RECOMMENDATIONS

Addressing China's Regional Activities

• The Commission recommends that Congress work with the Administration to assess China's objectives and tactics in regions around the globe and identify the extent to which Chinese interests run, or could run, contrary to U.S. interests. Specific areas and issues about which the Commission is concerned include China's efforts to—

- -Secure energy resources in the Western Hemisphere, which may lead the United States to depend more heavily on Middle East oil.
- —Improve its relations with, and obtain access to the oil and minerals of, problematic countries such as Iran, Sudan, and Zimbabwe that frustrate U.S. and other nations' efforts to curb the objectionable behavior of such countries.
- -Push U.S. counterterrorism forces in Central Asia out of the region.
- —Improve its rapport with India at the expense of the strengthening relationship between the United States and India. To facilitate this effort, Congress should urge the Administration to increase intelligence capabilities focused on China and its global activities to increase U.S. knowledge about China's objectives and tactics.
- The Commission recommends that Congress encourage the President and the Secretaries of State and Defense to continue to press their European counterparts to maintain the EU embargo on weapons sales to China. U.S. officials must emphasize in the starkest terms that removal of the embargo is not merited by significant improvements in China's human rights actions. They also must stress that flows of weapons to China that might result from lifting the embargo could increase the risk of conflict between China and the United States and also increase the likely cost to the United States of any such conflict in time, money, materiel, and casualties—and that, consequently, the United States will view lifting the embargo with grave concern.
- The Congress should urge the Administration to reach out to and work with regional alliances, institutions, and organizations to preserve other sources of power and influence that can help to maintain political and power equilibrium in the world's various regions that may be adversely affected and distorted by a rising China.
- The Commission recommends that Congress examine whether China is eroding Hong Kong's autonomy in violation of its commitments under the Sino-British Joint Declaration of 1984, the Hong Kong Basic Law, and the principle of 'one country, two systems.' If it concludes this is occurring, Congress should determine whether to recommend to the President that he invoke the provisions of the U.S.-Hong Kong Policy Act, i.e. "whenever the President determines that Hong Kong is not sufficiently autonomous to justify treatment under a particular law of the United States ... the President may issue an Executive Order suspending the certification of section 201(a) regarding continued separate application of U.S. laws with respect to Hong Kong." The Commission believes it is important that the authorities in Beijing be aware that the question of Hong Kong's status is a matter of special concern to the Congress.

Addressing China's Proliferation Practices and Record

- Current sanctions against Chinese companies that proliferate equipment and technology related to WMD and their delivery systems should be broadened and harmonized for increased effectiveness. The Commission recommends that Congress expand current sanctions regimes to extend penalties to the parent company of a subsidiary that engages in proliferation activities, regardless of the parent company's knowledge of or involvement in the problematic transaction. Access to U.S. markets (including capital markets), technology transfers, and U.S. government grants and loans should be restricted from proliferating companies and their parent companies and related subsidiaries irrespective of the related firms' knowledge of the transfers in question.
- In cases where diplomatic efforts are unsuccessful in spurring the government of a country such as China to take effective actions to halt proliferating activity, the United States should use its economic leverage to ensure action. In connection with the recommendation above that Congress broaden and harmonize proliferation sanctions, and consonant with recommendations contained in its 2002 and 2004 Annual Reports, the Commission recommends that Congress amend all current statutes pertaining to proliferation to—
 - -Coordinate and increase the array of sanctions the President is authorized to invoke against foreign governments that directly proliferate WMD, their delivery systems, and associated technologies to include increased import and export limitations; restrictions on access to U.S. capital markets; restrictions on U.S. direct investment; U.S. opposition to loans from international financial institutions; prohibition of loans from U.S. banks; reduction or elimination of foreign assistance; prohibition of arms sales and military financing; elimination of U.S. government credit or credit guarantees; prohibition of U.S. government procurement from any company based in the offending country; and restrictions on science and technology cooperation with or transfers to the offending country. The new authority should require the President to report to Congress the rationale for and proposed duration of the sanctions within 72 hours of imposing them and, in any case where the President waives imposition of such a sanction, the authority should require the President to notify Congress of the justification for that waiver.
 - —Authorize the President to impose the same sanctions listed above, where applicable, against a country or the government of a country in cases where companies in the country are persistently engaged in proliferation of WMD, their delivery systems, and associated technologies and where the government does not take effective steps to curtail those activities.
- The Commission recommends that the Congress urge the Administration to work closely with other countries to address Chinese proliferation issues.

