

CRS Report for Congress

Received through the CRS Web

China: The National People's Congress

Samuel Wolfe

Research Associate

Foreign Affairs, Defense, and Trade Division

Summary

The National People's Congress (NPC) is The People's Republic of China (PRC)'s less-powerful counterpart to the U.S. Congress. Although China's constitution establishes the NPC as the "highest organ of state power," the Chinese Communist Party (CCP) continues to dominate the congress, as it has throughout the NPC's history. During the most recent NPC meeting in March 2000, the congress focused on economic reform, corruption, Falun Gong, and entry into the World Trade Organization. Exchanges between the U.S. Congress and the NPC are expanding.

[For questions about this report, refer to Kerry Dumbaugh, Specialist in Asian Affairs of the Foreign Affairs, Defense, and Trade Division.]

The National People's Congress, a unicameral legislature, is the PRC's counterpart to the U.S. Congress.¹ In recent years, there has been increasing interaction between the two legislatures. This report briefly considers recent developments in the NPC, describes how the NPC works, and discusses exchanges between the two congresses.

Background

Historically, the NPC has been a mostly symbolic organization.² The State Council, whose key seats are filled with Chinese Communist Party politburo members, monopolizes Chinese government power. (The State Council is the PRC's supreme executive organ, which consists of the prime minister, deputy prime ministers and state councillors.) However, under

¹ The NPC differs from the U.S. Congress in that it is not powerful, is not democratically elected, meets infrequently, and has no effective autonomy.

² George E. Delury and Deborah A. Kaple ed., *World Encyclopedia of Political Systems and Parties*, 3rd Edition. (New York: Facts on File, 1999) 207.

the leadership of Qiao Shi (former NPC chairman), the NPC showed some signs of asserting itself beyond its traditional role as a rubber-stamp legislature.³ Qiao was the chairman of the Eighth NPC Standing Committee from 1993 to 1997; but he failed to retain his position with the commencement of the Ninth Congress in 1998. During his tenure, Qiao – who was also a high-ranking member of the CCP – became known as an advocate of reforms, which included: greater autonomy for the legislature, more power for lower-level people’s congresses, rapid economic liberalization, and establishment of the rule of law.⁴

While Qiao’s objectives were not clear, he did lead an increasingly assertive congress. He was successful in enacting a variety of economic legislation on “corporate law, labor, urban real estate, contract law, and ethical competition in the market place.”⁵ Through his national and international tours he also worked to add legitimacy to the NPC. In March 1995, an unprecedented 36.5% of NPC deputies voted against appointing a CCP politburo member to a deputy premiership because they considered him to be poorly suited for the position.⁶ The same session was marked by up to a third of deputies voting against or abstaining from key government-sponsored legislation involving State Council control over the Central Bank, education law, and reports of the Supreme Court and the Supreme Procurator’s office.⁷ Also under Qiao’s leadership of the congress, several senior CCP leaders, including Li Peng, were “humiliated” when they received numerous negative votes during confirmation hearings.⁸ Such incidents were almost unheard of in previous congresses.⁹

The Ninth Congress (the Tenth Congress begins in 2003), held its first session in March of 1998. As Chairman of the NPC’s Standing Committee, Li Peng (who is also the second-ranking CCP politburo member), is the leader of the Ninth Congress. Under Li Peng, who is considered a conservative leader, the NPC reportedly has not been as assertive as it was under Qiao. During the most recent session, which lasted eleven days and ended on March 15,

³ Ibid.

⁴ U.S. Congress, testimony by James R. Lilley, U.S. Ambassador to China (1989-1991), *Qiao Shi - China’s Real Reformer*, Federal Document Clearing House, Inc. (1995). Also see Willey Wo-Lap Lam, “Party Leads, Congress Follows,” *South China Morning Post* (Hong Kong), March 10, 2000.

⁵ U.S. Congress, testimony by James R. Lilley.

⁶ Minxin Pei, “‘Creeping Democratization’ in China,” *Journal of Democracy* 6:4 (1995): 65-79.

⁷ Ibid.

⁸ Willy Wo-Lap Lam, “The Prospects of Political Liberalization in China” (Washington D.C.: paper presented at a seminar for Project for the New American Century, Oct. 8, 1999), 9.

⁹ One important exception to this was a vote over the Three Gorges project. In 1992, 177 NPC delegates voted against the project, 644 abstained, and 1,764 voted in favor of it. Ironically, this project began as a pet project of Li Peng, who now heads the NPC. See Joanna Gail Salazar, “Damming the Child of the Ocean: The Three Gorges Project,” *Journal of Environment & Development* (June 2000), 160-174.

