

MARKUP OF H. CON. RES. 322 AND S. CON.
RES. 81

MARKUP
BEFORE THE
SUBCOMMITTEE ON ASIA AND THE PACIFIC
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTH CONGRESS

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MARKUP OF H. CON. RES. 322 AND S. CON. RES. 81

Tuesday, June 27, 2000

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C.

The Subcommittee met, pursuant to notice, at 3:10 p.m. In Room 2255, Rayburn House Office Building, Hon. Doug Bereuter (Chairman of the Subcommittee) presiding.

Mr. BEREUTER. The Subcommittee will come to order.

We meet in open session to consider two measures, H. Con. Res. 322, relating to Vietnam; and S. Con. Res. 81, relating to the People's Republic of China's arrest of Rabiya Kadeer.

We will call up first H. Con. Res. 322. This expresses the sense of the Congress regarding the sacrifices of individuals who served in the armed forces of the Republic of Vietnam, which the clerk will read.

The CLERK. H. Con. Res. 322, expressing the sense of Congress regarding Vietnamese Americans and others who seek to improve social and political conditions in Vietnam.

Whereas on April 30, 1975, Saigon, Vietnam, fell to Communist forces and the current—

Mr. BEREUTER. Without objection, further reading of the resolution will be dispensed with, printed in the record in full and open for amendment.

[The information referred appears in the appendix.]

Mr. BEREUTER. The resolution was introduced on May 11th by the gentleman from Virginia, Mr. Davis, cosponsored by this and other Members to recognize the Vietnamese who fought bravely side by side with U.S. forces in Vietnam and to applaud all those whose efforts focused international attention on human rights violations in Vietnam.

Every year on June 19th, the Vietnamese American community traditionally commemorates those who gave their lives in the struggle to preserve the freedom of the former Republic of Vietnam.

During the war, the armed forces of the Republic of Vietnam suffered enormous casualties, including over 250,000 killed and more than 750,000 wounded. They continued to suffer after the fighting ended when many were imprisoned and forced to undergo so-called re-education. They continue their efforts even now, playing an important role in raising international awareness of human rights violations in the Socialist Republic of Vietnam.

Earlier this year, the International Relations Committee passed and the House approved Mr. Rohrabacher's H. Con. Res. 295 on human rights and political oppression in Vietnam. While I support Mr. Davis' resolution, there is some inevitable duplication in the two initiatives. The Chairman will be offering an amendment in the nature of a substitute, agreed to by Mr. Davis, which eliminates the duplication with Mr. Rohrabacher's resolution and focuses this resolution on commemorating the service and sacrifices of the former members of the armed forces of the Republic of Vietnam. This Member hopes that all of his colleagues will support this laudable resolution in its substitute form.

I now turn to the Subcommittee's distinguished Ranking Member, the gentleman from California, Mr. Lantos, for any comments that he might wish to make. Mr. Lantos.

Mr. LANTOS. Mr. Chairman, I associate myself with your remarks, and I support your position.

Mr. BEREUTER. Thank you, Mr. Lantos.

Are there other members who wish to be heard?

Mr. Rohrabacher.

Mr. ROHRABACHER. Mr. Chairman, as original Co-sponsor, I strongly support this resolution by Mr. Davis of Virginia; and I congratulate the gentleman as well as you, Mr. Chairman, for this amendment.

I would like to say my able assistant, Al Santoli, who fought in the Vietnam War and won three Purple Hearts, and I spent several months in Vietnam in 1967 on various political operations.

The fact is, those of us who were in Vietnam during the war and witnessed the situation with the Vietnamese and the post-war refugee camps after the war crowded with Vietnamese boat people, many of whom arrived with nothing, nothing from their homeland, and we have continued to watch the ongoing development with the Vietnamese community, and let me say that it has been inspiring for us to see this transition from the war to being homeless refugees to now being people of great accomplishment here in the United States of America.

I am especially impressed with the young generation, some of whom were born in refugee camps, others who were born here, all of whom are excelling in their studies, and yet they have not, this younger generation of Vietnamese Americans, forgotten the cause of freedom in their homeland.

The resolution recognizes the sacrifices of the Vietnamese Americans who fought in the armed forces of the Republic of South Vietnam, and it also recognizes the abysmal failure of the Communist tyrants who have suppressed the Vietnamese people for the last 25 years. This is a profound bit of evidence for anyone who has any doubts about the true nature of communism and also underscores that the Vietnam War, as President Ronald Reagan described it, was a noble cause.

