government.

Subsequently, a quorum being present, the Committee agreed, by a rollcall vote of 27 ayes and 8 noes, to a motion offered by the Chairman to favorably report the resolution, as amended, in the form of an amendment in the nature of a substitute, to the House of Representatives.

COMMITTEE CONSIDERATION

On March 28, 2001 the Committee met in open session and ordered favorably reported the resolution H. Con. Res. 73 with an amendment in the nature of a substitute by a rollcall vote of 27 to 8, a quorum being present.

VOTES OF THE COMMITTEE

1. Mr. Lantos offered an amendment which added a clause to the preamble calling attention to the abuse of the Falun Gong. The amendment was agreed to by a rollcall vote of 32 ayes to 1 no.

Voting yes: Gilman, Leach, Smith (NJ), Ros-Lehtinen, Ballenger, Rohrabacher, Royce, Houghton, Cooksey, Tancredo, Smith (MI), Issa, Cantor, Flake, Davis (VA), Lantos, Ackerman, Menendez, Brown (OH), Hastings,Sherman, Wexler, Davis (FL), Engel, Meeks, Lee, Crowley, Hoeffel, Blumenauer, Berkley, Schiff, and Hyde.

Voting no: Paul.

2. H. Con. Res. 73 was ordered favorably reported to the House, as amended, by a rollcall vote of 27 ayes to 8 noes.

Voting yes: Gilman, Smith (NJ), Ros-Lehtinen, Ballenger, Rohrabacher, Royce, King, Cooksey, Tancredo, Issa,Cantor, Davis (VA), Lantos, Ackerman, Menendez, Brown (OH), Sherman, Wexler, Engel, Meeks, Lee, Crowley, Hoeffel, Blumenauer, Berkley, Schiff, and Hyde.

Voting no: Leach, Houghton, Paul, Smith (MI), Flake, Kerns, Hastings, and Davis (FL).

COMMITTEE OVERSIGHT FINDINGS

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

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

COMMITTEE COST ESTIMATE

The Committee believes that the resolution will have no cost for the current fiscal year, and that there would be no cost incurred in carrying out H. Con. Res. 73 for the next five fiscal years.

PERFORMANCE GOALS AND OBJECTIVES

The committee believes that the language in the preamble and the text of the resolution, if enacted, would meet the goals and objectives of the resolution.

CONSTITUTIONAL AUTHORITY STATEMENT

The Committee finds the authority for this legislation in Article I, section 8, clause 18 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

The title of the resolution is "Expressing the sense of Congress that the 2008 Olympic Games should not be held in Beijing unless the Government of the People's Republic of China releases all political prisoners, ratifies the International Covenant on Civil and Political Rights, and observes internationally recognized human rights."

The first preambular clause provides that the International Olympic Committee is in the process of determining the venue of

the Olympic Games in the year 2008 and is scheduled to make that decision at the IOC meeting scheduled for Moscow in July 2001.

The second preambular clause provides that the city of Beijing has made a proposal to the International Olympic Committee that the summer Olympic Games in the year 2008 be held in Beijing.

The third preambular clause provides that the Olympic Charter states that Olympism and the Olympic ideal seek to foster "respect for universal fundamental ethical principles."

The fourth preambular clause provides that the United Nations General Assembly Resolution 48/11 (October 25, 1993) recognized "that the Olympic goal of the Olympic Movement is to build a peaceful and better world by educating the youth of the world through sport, practiced without discrimination of any kind and the Olympic spirit, which requires mutual understanding, promoted by friendship, solidarity and fair play."

The fifth preambular clause provides that United National General Assembly Resolution 50/13 (November 7, 1995) stressed "the importance of the principles of the Olympic charter, according to which any form of discrimination with regard to a country or a person on grounds of race, religion, politics, sex or otherwise is incompatible with the Olympic Movement."

The sixth preambular clause cites certain quotes from the Department of State's Country Reports on Human Rights Practices for 2000:

(1) "The [Chinese] government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms.".

(2) "Abuses included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process.".

(3) "The Government infringed on citizens' privacy rights.".

(4) "The Government maintained tight restrictions on freedom of speech and of the press, and increased its efforts to control the Internet; self-censorship by journalists continued.".

(5) "The Government severely restricted freedom of assembly and continued to restrict freedom of association.".