2000, the NPC approved all of the resolutions that were backed by the Communist Party.¹⁰ Recent NPC actions appear to confirm the remark Li Peng made during the session that “all items of legislation and supervisory work undertaken by the NPC completely and thoroughly follow the line and policies of the [Chinese Communist] party.”¹¹

Economic reform was a focus of this year’s congress. For example, the legislature addressed adjusting agriculture laws in preparation for entry to the World Trade Organization; it also addressed the issue of restructuring state-owned enterprises.¹² The sensitive topic of political reform did not receive any mention.¹³ Other prominent topics that the Ninth Congress addressed included corruption, Falun Gong (the congress passed a law banning and criminalizing so-called cults), and entry into the World Trade Organization.

One of the largest issues facing the NPC is corruption. On July 31, 2000, the former Vice Chairman of the NPC’s Standing Committee, Cheng Kejie (who served as vice-chairman until April 2000), was sentenced to death for accepting about \$5 million in bribes.¹⁴ Cheng is the most senior PRC official to receive this sentence since 1949, when the Communists came into power. PRC president Jiang Zemin has used the high-level sentencing as a basis for reinforcing party loyalty through an ideological campaign of self-criticism and study of his speeches on corruption.¹⁵ This insecurity within the congress over corruption, firm leadership by CCP leader Li Peng and other top CCP leaders who continually stress party loyalty, together with a long history of the NPC acting in relative unity with party leadership, work to keep the NPC in its role as a rubber-stamp congress.

A Description of the NPC

The PRC’s constitution names the NPC as China’s “highest organ of state power.”¹⁶ In reality, however, the congress mostly acts as a reflection of CCP policies and decisions. Li Peng, the current NPC Chairman, is the second highest-ranking official in the Chinese Communist Party. The highest-ranking CCP official, Jiang Zemin, is also President of the PRC, General Secretary of the CCP, and Chairman of the Central Military Commission. In the PRC’s one-party system, the CCP exercises control over the NPC as it does all other organs

¹⁰ William Kazer, “Party Resolutions Given Swift Stamp of Approval,” *South China Morning Post* (Hong Kong), March 16, 2000.

¹¹ Lam, “Party Leads, Congress Follows,” *South China Morning Post* (Hong Kong), March 10, 2000.

¹² For an in-depth discussion of economic reform in China see CRS Report RL30519, *The Growth of the Private Sector in China and Implications for China's Accession to the World Trade Organization* and CRS Report IB98014, *China's Economic Conditions: Issue Brief*, both by Wayne Morrison.

¹³ Lam, “Political Reform Not on the Agenda,” *South China Morning Post*, March 7, 2000.

¹⁴ *New York Times*, Aug. 1, 2000.

¹⁵ Lam, *South China Morning Post*, Aug. 3, 2000.

¹⁶ The Constitution of the People’s Republic of China is available at [<http://www.china-embassy.org/cgi-bin/china.pl?E1>]. Articles 57-78 detail the NPC.

of state power. Keeping the prominent role of the CCP in mind, this section details the powers legally granted to, although not fully exercised by, the NPC.

According to the PRC's constitution, the NPC is to conduct the legislative functions of the state. Legislative powers of the NPC include the authority to do the following:

- ! amend the constitution;
- ! oversee the enforcement of the constitution;
- ! administer both the state budget and the plan for national economic and social development;
- ! make declarations of war; and
- ! enact, amend, and repeal statutes and resolutions.

The constitution also grants the NPC power to both elect and remove from office the president of the PRC, the vice-president, the chairman of the State's Central Military Commission, the president of the Supreme Court, and the procurator-general of the Supreme People's Procuratorate. The PRC's constitution likewise grants the NPC power to confirm presidential nominations to the positions of premier of the State Council, vice-premiers, state councillors, ministers, auditor-general, and secretary-general of the State Council. Likewise, the NPC is charged to confirm the chairman of the Central Military Commission's nominations for the Central Military Commission.

The NPC is composed of just under 3,000 deputies who are elected for a period of five years by people's congresses at the provincial and municipal levels and by units of the armed forces.¹⁷ PRC electoral law allows for direct elections of deputies to the lowest-level people's congresses.¹⁸ (Low-level people's congresses are at the level of counties, cities not divided into districts, municipal districts, townships and towns.) Low-level people's congresses in turn elect delegates to provincial and municipal people's congresses. These congresses elect NPC deputies from CCP-approved lists of candidates. CCP election committees oversee this process to ensure party loyalty, consider candidates' political and social backgrounds, and provide representation of various ethnic and socio-economic groups.¹⁹ More than eighty percent of NPC delegates are CCP party members.²⁰ About twenty percent of NPC delegates are women.

¹⁷ Delury and Kaple ed., 207. See also The Economist Intelligence Unit, *Country Report: China, Mongolia* (May 2000), 5.

¹⁸ Laws of the People's Republic of China, 1995: Electoral Law (Amended). *Electoral Law of the National People's Congress and Local People's Congresses of the People's Republic of China*.