This resolution, written by Mr. Davis and a member of his staff, Ms. Uyen Dihn—she herself exemplifies the hard work and commitment to education and the hard work and commitment to education of the first generation of Vietnamese Americans. This offers a tribute to the achievement of new Americans; and her example and, of course, the example of others should give encouragement to

people everywhere who struggle for freedom and long for human dignity. Those people fighting that fight need only to remember the brave Americans and South Vietnamese soldiers who fought and died to try to preserve freedom in South Vietnam so many years ago and the success of the Vietnamese Americans who live under freedom today in the United States.

Mr. BEREUTER. Thank you, Mr. Rohrabacher.

Any further discussion or statements?

Mr. HASTINGS. Mr. Chairman.

Mr. BEREUTER. The gentleman from Florida.

Mr. HASTINGS. Mr. Chairman, I have no additional statement. I support the measure as well as your amendment in the nature of a substitute. I would merely ask that my name be included as a co-sponsor, if the time is appropriate at this time.

Mr. BEREUTER. Thank you. We will ask Mr. Davis for that to be done.

Mr. HASTINGS. Thank you.

Mr. BEREUTER. I would say, responding to the gentleman from California, he is certainly right to call attention to the accomplishments of the Vietnamese Americans today.

My own personal experience with the Vietnamese American community in part was based upon that of my wife who was teaching in the Arlington, Virginia, public school system. The students of Vietnamese American families here succeeded rapidly in school. The families took jobs no one else wanted and started family businesses. Their children did remarkably well in grade and high school and beyond, and they were saving at two times the rate of other Americans.

In my own district we now have 2,000 or so Vietnamese Americans living in Lincoln, and many of them or their family members served in the army of the Republic of Vietnam. As I held a town hall meeting specifically for them recently with interpreters, I found that their only questions and concerns were how to learn English more rapidly and how to be more adequately employed in our society. It is a remarkable success story of these refugees and immigrants.

The amendment is open for discussion. The clerk will read the amendment offered by the Chair.

The CLERK. Amendment in the nature of a substitute to H. Con. Res. 322 offered by Mr. Bereuter.

Strike the preamble and insert the following:

Mr. BEREUTER. Without objection, the amendment is considered as read and printed in the record and open for amendment.

[The information referred to appears in the appendix.]

Mr. BEREUTER. This Member worked with Mr. Davis and was vigilant that this amendment avoided duplication of the substance of H. Con. Res. 295 authored by Mr. Rohrabacher and which the House passed. Again this amendment is, to focus instead on commemorating the sacrifices and services of the former members of the armed forces of the Republic of Vietnam.

Are there questions or comments or discussion on the amendment?

If not, all those in favor of the amendment will say aye. All those opposed, say no.

The ayes appear to have it. The ayes do have it.

Are there further amendments?

If no amendments or no further discussion, the question occurs in agreeing to the resolution as amended. As many as are in favor will say aye. All those opposed, no.

The ayes appear to have it, and the resolution is agreed to.

Without objection, the staff is authorized to make technical, grammatical and conforming changes to the text just agreed to.

The second and remaining order of business is consideration of S. Con. Res. 81, 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. The clerk will read.

The CLERK. S. Con. Res. 81 expressing the sense of 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.

Mr. BEREUTER. Without objection, further reading of the resolution will be dispensed of, printed in the record in full and open for amendment.

[The information referred to appears in the appendix.]

Mr. BEREUTER. S. Con. Res. 81 was introduced by the senior senator from Delaware, Senator William Roth, and approved by the Senate on May 2, 2000, and referred to the House Committee on International Relations on May 3rd.

The resolution expresses the sense of Congress that the People's Republic of China (PRC) should immediately release Rabiya Kadeer, her secretary and her son and permit them to move to the United States if they so desire.

Rabiya Kadeer is a prominent ethnic Uigher from China. Her husband, who works for Radio Free Asia, and she have five children, three sisters and a brother living in the United States. She was arrested in the city of Urumqi as she was attempting to meet a group of congressional staff staying there as part of an official visit to China organized under the auspices of the Mutual Educational and Cultural Exchange Program of the U.S. Information Agency.

On March 10th, Rabiya Kadeer was sentenced to 8 years in prison for the crimes of "illegally giving state information across the border." Her son was sent to a labor camp for 2 years last November for "supporting Uigher separatism," and her secretary was recently sentenced to 3 years in a labor camp.