(6) "The Government continued to restrict freedom of religion and intensified controls on some unregistered churches.".

(7) "During the year, there were numerous credible reports of abuse of Falun Gong practitioners by the police and other security personnel, including police involvement in beatings, detention under extremely harsh conditions, and torture (including by electric shock and by having hands and feet shackled and linked with crossed steel chains).".

(8) "The Government continued to restrict freedom of movement.".

(9) "The Government does not permit independent domestic nongovernmental organizations (NGOs) to monitor publicly human rights conditions.".

(10) "[The Government has not stopped] violence against women (including coercive family planning practices—which sometimes include forced abortion and forced sterilization).".

(11) "The Government continued to restrict tightly worker rights, and forced labor in prison facilities remains a serious problem.

Child labor exists and appears to be a growing problem in rural areas as adult workers leave for better employment opportunities in urban areas.".

(12) "Some minority groups, particularly Tibetan Buddhists and Muslim Uighurs, came under increasing pressure as the Government clamped down on dissent and 'separatist' activities.".

The seventh preambular clause provides that the egregious human rights abuses committed by the Government of the People's Republic of China are inconsistent with the Olympic ideal.

The eighth preambular clause provides that 119 Chinese dissidents and relatives of imprisoned political prisoners, from 22 provinces and cities, issued an open letter on January 16, 2001, signed at enormous political risk which expresses the "grief and indignation for each of China's political prisoners and their families", asks the Chinese government to release all of China's political prisoners, and asserts that the release of China's political prisoners will improve "Beijing's stature in its bid for the 2008 Olympics."

The ninth preambular clause explains that the Government of the People's Republic of China signed the International Covenant on Civil and Political Rights in 1998, but has failed to ratify the treaty, and has indicated that it will not fully implement the recently ratified International Covenant on Economic, Social and Cultural Rights.

The resolved clause provides that the House of Representatives, with the Senate concurring,

(1) acknowledges and supports the January 16, 2001, open letter released by Chinese dissidents and the families of imprisoned Chinese political prisoners stating that the release of China's political prisoners would improve Beijing's stature in its bid to host the 2008 Olympic Games;

(2) expresses the view that, consistent with its stated principles, the International Olympic Committee should not award the 2008 Olympics to Beijing unless the Government of the People's Republic of China releases all of China's political prisoners, ratifies the International Covenant on Civil and Political Rights without major reservations, fully implements the International Covenant on Economic, Social and Cultural Rights, and observes internationally recognized human rights;

(3) calls for the creation of an international Beijing Olympic Games Human Rights Campaign, in the event that Beijing receives the Olympics, to focus international pressure on the Government of the People's Republic of China to grant a general amnesty for all political prisoners prior to the commencement of the 2008 Olympics as well as to ratify the International Covenant on Civil and Political Rights;

(4) calls on the Secretary of State to endorse publicly the creation of the Beijing Olympic Games Human Rights Campaign, in the event that Beijing receives the Olympics, and to utilize all necessary diplomatic resources to encourage other nations to endorse and support the campaign as well, focusing particular attention on member states of the European Union and the Association of Southeast Asian Nations (ASEAN), Japan, Canada, Australia, the Nordic countries, and all other countries engaged in human rights dialogue with China;

(5) requests that the President, during his expected participation in the Asia-Pacific Economic Cooperation (APEC) Leaders Summit in Shanghai in October 2001, call for the release of all Chinese political prisoners, and Chinese ratification of the International Covenant on Civil and Political Rights;

(6) recommends that the Congressional-Executive Commission on the People's Republic of China, established under title III of the U.S.-China Relations Act of 2000 (Public Law 106–286), devote significant resources to monitoring any violations of the rights of political dissidents and political prisoners, or other increased abuses of internationally recognized human rights, in the preparation of the 2008 Olympic Games, and during the Olympic Games themselves; and

(7) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the senior International Olympic Committee representative in the United States with the request that it be circulated to all members of the Committee.

NEW ADVISORY COMMITTEES

H. Con. Res. 73 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H. Con. Res. 73 does not apply to the legislative branch.

FEDERAL MANDATES

H. Con. Res 73 provides no Federal mandates.

CHANGES IN EXISTING LAW MADE BY THE RESOLUTION, AS REPORTED

H. Con. Res. 73 makes no changes in existing law.

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