¹⁹ Thomas Lum, Foreign Affairs Analyst, Congressional Research Service, unpublished memo, September 1, 1999.

²⁰ Ibid.

Congressional delegates meet one time each year (usually in March) for a duration of two or three weeks.²¹ The Constitution says that all NPC deputies may submit bills and proposals to the Congress and address questions to the State Council or the ministries and commissions under the Council. Statutes and resolutions are adopted by a majority vote of more than one-half of all the delegates to the NPC.²²

The NPC elects the Standing Committee of the NPC (from a CCP-approved list) for a five-year term. The current Standing Committee leadership is composed of Chairman Li Peng, twenty vice-chairmen (including two women), Secretary General He Chunlin, and nine deputy secretaries general.²³ The Standing Committee is supposed to supervise the PRC's State Council. It also conducts the NPC's business while the whole NPC is not in session.²⁴

The NPC maintains a system of special committees including the Nationalities Committee, the Law Committee, the Finance and Economic Committee, the Education, Science, Culture and Public Health Committee, the Foreign Affairs Committee, and the "Overseas Chinese" Committee. The Standing Committee directs these special committees except when the NPC is in session. According to the constitution, special committees "examine, discuss and draw up relevant bills and draft resolutions under the direction of the National People's Congress and its Standing Committee."²⁵ However, the State Council, which consists primarily of CCP politburo officials, drafts the most important legislation for the NPC.²⁶

NPC deputies also act as intermediaries between the CCP and Chinese citizens. They do this by monitoring the application of national laws, inspecting government offices and activities, receiving and registering complaints by the people, collecting views of constituents, and promoting the CCP's party line.²⁷

U.S.-PRC Congressional Exchanges

There is growing exchange between members of the U.S. Congress and the NPC. In 1996, at the invitation of the Foreign Affairs Committee of the NPC, a delegation from the U.S. Association of Former Members of Congress spent about nine days visiting China. In return,

²¹ Barry Turner ed., *The Statesman's Yearbook* (New York: St. Martin's Press, 2000), 445.

²² PRC Constitution, articles 57-78.

²³ The Europa World Year Book 1999 (London: Europa Publications Limited), 947. Also see China Economic Information Network, *9th National People's Congress Standing Committee*, March 16, 1998. Available at [http://www.cei.gov.cn/sicnet/siccew/ech/a2/a2_ld2.htm].

²⁴ PRC Constitution, articles 57-78.

²⁵ *Ibid.*, art. 70.

²⁶ Minxin Pei, "'Creeping Democratization' in China," *Journal of Democracy* 6:4 (1995): 65-79. See also Orville Schell and David Shambaugh ed., *The China Reader: The Reform Era* (New York: Vintage Books 1999), 58-61.

²⁷ Thomas Lum, Foreign Affairs Analyst, Congressional Research Service, unpublished memo, September 1999.

a delegation from the NPC's Standing Committee visited Washington, D.C. in October 1999.²⁸

The NPC delegation's October 1999 visit marked the beginning of the U.S.- China Interparliamentary Exchange Group. This group is currently chaired by Representative Donald Manzullo of Illinois.²⁹

During the NPC delegation's October 1999 visit, NPC leaders met with U.S. congressional and other government leaders. The focus of their visit was four seminars with representatives from the U.S. Congress. These sessions focused on the following four categories: (1) China's domestic political situation, including the construction of a legal system, rural elections, and Tibetan issues; (2) the systems of the NPC and U.S. Congress; (3) U.S. – China Relations and security issues; and, (4) economic and trade exchange, with sustainable development. The two congresses are planning for another NPC delegation visit in spring of 2001.³⁰

During these early exchanges between the two congresses, NPC Standing Committee leaders have expressed a great deal of interest in the workings of the U.S. Congress and in the U.S. legal system. This interest parallels the Chinese government's current focus on economic reform and establishing the rule of law – which is necessary for China to join the World Trade Organization and successfully integrate itself into the world economy. Constructive exchange between the NPC and U.S. Congress may contribute to the development of the NPC into a more powerful legislative body as the PRC grapples with sensitive political changes that may follow the massive economic changes taking place in their country.

²⁸ *Congressional Record*. "Reception of Former Members of Congress," May 17, 2000. Available at [<http://www.congress.gov/crtext/106query.html>].

²⁹ Congress, House, *Conference Report on H.R. 4328, Making Omnibus Supplemental Appropriations for Fiscal Year 1999*, 105th Congress., *Congressional Record*, daily ed. (October 19, 1998): H11329. This report recommended \$150,000 for interparliamentary exchanges with Korea and China, under Title IV, "State Department and Related Agencies."

³⁰ Congressman Manzullo's office, interview by author, August 8, 2000, Washington, D.C.