Improving Port Security

- The Commission recommends that Congress direct the Department of Homeland Security to give greater priority to threats posed by waterborne shipping. As part of this effort, specific attention must be paid to the need for enhancing inspection of container seals and ensuring that appropriate paperwork accompanies these containers. Import and export containers must be refused entry without proper documentation. Proper attention must be given to ensuring that bonded agents and other personnel are able to appropriately and adequately inspect containers. Technological approaches to inspecting containers and ships must supplement, not replace, human inspections.
- Congress should press the Administration to give greater priority to its Megaports Initiative and highlight the need for China to reach agreement on this program. Refusal to cooperate on the Megaports Initiative should trigger enhanced inspection procedures on products coming from ports that have been determined to be of concern to U.S. security officials.

Pressing China to Curtail North Korea's Nuclear Weapons Programs

- China should be commended for its diplomatic activity in bringing North Korea back to the Six-Party Talks and for circulating the set of principles to which all parties agreed on September 19, 2005. The Commission recommends that Congress call on the Administration to press China to use its substantial leverage with North Korea to secure its adherence to the agreed principles.
- If North Korea fails to abide by the agreed principles it signed in September 2005, the Commission recommends that Congress direct the Administration to devise and pursue alternative methods to address this problem outside the Six-Party Talks. In such a case, Congress also should encourage the Administration to propose a United Nations Security Council resolution that at a minimum condemns North Korea's February 10, 2005 statement and calls on it to dismantle its nuclear weapons programs and nuclear weapons. China's response to, and vote on, such a resolution will reveal its sincerity in pressuring North Korea to resolve this matter.

Addressing China's Energy Policies

- The Commission recommends that Congress:
 - —Mandate the establishment of a "U.S.-China Energy Working Group" in which both nations are represented by senior government officials, supported by an advisory group composed of representatives of relevant industry, environmental, academic, research and non-governmental organizations and members of Congress. The Group should have the responsibility to (1) identify areas where both nations can most profitably work together for mutual benefit on energy issues and challenges; (2) identify and rank areas and issues with respect to which there is a significant possibility that U.S.-China energy-related con-

flicts will develop; (3) offer recommendations to both governments for resolving energy-related problems and disagreements; (4) offer recommendations to both governments for promoting development and use of conservation and efficiency mechanisms, alternative fuels, and other means of securing energy self-sufficiency and reducing the need for imported energy sources, especially oil; and (5) oversee and make recommendations to both governments concerning joint research and development activities in energy-related fields;

- —Encourage the initiation of new cooperative efforts with China to (1) increase the efficiency of its energy use, including energy use intensity reduction, clean coal technologies, coal-to-liquids technologies, and combustion efficiency improvements; (2) shift some current reliance on oil to coal (using advanced clean coal technology) and natural gas; and (3) explore and pursue the economic, technical, and logistical feasibility of using renewable energy sources in lieu of some portion of the projected increase in oil use. At the same time, China should be strongly encouraged to (1) abandon its policy of acquiring oil at the wellhead or field in a mercantilist fashion; (2) procure oil and gas according to international practices (i.e. purchasing it on the open international marketplace); and (3) cease providing assistance, arms, and proliferation-related technologies to problematic states in possible return for access to their energy resources; and
- -Urge the Administration to use all available bilateral and multilateral diplomatic means to persuade China to change its approach to energy security with respect to oil resources by (1) purchasing oil for import in the open international oil market; (2) coordinating its activities with the IEA; and (3) engaging in the IEA's efforts to build oil stocks and release them on a coordinated basis in the event of supply disruptions or speculation-driven price spikes.
- The Commission urges Congress to instruct the U.S. intelligence community to increase its intelligence collection with respect to Chinese activities in Africa, Central Asia, and, especially, the Western Hemisphere, in order to advise both appropriate Executive Branch and Legislative Branch officials of energy-related actions and trends that warrant careful attention and response.

