



## CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

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October 31, 2017

President Donald J. Trump  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear President Trump:

As you prepare for your upcoming trip to East Asia and your meeting with Chinese Communist Party General Secretary and President Xi Jinping, we wish you a successful and productive visit. Your trip comes after the Chinese Communist Party's 19th National Congress where Party General Secretary Xi further consolidated power while articulating a bold vision for reinvigorating the Communist Party and asserting Chinese interests on the world stage. We urge you to articulate an equally bold vision for advancing American interests and universal values in the vitally important Indo-Pacific region.

You have sought to build a strong personal relationship with President Xi—in part, to increase cooperation to counter North Korean nuclear proliferation—but we encourage you also to develop a long-term strategy for challenging the Chinese government to abide by its international commitments, adhere to universal standards, and embrace the rule of law. Such a strategy is critical to advancing American geopolitical, security, economic, and human rights interests, and will further the Chinese people's desire for peace, freedom, and justice.

As documented in the recent Annual Report of the bipartisan Congressional-Executive Commission on China (CECC), the Chinese government and Communist Party this year continued efforts to silence dissent, criminalize activities of human rights lawyers, suppress civil society, control religious activity, and restrict the operations of Chinese and foreign media outlets, businesses, and non-governmental organizations (NGOs). The report also provides evidence that Chinese authorities arbitrarily detained and tortured political prisoners, forcibly repatriated North Korean refugees, engaged in mercantilist trade and industrial policies, and continued to implement coercive population control policies—all in violation of China's international obligations. A government that routinely ignores its international commitments is unlikely to be a reliable partner on key issues—such as North Korea and trade—that will no doubt feature prominently on the agenda.

We ask that you consider the following recommendations that can be used to frame your discussions with Chinese leaders and to develop policies that advance American geopolitical, security, economic, and human rights interests with respect to China:

- **Make Reciprocity a Priority:** As the top two economies in the world, the United States and China should continue to build trade and people-to-people partnerships that benefit both countries. However, this engagement also means ensuring that China plays fair. We urge your Administration to seek a comprehensive agreement that ensures reciprocal treatment for American institutions, businesses, and nationals operating in China, and also to coordinate with allies, businesses, and NGOs to develop a unified strategy to respond to China's unfair industrial policies, digital protectionism, and the PRC Law on the Management of Overseas NGOs' Activities. Also in the spirit of reciprocity, we must continue to press for unrestricted access to Tibetan autonomous areas and the Xinjiang Uyghur Autonomous Region for U.S. citizens, journalists, NGOs, and diplomats in the same manner that Chinese citizens and government officials are able to travel freely in the United States.
- **Respond to Digital Protectionism:** We ask your Administration to consider seeking a high level trade agreement to address the Chinese government's growing digital protectionism, including commitments on the free flow of news and information and the non-discriminatory treatment of U.S. digital products. The Administration should also consider initiating a World Trade Organization dispute to challenge continued discrimination against U.S. technology and media companies, and prepare targeted trade sanctions if the Chinese government continues to impose onerous requirements on them, including data storage in China and the disclosure of source code and encryption keys. The Administration should work with committees of jurisdiction in Congress to find ways to use the Committee on Foreign Investment in the United States (CFIUS) to respond to unfair industrial policies that threaten national security, including by expanding its mandate to look at foreign investment in media and technology sectors.
- **Promote a Free Internet:** Because Internet freedom is an issue that advances both American economic and human rights interests, the Administration should develop a comprehensive multi-year strategy that partners with civil society, media outlets, businesses, key technology industries, religious leaders, and human rights defenders to (1) counter efforts by the Chinese government to promote "Internet sovereignty," (2) develop effective technologies that provide or enhance access to the Internet, and (3) conduct research on ways to counter threats to Internet freedom, including the Chinese government's intent to block access to unlicensed virtual private networks (VPNs) starting in early 2018.
- **Stop Repatriation Until Chinese Legal System Upholds International Standards:** As Chinese government officials continue seeking to repatriate Chinese citizens overseas in connection with the government's anticorruption investigations, the Administration has an opportunity to press for a comprehensive law enforcement agreement with China to establish diplomatic assurances for guaranteeing verifiable due process protections and an end to torture in detention and other forms of arbitrary detention,

including "residential surveillance at a designated location. " The U.S. Government should not agree to any additional repatriations until the Chinese government can demonstrate that they are meeting the standards set forth in the International Covenant on Civil and Political Rights and related international human rights instruments.

- **Make Hong Kong's Autonomy a Vital U.S. Interest:** We also ask you to impress upon President Xi that Hong Kong's autonomy and freedoms are a critical U.S. interest. The abductions and disappearance of Hong Kong residents by Chinese security officials, as well as efforts to silence pro-democracy voices and Umbrella Movement leaders, are inimical to strong bilateral relations and violate China's obligations under the Sino-British Joint Declaration.
- **Ensure American Nationals are Protected and Prioritize the Release of Political Prisoners:** Chinese authorities have extrajudicially detained American nationals and the family members of U.S. citizens and residents, including human rights lawyers, pastors, members of disfavored religious groups, and businesspeople. We urge you to consider seeking revisions to the U.S.-China Consular Convention to clarify that Americans detained in China may meet with a lawyer of their choice, contact their families regularly, privately discuss the details of their case with U.S. Consular officials, and have U.S. Embassy officials attend all legal proceedings. We also ask that you work to secure the release of all Chinese political prisoners, including those whose family members are American citizens or persons lawfully present in the United States,, such as Jiang Tianyong, Tang Jingling, Xia Lin, Ilham Tohti, John Cao, Gao Zhisheng, Guo Feixiong, and Deng Cuiping. Similarly, Tibetan filmmaker Dhondup Wangchen (alternate spelling: Dondrub Wangchen), whose wife and children live in the United States, completed his sentence in 2014, but still has not been permitted to leave China and reportedly lives under close surveillance by authorities. The CECC has a Political Prisoner Database (PPI) that contains records of more than 1,400 political and religious prisoners known or believed to be currently detained or imprisoned.
- **Seek the Release of Liu Xia:** We remain deeply concerned about the safety and welfare of Liu Xia, the widow of the late writer and advocate of political reform Liu Xiaobo. After the announcement that her husband had been awarded the Nobel Peace Prize in 2010, Chinese authorities confined her to her home and several undisclosed locations while never charging her with a crime. The government also refused Liu Xiaobo and Liu Xia's wishes to allow Liu Xiaobo to travel abroad to receive medical treatment for late-stage liver cancer in June 2017. Her forced isolation, ongoing surveillance, and deprivation of the right to freedom of movement requires urgent, sustained and high-level diplomacy.
- **Press for End to China's Support of Maduro Regime:** Even though the regime of Venezuelan dictator Nicolás Maduro has lost international legitimacy and engaged in a crackdown against pro-democracy activists that has claimed over 130 lives, China, along with Russia, continues to provide the regime with financial support. We therefore urge you to press the Chinese government to stop giving economic lifelines to the failing Maduro regime.

While the Chinese government may not be the responsible global stakeholder envisioned earlier by many proponents of China's entry into the World Trade Organization 16 years ago, we must not forget that the desire for freedom, justice, and democratic openness are not alien to China or its people. These desires speak to universal principles whose eventual realization in China will further U.S. interests and lay the enduring foundation for a truly peaceful and prosperous future for the Chinese people and the American people.

Thank you for your consideration of our requests.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Rubio', written in a cursive style.

Senator Marco Rubio  
Chair

A handwritten signature in blue ink, appearing to read 'Chris Smith', written in a cursive style.

Representative Christopher Smith  
Cochair