



Legislative Bulletin.....April 26, 2006

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$95 million over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 1

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.Con.Res 365 — Urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards — *as introduced* (Kennedy, R-MN)

Order of Business: The resolution is scheduled for consideration on Wednesday, April 26, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 365 would urge the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, and remove legal and political obstacles for lawyers attempting to defend criminal cases in China. The resolution states the Sense of Congress that:

- “the Government of the United States should support democracy and human rights programs that strengthen protection of basic rights and freedoms, and should initiate programs to train lawyers, judges, academics, and students in China about international human rights law, to inform citizens of China about international human rights norms, and to build organizations and associations to promote these priorities;
- “the Government of the United States should seek grant proposals and fund programs to promote legal protections and cultural awareness of the right to the freedom of religion or belief commensurate to ongoing rule of law programs funded by the Human Rights and Democracy Fund for Chinese workers, women, and public interest law training; and
- “the President should raise the issue of the Government of China’s harassment, arrest, detention, and persecution of rights defense lawyers and activists and the need for the Government of China to respect the basic human rights of its citizens and the rule of law during his planned meeting with Chinese President Hu Jintao in April 2006.”

H.Con.Res. 365 also resolves that Congress urges several specific actions, including the following:

- “urges the Government of the People’s Republic of China, at all levels, to cease its harassment of Mr. Gao Zhisheng, overturn the suspension of his license to practice law, and restore his legal right to represent the clients of his choosing as protected by China’s own Constitution, its Criminal Procedure Law, and its Lawyers Law;
- “urges the Government of the People’s Republic of China to repeal Article 306 of the Criminal Code of China, which provides penalties for lawyers whose clients are accused of perjury and has been used to curtail the active legal defense of individuals accused of political crimes;
- “urges the Government of the People’s Republic of China to respect fully the universality of the right to freedom of religion or belief and other human rights;
- “urges the Government of the People’s Republic of China to ratify and implement in law the International Covenant on Civil and Political Rights, and to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the Covenant;
- “urges the Government of the People’s Republic of China to halt arrests, harassment, and intimidation of leaders of unregistered religious organizations on the basis that their organizations violated the law by not registering with the Government of China;
- “urges the Government of the People’s Republic of China to amend the Regulations on Religious Affairs to conform more closely with the internationally recognized freedom of thought, conscience, religion or belief and allow all religious believers in China to practice their religion without interference from the government or from government sponsored ‘patriotic religious associations’; and
- “urges the Government of the People’s Republic of China to release Pastor Cai Zhuohua, his wife, and others imprisoned with him, and to allow Pastor Cai to resume religious activities and to resume leadership of his congregation in Beijing.”

Additional Information: Gao Zhisheng is a Chinese army veteran and self-taught lawyer. He is the founder and star litigator of the well known Beijing-based Shengzhi Law office. Zhisheng’s law office is one of a few Chinese law firms involved with human rights issues. In

November 2005, the Chinese government ordered his law firm suspended from doing business for one year.

Amnesty International states, “The closure comes shortly after the firm’s director sent an open letter to the Chinese President Hu Jintao and Premier Wen Jiabao urging them to end the “barbaric” persecution of Falun Gong practitioners in China. It is believed that the closure of the firm is closely linked with this letter... Amnesty International is concerned that this suspension will severely undercut the work of human rights activists in the country.”

For more information, please see these related articles:

http://www.washingtonpost.com/wp-dyn/content/article/2005/11/05/AR2005110501385_pf.html

<http://web.amnesty.org/library/Index/ENGASA170012006?open=&of=ENG-CHN>

Committee Action: H.Con.Res. 365 was introduced on March 28, 2006, and referred to the Committee on International Relations, which took no official action.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.R. 282—Iran Freedom Support Act (Ros-Lehtinen, R-FL)

Order of Business: The bill is scheduled to be considered on Wednesday, April 26th, under a motion to suspend the rules and pass the bill.

NOTE: H.R. 282 currently has 355 co-sponsors.

Summary: H.R. 282 would provide that U.S. sanctions, controls, and regulations relating to weapons of mass destruction (WMD) with respect to Iran are to remain in effect, until the President certifies to Congress that Iran has permanently and verifiably dismantled its weapons of mass destruction programs and has committed to combating the proliferation of WMDs. (These sanctions are currently implemented via executive order, so this bill would codify them.) This certification would have no effect on other sanctions relating to Iran’s support of international terrorism. Parent companies of foreign entities that violate sanctions against Iran would be liable as if they had violated the sanctions themselves.