Companies ¹⁹⁴
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Summary o
Appendix A

Entity/Person	Reason: Statutes	Effective Dates
China Great Wall Industry Corporation China Precision Machinery Import/Export Corp. (CPMIEC)	Missile Proliferation: § 73(a)(2)(A), Arms Export Control Act § 11B(b)(1)(B)(i), Export Administration Act (Category II items in MTCR Annex to Pakistan)	June 25, 1991 waived on March 23, 1992
Ministry of Aerospace Industry, including CPMIEC, and related entities, including: —China National Space Administration —China Aerospace Corp. —Aviation Industries of China	Missile Proliferation: § 73(a)(2)(A), Arms Export Control Act § 11B(b)(1)(B)(i), Export Administration Act (Category II items in MTCR Annex to Pakistan)	August 24, 1993 waived on November 1, 1994
-China Great Wall Industry Corp. or Group -China Great Wall Industry Corp. or Group -Chinese Academy of Space Technology -Beijing Wan Yuan Industry Corp. (aka Wanyuan Company or China Academy of Launch Vehicle Technology) -China Haining Company -Shanghai Astronautics Industry Bureau -China Chang Feng Group (aka China Changfeng Company)		
 5 PRC Citizens: Liao Minglong Tian Yi Chen Qingchang (aka Q.C. Chen) Pan Yonguing Shao Xingsheng 	CW Proliferation: §81(c), Arms Export Control Act §11C(c), Export Administration Act (dual-use chemical precursors, equipment, and/or technology to Iran)	May 21, 1997 remain in effect
 2 PRC Companies: —Nanjing Chemical Industries Group —Jiangsu Yongli Chemical Engineering and Technology Import/Export Corp. 1 Hong Kong Company: —Cheong Yee Ltd. 		
—Jiangsu Yongli Chemicals and Technology Import/Export Corp.	CW/BW Proliferation: § 3, Iran Nonproliferation Act	June 14, 2001 for two years
—China Metallurgical Equipment Corp. (aka CMEC, MECC)	Missile Proliferation: § 73(a)(2)(A), Arms Export Control Act § 11B(b)(1)(B)(i), Export Administration Act (MTCR Category II items to Pakistan)	September 1, 2001 for two years

