

RETENTION OF PRC STUDENTS IN THE U.S.: AN EXECUTIVE-CONGRESSIONAL CONFLICT

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ABSTRACT

This paper examines executive-congressional conflicts in U.S. policy toward the PRC after the June 4, 1989 Tiananmen Incident. The executive branch was the main initiator of U.S. policy toward the PRC since 1949. The role of Congress in the making of foreign policy underwent some significant changes in the 1970s. In the wake of the Vietnam war and Watergate, Congress no longer felt content to continue the passive role it had played in foreign affairs since World War II. Congress, however, did not have direct role in influencing the new China policy in the 1970s.

In the 1980s, Congress has been more active in influencing Taipei and Beijing's human rights policies. Right after the Tiananmen Incident, U.S. Congress was supportive of President Bush's sanctions against Beijing. U.S. Congress became impatient and disappointed with Bush when he failed to take more assertive actions to punish Beijing's executions of demonstrators and to protect PRC students in the United States.

The Emergency Chinese Immigration Relief Act of 1989 (H.R. 2712), sponsored by Nancy Pelosi (D-California), was adopted by Congress with unanimous vote in November 1989. The Act offers waiver of the 2-year home country residence requirement to the PRC students in the U.S. with J-1 visa. Bush vetoed this Act on the ground that it was "wholly unnecessary." In January 1990, President Bush sustained his veto after a tough fight with the Congress. Instead, Bush used executive order to provide the same protections as H.R. 2717. Although Congress failed to pass the Act, it has demonstrated its ability to actually initiate and influence the setting of U.S.

policy toward China. If properly used, Congressional opposition can be used by the Administration as bargaining chips in negotiating with the PRC. Beijing made many significant concessions on the eve of Congressional decision on the Pelosi Bill. The U.S. Congress will continue to be assertive if the PRC fails to improve its human rights records.