The bill would also amend the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) to:

- update and accelerate reporting requirements regarding sanctions on individuals aiding Iranian petroleum development;

- shorten to six months (from an undefined time period) the period in which the President may waive sanctions under the Iran and Libya Sanctions Act;
- increase the legal hurdle over which the President would have to jump to waive the sanctions (by certifying that such waiver is “vital to the national security of the United States”);
- instruct the President to direct the Secretary of the Treasury, upon receipt of credible information about a person’s alleged illegal activity related to investment in Iran, to initiate an investigation into the possible imposition of sanctions against such person as a result of such activity, to notify such person of such investigation, and to provide a recommendation to the President for such purposes;
- eliminate mandatory sanction provisions respecting Libya;
- impose mandatory sanctions on a person or entity that aids Iran in acquiring or developing WMDs or destabilizing types and numbers of conventional weapons;
- expand the scope of sanctionable entities to include private or government lenders, insurers, underwriters, re-insurers, and guarantors (if the entities knowingly engaged in sanctionable activities on or after March 15, 2006);
- expand the definition of petroleum to include petroleum by-products; and
- strike the five-year the sunset provision of the Act.

The bill would require the Secretary of State to publish in the Federal Register an itemized list of all foreign and domestic entities that have invested more than \$20 million in Iran’s energy sector since August 5, 1996. Financial managers would be encouraged to divest their plans or funds from listed entities and not invest in such entities in the future.

H.R. 282 would withhold financial assistance to foreign countries who (or whose individuals) maintains more than \$20 million invested in Iran’s energy sector (subject to presidential waiver for reasons “important to the national security interests of the United States” and congressional notification).

The bill would declare it the policy of the U.S. to strengthen the nuclear nonproliferation treaty.

The bill would declare it the policy of the U.S. to support independent human rights and pro-democracy forces in Iran and then **authorize “such sums”** for the President to provide financial and political assistance (including the **award of grants**) to eligible foreign and domestic individuals and groups that support democracy in Iran and that are opposed to the Government of Iran. The funds could not used to support the use of force against Iran. Eligible recipients must:

- officially oppose the use of violence and terrorism and has not been designated as a foreign terrorist organization at any time during the preceding four years;
- advocate the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materials;
- be dedicated to democratic values and supports the adoption of a democratic form of government in Iran;
- be dedicated to respect for human rights, including the fundamental equality of women;
- work to establish equality of opportunity for people; and
- support freedom of the press, freedom of speech, freedom of association, and freedom of religion.

Funds for such assistance could also come from the Middle East Partnership Initiative, the Broader Middle East and North Africa Initiative, and the National Endowment for Democracy. The Secretary of State could waive export licenses to promote the grant pro-democracy program, under certain listed circumstances.

Expresses various senses of Congress, including that:

- the U.S. should work for the passage of a UN resolution imposing sanctions on Iran because of its breaches of its nuclear nonproliferation obligations;
- contacts should be expanded with democratic Iranian opposition groups;
- support for a transition to democracy in Iran should be expressed by U.S. representatives and officials in all appropriate international fora;
- particular attention should be paid to nuclear weapons cooperation that Iran has with Russia, China, Malaysia, and Pakistan; and
- U.S. officials and representatives should “strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections.”

Additional Background: The Iran and Libya Sanctions Act of 1996 was passed in the 104th Congress and became Public Law 104-172. The Government of Iran has a long record of human rights violations, international agreements violations, pursuit of weapons of mass destruction, support of international terrorism, and violently anti-Western, anti-Israel, anti-Semitic rhetoric. Recently, the House passed two resolutions to this effect: H.Con.Res. 341 and H.Res. 523, both of which passed nearly unanimously.

Committee Action: The bill was referred to the International Relations Committee on January 6, 2005. On April 13, 2005, the Subcommittee on Middle East and Central Asia marked up and forwarded the bill to the full committee by voice vote. On March 15, 2006, the full committee marked up and ordered the bill reported to the full House by a vote of 37-3.

Administration Position: Although no official Statement of Administration Policy is available for H.R. 282, the delay in moving this bill through the legislative process was widely attributed to Administration concerns. Reportedly, such concerns have been lifted.

Cost to Taxpayers: CBO estimates that the bill would authorize \$15 million in FY2006 and a total of \$95 million over the FY2006-FY2010 period.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes—one private-sector mandate. The bill would require managers of pension plans and mutual funds to notify investors if their plans or funds are invested in firms that have invested more than \$20 million in Iran’s energy sector.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Outside Organizations: Groups like the Republican Jewish Coalition and the American Israel Public Affairs Committee (AIPAC) are strongly supporting this legislation.

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