Appendix A Summary of Proliferation Sanctions Against Chinese Companies¹⁹⁴

Appendix A Summary of Fronteratio	Summary of Fronteration Sanctions Against Connese Companies	
Entity/Person	Reason: Statutes	Effective Dates
-Liyang Chemical Equipment China Machinery and Electric Equipment Import/Export Co. Q.C. Chen	CW/BW Proliferation: §3, Iran Nonproliferation Act (Australia Group Controls)	January 16, 2002 for two years
 Liyang Yunlong (aka Liyang Chemical Bquipment Co.) Zibo Chemical Bquipment Plant (aka Chemet Global Ltd.) —China National Machinery and Electric Equipment Inport and Export Co. —Wha Cheong Tai Co. —China Shipbuilding Trading Co. —China Arto-Technology Import/Export Corp. (CATIC) —Q.C. Chen 	Weapons Proliferation: §3, Iran Nonproliferation Act (AG-controlled items and conventional weapons-related technology related to unspecified missiles)	May 9, 2002 for two years
 Jiangsu Yongli Chemicals and Technology Import Export Corp. Q.C. Chen Q.C. Chan Machinery and Equipment Import Export Corp. China Natonial Machinery and Equipment Import Export Corp. CMEC Machinery and Electric Equipment Import Export Co. CMEC Machinery and Electrical Import Export Co. China Machinery and Electrical Import Export Co. China Machinery and Electrical Import Export Co. China Machinery and Electrical Import Export Co. 	Weapons Proliferation: § 1604(b), Iran-Iraq Arms Non-Proliferation Act and § 11C(c), Export Control Act § 11C(c), Export Administration Act (chemical weapons technology to Iran)	July 9, 2002 for two years for one year
—China Shipbuilding Trading Co.	Only under Iran-Iraq Arms Nonproliferation Act (cruise missile technology)	
	Missile Proliferation: Executive Order 12938 (amended by Executive Order 13094) (missile technology to Iran)	May 23, 2003 for two years
 Taian Foreign Trade General Corporation Zibo Chemical Equipment Plant Liyang Yunlong Chemical Equipment Group Company COPAIRCO 	Missile Proliferation: § 3, Iran Nonproliferation Act	June 26, 2003 for two years
	Missile Proliferation: Executive Order 12938 (as amended by Executive Order 13094) (missile technology to publicly unnamed country)	July 30, 2003 for indefinite period

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September 19, 2003 for two years; waiver for one year on import ban for non- NORINCO products; waiver extended on March 18, 2005 for six months; waiver extended on March 18, 2005 for six months; waiver extended on September 18, 2005 for six months	April 1, 2004 for two years	September 20, 2004 for two years	September 23, 2004 for two years	November 24, 2004 for two years	December 27, 2004 for two years
Missile Proliferation: § 73(a)(2)(A) and (C), Arms Export Control Act § 11B(b)(1)(B)(i) and (iii), Export Administration Act (Substantial contribution in proliferation of MTCR Category II technology to publicly unnamed country)	Weapons Proliferation: § 3, fran Nonproliferation Act (unspecified transfers to fran controlled under multilateral export control lists or having the potential to make a material contribution to WMD or cruise or ballistic missiles)	Missile Proliferation: Executive Order 12938 (as amended by Executive Order 13094) (material contribution to missile proliferation in publicly unnamed country)	Weapons Proliferation: § 3, Iran Nonproliferation Act (unspecified transfers to Iran controlled under multi aterial export control lists or having the potential to make a material contribution to WMD or cruise or ballistic missiles)	Weapons Proliferation: § 3, fran Nonproliferation Act (unspecified transfers to fran controlled under multifiateral export control lists or having the potential to multistic missiles) ballistic missiles)	Weapons Proliferation: § 3, Iran Nonproliferation Act (unspecified transfers to Iran controlled under multileral export control lists or having the potential to make a material contribution to WMD or cruise or ballistic missiles)
NORINCO	 Beijing Institute of Opto-Electric Technology (BIOET) —NORINCO —CPMIEC —CPMIEC —Oriental Scientific Instruments Corporation (OSIC) —Zibo Chemical Equipment Plant (alka Chemet Global Ltd., South Industries Science and Technology Trading Company) 	—Xinshidai (aka China Xinshidai Company, XSD, China New Era Group, or New Era Group)	 Beijing Institute of Aerodynamics BIOET BIOET China Great Wall Industry Corporation CONINCO LIMMT Economic and Trade Company, Ltd. OSIC Oslt Science and Technology Trading Co. 	—Liaoning Jiayi Metals and Minerals Co. —Q.C. Chen —Wha Cheong Tai. Co. Ltd. —Shanghai Triple International Ltd.	 Beijing Alite Technologies Co. Ltd. CATIC CATIC China Great Wall Industry Corp. ORINICO O. Chen Teibo Cheong Tai Co. (aka Wah Cheong Tai Co., Hua Chang Tai Co.) Zibo Chemet Equipment Corp. (aka Chemet Global Ltd.)