In Rabiya's case, the so-called state information appears to have consisted essentially of a collection of publicly available Chinese newspaper articles, speeches, and a list of prisoners. This case appears to constitute a clear violation of the international covenant on civil and political rights. This resolution makes clear the strong sense of the Congress that Ms. Kadeer should be immediately released and allowed to join her family in the United States.

This Member urges the Subcommittee to support the resolution offered by the senior senator from Delaware. I will tell my colleagues that a similar resolution was introduced in the House by Mr. Nethercutt of Washington. However, Mr. Nethercutt agreed

that a joint resolution approved by both bodies is preferable to each body considering a separate resolution.

I turn to the Subcommittee's Ranking Minority Member, the distinguished Member from California, for any comments that he might have.

Mr. LANTOS. Mr. Chairman, needless to say, I strongly support the resolution, but I want us to understand clearly as we pass this resolution that this tragic case is one of tens of thousands of the most sickening, outrageous, vicious expressions of human rights abuses on the part of the Communist dictatorship in Beijing.

Not long ago, as the Co-chairman of the Congressional Human Rights Caucus, I chaired a hearing on the most recent abuses of human rights aimed at Falun Gong practitioners; and a few days after our hearing an elderly Falun Gong practitioner, a lady, was killed by the Chinese.

We are conducting a profoundly schizophrenic policy with respect to China. From time to time, we express naive hopes and expectations concerning the vast export opportunities which are present for American businesses, and then the next day we pass resolutions expressing our anguish and pain over these outrages.

I have difficulty reconciling in my own mind this simultaneous dual approach to China. I find it difficult to see how we can at the same time maintain a business-as-usual approach to this awful Communist dictatorship while knowing about these episodes and incidents which are innumerable.

I am delighted that this has been singled out, and I am eager that all of us vote for it so we have this on the record. But this is not even the tip of the iceberg. This is the tip of the tip of the tip of the iceberg. We are talking about vast numbers of people—Catholics, Protestants, Buddhists, other ethnic minorities—people who have expressed the slightest degree of opposition to this truly sickening regime, and yet business as usual is being conducted.

So I strongly support the resolution without the slightest illusion that it will make any impact in those quarters of many of our multinational corporations where, in fact, significant assistance could be given to those of us who have been in the vineyards of the human rights struggle. There is a sort of awkward indifference and embarrassment on the part of much of American corporate leadership with respect to this whole issue. This is analogous to people going to church on Sunday and cheating and robbing and murdering the rest of the 6 days of the week. That is an unseemly phenomenon. This is an unseemly phenomenon.

My vote for this is obviously given without any reservation but with a tremendous degree of cynicism because I do not believe that these occasional gestures of passing a resolution deals with the underlying issue. This is a profoundly evil, corrupt, ruthless, totalitarian regime.

Yesterday, we dealt with their attempt to buy a spy tower on the Pentagon. We have seen the singularly benign and nonthreatening group of men and women who belong to the Falun Gong persecuted with a degree of ruthlessness. His holiness, the Dali Lama, is still being treated like a criminal; and the pattern of human rights violations, as the State Department's own annual report clearly indicates, is getting worse, more oppressive, more widespread and more

appalling. And it is no wonder that the Chinese leadership ignores and ridicules and sloughs off all of our efforts along these lines.

Thank you, Mr. Chairman.

Mr. BEREUTER. Thank you, Mr. Lantos.

Are there other Members who wish to be heard?

Mr. HASTINGS. Mr. Chairman.

Mr. BEREUTER. The gentleman from Florida.

Mr. HASTINGS. I would like to associate myself with your and Mr. Lantos' remarks, and I support it. But in the first full paragraph of the first page Ms. Kadeer's husband is referred to as Sidik Rouzi—and I stand to be corrected with reference to the pronunciation—and then on the second full paragraph, citing a newspaper, his name is referred to in the newspaper article as Sidik Haji. I have no quarrel with it. I just am curious. Is the husband Sidik Rouzi or Haji? Or does it matter? Or is he both?

Mr. BEREUTER. I don't know the answer to that. You raise an interesting question. We will get to the bottom of it, and if necessary I will ask for changes, if necessary. We will be in contact with the Senate to see if the original sponsor of the resolution has an answer to your inquiry.

[Ms. Kadeer's husband is named Sidik Rouzi. "Haji" is an honorific title.]

Mr. HASTINGS. Thank you.

Mr. BEREUTER. Let me just say, in response to Mr. Lantos, I hope the gentleman understands that I have nothing but great respect and admiration for the work that he does on the Human Rights Caucus as a Co-Chairman. We have recently had a substantial discussion about relations in light of the discussions and vote on Permanent Normal Trade Relations (PNTR); and there is disagreement as to how in fact we can have impact, even marginal impact on the People's Republic of China and their conduct with respect to their own citizens.

My own judgment is that the current procedure we have used in the past is almost insignificant in having any impact and that we need to act in our national interest and try over a period of time to have a more positive impact on that society. I certainly believe we need to put more resources into rule of law programs, and, hopefully, we will begin to have a bipartisan consensus on doing that within the Appropriations Subcommittees involved.

This is the tip of the tip of the tip of the iceberg, as the gentleman referred to it, but I do know that from working with American Citizen John Kamm, who keeps close contact and aggressively pursues information about high-profile prisoners in China, I am convinced that we have had an impact on reducing prisoners' sentences and getting them out of prison in many cases. But it is a very painful process. This situation shouldn't exist, and we can agree to that.

If there is no further discussion, the resolution is open for amendment. Are there amendments?

Hearing none, the question occurs on agreeing to the resolution, S. Con. Res. 81. As many as are in favor will say aye. All those opposed will say no.

The ayes have it, and the resolution is agreed to.

Especially in response to Mr. Hastings, without objection, the staff is authorized to make technical, grammatical and conforming changes to the text just agreed to.

I thank my colleagues for participating in the markup and preparing these two resolutions for consideration by the Full Committee on Thursday. Thank you, gentlemen.

The Subcommittee is adjourned.

[Whereupon, at 3:31 p.m., the Subcommittee was adjourned.]

A P P E N D I X

JUNE 27, 2000

106TH CONGRESS
2D SESSION

H. CON. RES. 322

Expressing the sense of the Congress regarding Vietnamese Americans and others who seek to improve social and political conditions in Vietnam.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2000

Mr. DAVIS of Virginia (for himself, Mr. ROGAN, Mr. ROHRBACHER, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, Mr. CUNNINGHAM, Mr. BILBRAY, Mr. DELAY, Mrs. MORELLA, Mr. ROYCE, Mr. CAMPBELL, Ms. LOFGREN, Mr. WOLF, and Ms. SANCHEZ) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding Vietnamese Americans and others who seek to improve social and political conditions in Vietnam.

Whereas on April 30, 1975, Saigon, Vietnam, fell to Communist forces and the current Socialist Republic of Vietnam continues under an oppressive Communist regime;

Whereas on June 19 each year, the Vietnamese American community traditionally commemorates those who gave their lives in the struggle to bring freedom and democracy to the former Republic of South Vietnam and the Socialist Republic of Vietnam;

Whereas Vietnamese Americans also honor individuals who continue the struggle to highlight the lack of fundamental human rights in the Socialist Republic of Vietnam on that day;

Whereas June 19 serves as a reminder to Vietnamese Americans that the ideals and values of democracy are precious and should be treasured; and

Whereas the Vietnamese American community plays a critical role in raising international awareness of the oppressive regime of the Socialist Republic of Vietnam against its own people: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That, a quarter century after the fall of Sai-
 3 gon, the Congress—

4 (1) commends the Vietnamese American com-
 5 munity for its work in seeking to bring democratic
 6 principles and practices to the people of Vietnam;
 7 and

8 (2) applauds the contributions of all individuals
 9 whose efforts have focused, and continue to focus,
 10 international attention on human rights violations in
 11 Vietnam.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. CON. RES. 322
OFFERED BY MR. BEREUTER**

Strike the preamble and insert the following:

Whereas the Armed Forces of the United States and the Armed Forces of the Republic of Vietnam fought together for the causes of freedom and democracy in the former Republic of Vietnam;

Whereas the Armed forces of the Republic of Vietnam suffered enormous casualties, including over 250,000 deaths and more than 750,000 wounded between 1961 and 1975 for the cause of freedom;

Whereas many officers and enlisted personnel suffered imprisonment and forcible reeducation at the direction of the Government of the Socialist Republic of Vietnam;

Whereas on June 19 of each year, the Vietnamese American community traditionally commemorates those who gave their lives in the struggle to preserve the freedom of the former Republic of Vietnam;

Whereas June 19 serves as a reminder to Vietnamese Americans that the ideals and values of democracy are precious and should be treasured; and

Whereas the Vietnamese American community plays a critical role in raising international awareness of human rights concerns regarding the Socialist Republic of Vietnam: Now, therefore, be it

Strike all after the resolving clause and insert the following:

1 That the Congress—

2 (1) commends the sacrifices of those who served
3 in the Armed Forces of the Republic of Vietnam;
4 and

5 (2) applauds the contributions of all individuals
6 whose efforts have focused, and continue to focus,
7 international attention on human rights violations in
8 Vietnam.