Appendix B Joint Statement of the Fourth Round of the **Six-Party Talks**

Beijing, September 19, 2005¹⁹⁵

The following is a text of the joint statement at the conclusion of the fourth round of Six-Party Talks, as released in Beijing on September 19, 2005 by the Ministry of Foreign Affairs of the People's Republic of China.

Joint Statement of the Fourth Round of the Six-Party Talks **Beijing 19 September 2005**

The Fourth Round of the Six-Party Talks was held in Beijing, China among the People's Republic of China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation, and the United States of America from July 26th to August 7th, and from September 13th to 19th, 2005. Mr. Wu Dawei, Vice Minister of Foreign Affairs of the PRC, Mr. Kim Gye Gwan, Vice Minister of Foreign Affairs of the DPRK; Mr. Kenichiro Sasae, Director-General for Asian and Oceanian Affairs, Ministry of Foreign Affairs of Japan; Mr. Song Min-soon, Deputy Minister of Foreign Affairs and Trade of the ROK; Mr. Alexandr Aleksevey, Deputy Minister of Foreign Affairs of the Russian Federation: and Mr. Alekseyev, Deputy Minister of Foreign Affairs of the Russian Federation; and Mr. Christopher Hill, Assistant Secretary of State for East Asian and Pacific Affairs of the United States attended the talks as heads of their respective delegations.

Vice Foreign Minister Wu Dawei chaired the talks.

For the cause of peace and stability on the Korean Peninsula and in Northeast Asia at large, the Six Parties held, in the spirit of mutual respect and equality, serious and practical talks concerning the denuclearization of the Korean Peninsula on the basis of the common understanding of the previous three rounds of talks, and agreed, in this context, to the following:

1. The Six Parties unanimously reaffirmed that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner. The DPRK committed to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards. The United States affirmed that it has no nuclear weapons on the Korean Peninsula and has no intention to attack or invade the DPRK with nuclear or conventional weapons.

The ROK reaffirmed its commitment not to receive or deploy nuclear weapons in accordance with the 1992 Joint Declaration of the Denuclearization of the Korean Peninsula, while affirming that there exist no nuclear weapons within its territory The 1992 Joint Declaration of the Denuclearization of the Korean Peninsula should be observed and implemented. The DPRK stated that it has the right to peaceful uses of nuclear energy. The other parties expressed their respect and agreed to discuss, at an appropriate time, the subject of the provision of light water reactor to the DPRK.

2. The Six Parties undertook, in their relations, to abide by the purposes and prin-ciples of the Charter of the United Nations and recognized norms of international relations. The DPRK and the United States undertook to respect each other's sovereignty, exist peacefully together, and take steps to normalize their relations subject to their respective bilateral policies. The DPRK and Japan undertook to take steps to normalize their relations in accordance with the Pyongyang Declaration, on the basis of the settlement of unfortunate past and the outstanding issues of concern

3. The Six Parties undertook to promote economic cooperation in the fields of en-

ergy, trade and investment, bilaterally and/or multilaterally. China, Japan, ROK, Russia and the US stated their willingness to provide energy assistance to the DPRK. The ROK reaffirmed its proposal of July 12th 2005 con-

cerning the provision of 2 million kilowatts of electric power to the DPRK. 4. The Six Parties committed to joint efforts for lasting peace and stability in Northeast Asia. The directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum. The Six Parties agreed to explore ways and means for promoting security cooperation in Northeast Asia

5. The Six Parties agreed to take coordinated steps to implement the aforementioned consensus in a phased manner in line with the principle of "commitment for commitment, action for action.

6. The Six Parties agreed to hold the Fifth Round of the Six-Party Talks in Beijing in early November 2005 at a date to be determined through consultations.

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