Amend the title to read as follows: “Expressing the sense of Congress regarding the sacrifices of individuals who served in the Armed Forces of the former Republic of Vietnam.”.

106TH CONGRESS
2D SESSION

S. CON. RES. 81

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2000

Referred to the Committee on International Relations

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.

Whereas Rabiya Kadeer, a prominent ethnic Uighur from the Xinjiang Uighur Autonomous Region (XUAR) of the People's Republic of China, her secretary, and her son were arrested on August 11, 1999, in the city of Urumqi;

Whereas Rabiya Kadeer's arrest occurred outside the Yindu Hotel in Urumqi as she was attempting to meet a group of congressional staff staying at the Yindu Hotel as part of an official visit to China organized under the auspices of the Mutual Educational and Cultural Exchange Program of the United States Information Agency;

Whereas Rabiya Kadeer's husband Sidik Rouzi, who has lived in the United States since 1996 and works for Radio

Free Asia, has been critical of the policies of the People's Republic of China toward Uighurs in Xinjiang;

Whereas Rabiya Kadeer was sentenced on March 10 to 8 years in prison "with deprivation of political rights for two years" for the crime of "illegally giving state information across the border";

Whereas the Urumqi Evening Paper of March 12 reported Rabiya Kadeer's case as follows: "The court investigated the following: The defendant Rabiya Kadeer, following the request of her husband, Sidik Haji, who has settled in America, indirectly bought a collection of the Kashgar Paper dated from 1995-1998, 27 months, and some copies of the Xinjiang Legal Paper and on 17 June 1999 sent them by post to Sidik Haji. These were found by the customs. During July and August 1999 defendant Rabiya Kadeer gave copies of the Ili Paper and Ili Evening Paper collected by others to Mohammed Hashem to keep. Defendant Rabiya Kadeer sent these to Sidik Haji. Some of these papers contained the speeches of leaders of different levels; speeches about the strength of rectification of public safety, news of political legal organisations striking against national separatists and terrorist activities etc. The papers sent were marked and folded at relevant articles. As well as this, on 11 August that year, defendant Rabiya Kadeer, following her husband's phone commands, took a previously prepared list of people who had been handled by judicial organisations, with her to Kumush Astana Hotel [Yingdu Hotel] where she was to meet a foreigner";

Whereas reports indicate that Ablikim Abdyirim was sent to a labor camp on November 26 for 2 years without trial for "supporting Uighur separatism," and Rabiya

Kadeer's secretary was recently sentenced to 3 years in a labor camp;

Whereas Rabiya Kadeer has 5 children, 3 sisters, and a brother living in the United States, in addition to her husband, and Kadeer has expressed a desire to move to the United States;

Whereas the People's Republic of China stripped Rabiya Kadeer of her passport long before her arrest;

Whereas reports indicate that Kadeer's health may be at risk;

Whereas the People's Republic of China signed the International Covenant on Civil and Political Rights on October 5, 1998;

Whereas that Covenant requires signatory countries to guarantee their citizens the right to legal recourse when their rights have been violated, the right to liberty and freedom of movement, the right to presumption of innocence until guilt is proven, the right to appeal a conviction, freedom of thought, conscience, and religion, freedom of opinion and expression, and freedom of assembly and association;

Whereas that Covenant forbids torture, inhuman or degrading treatment, and arbitrary arrest and detention;

Whereas the first Optional Protocol to the International Covenant on Civil and Political Rights enables the Human Rights Committee, set up under that Covenant, to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant; and

Whereas in signing that Covenant on behalf of the People's Republic of China, Ambassador Qin Huasun, Permanent Representative of the People's Republic of China to the United Nations, said the following: "To realize human

rights is the aspiration of all humanity. It is also a goal that the Chinese Government has long been striving for. We believe that the universality of human rights should be respected . . . As a member state of the United Nations, China has always actively participated in the activities of the organization in the field of human rights. It attaches importance to its cooperation with agencies concerned in the U.N. system . . .": Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
 2 *concurring)*, That Congress calls on the Government of the
 3 People's Republic of China—

4 (1) immediately to release Rabiya Kadeer, her
 5 secretary, and her son; and

6 (2) to permit Kadeer, her secretary, and her
 7 son to move to the United States, if they so desire.

Passed the Senate May 2, 2000.

Attest:

GARY SISCO,
Secretary.