

## **Congress and Obama's China Policy, More Bark than Bite**

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The 112<sup>th</sup> Congress will complete its term in 2012 marked by strong opposition to policies of President Barack Obama on government debt, budget cuts, health care, and other issues. Adding to congressional-executive gridlock has been an upswing in congressional criticism of China's policies, resulting in legislation in the Senate and the House challenging the administration's efforts to sustain moderate policies toward China over currency manipulation, trade disputes, and arms sales and other support for Taiwan. The congressional activism feeds into the echo chamber of often strident anti-China rhetoric by many candidates seeking the Republican presidential nomination.

Nevertheless, forecasts of congressional trouble for the president's China policy are offset by closer examination of the congressional actions and of US interests supporting and opposing tougher policies toward China. Congress remains preoccupied with other issues and is ambivalent about reasserting its role in foreign affairs and China policy. Conflicting interests in the US advocating or opposing tougher congressional action on China indicate that the overall effect of recent congressional activism will not upset the president's policies. It will prompt some vocal debate and will impede forward movement in US-China relations.

### **Episodic Congressional Influence on China Policy**

Since the US opening to China, Congress has voiced opposition to the administration's China policy on several occasions, but has taken substantive action only episodically. The struggles between the administration and congressional opposition over breaking relations with Taiwan and the perceived use of the "China card" against the Soviet Union became intense and lasted for several years during the Jimmy Carter and early Ronald Reagan administrations, with both sides firmly committed to conflicting agendas. At the time, the debate was strongly influenced by widespread congressional efforts to reassert the role of Congress in the making of US foreign policy. One result was the Taiwan Relations Act which has influenced US policy toward China ever since.

Congress also was in the lead among domestic US forces opposing China and supporting Taiwan after the Tiananmen crackdown of 1989. However, congressional support for these policies proved thin and fickle by the mid-1990s in the face of serious adverse consequences posed notably by China's strong and increasingly powerful opposition. On balance, the commitments of congressional opponents to administration China policy were significantly weaker in the 1990s than in the late 1970s-early 1980s.

Congressional opposition to the president's China policy dropped off markedly with the election of George W. Bush and a Republican-controlled Congress. The conflicts in Afghanistan and Iraq and the overall war on terror saw Congress defer to the president in foreign affairs, including China policy, to such a degree that scholars said congressional inaction undermined the "checks and balances" in the US Constitution. Democratic control of the 110<sup>th</sup> and 111<sup>th</sup> Congresses under the leadership of well-known China critics House Speaker Nancy Pelosi and Senate Majority Leader Harry Reid saw some revived debate over China policy, but little substantive action at odds with the president's policies. Congress focused on pressing domestic issues and more salient foreign policy concerns, notably the conflicts in Iraq and Afghanistan.

Against this backdrop, recent congressional activism on China policy seems comparatively limited and weak. Congress remains preoccupied with domestic concerns and more salient foreign issues. There is debate among specialists on how assertive the 112<sup>th</sup> Congress will become on issues like China policy, but a leading perspective argues that congressional pressure and initiative in foreign affairs after a decade of extraordinary deference to the president will come only when there is clearer evidence that the president's policies are failing and that the country is not threatened or insecure.

### **Conflicting Pressures on Congress**

Even in the event that Congress judges its interests would be best served with a more assertive stance regarding China policy, it's hard to discern with much precision in which direction Congress would move. Tougher trade and economic measures do not enjoy uniform support on either side of the aisle. Republicans supporting a free-trade agenda remain influential. Some Democratic leaders and rank-and-file members oppose congressional actions that go beyond symbolism and actually force strong policy action that promises strong retaliation by China.

Many Members of Congress have become keenly aware of the serious negative consequences for them and their constituents of strong US measures against Chinese trading and economic practices. They have participated in trips to China and discussions in various congressional working groups regarding China. They have listened to lobbying by constituent business interests, Chinese officials and lobbyists hired by China, and a broad range of US business groups urging moderation in dealing with China.

US public opinion remains more negative than positive regarding the policies and practices of China, but it is not in a position, as it was in the aftermath of the Tiananmen crackdown, to prompt serious negative change in US policy toward China. The US public is somewhat anxious about Chinese economic and military power, but it eschews

confrontation and does not support US actions that would lead to conflict with China over Taiwan. Similarly, mainstream American media have become more moderate in their extensive coverage of developments in China than was the case in the years following the Tiananmen crackdown.

US business groups have been seeking congressional support against perceived unfair Chinese economic practices and some have supported legislation threatening retaliation. However, divisions within the business community on what to do about China remain profound. A prevailing sentiment is to support stability in the Chinese business environment, which has proven advantageous for many US companies.

Congress generally supports US military and security agencies in preparing for contingencies involving China, but it also tends to join with Defense Department leaders in seeking to establish contacts with China that can manage tensions short of military conflict. Congressional critics of President Obama's reluctance to sell F-16C/D fighters to Taiwan are countered by defenders of the president's record of multibillion dollar sales to Taiwan amounting in three years to double the value of US arms sold to Taiwan in the eight years of the George W. Bush administration.

Congressional opinion has been more negative about China than that of other US elites and broader public opinion. One reason relates to the fact that domestic groups endeavoring to use Congress to change China policy often take a negative view of the Chinese government and its policies and practices. The issues they emphasize focus on differences between the US and China over such questions as human rights, Tibet, Taiwan, Xinjiang, proliferation of weapons of mass destruction, and trade practices. Moreover, Congress has supported two commissions, the Congressional Executive Commission in China and the US-China Economic and Security Review Commission, which have focused for over a decade on policies and practices in China viewed negatively in the United States.

Nevertheless, supporting Chinese interests and smooth US-China relations are lobbyists and interest group representatives for US business and other interests with a broad stake in continuing stable and profitable US-China relations. The Chinese Embassy has partnered with Chinese and US institutes in arranging and paying for well over 100 congressional staff delegations to visit China for consultations with relevant Chinese officials and experts. Chinese Embassy officials are particularly pleased with the breakthrough in arranging various congressional working groups and exchanges between members of Congress and their Chinese counterparts during the past decade.

Taiwan used to be a formidable opponent of China in lobbying on Capitol Hill. But its effort came to reflect the wide political divide in Taiwan domestic politics, with conflicting groups from Taiwan giving different messages to increasingly frustrated and confused congressional members with an interest in Taiwan. The decline in the Taiwan lobbying of Congress continued under President Ma Ying-jeou, whose administration relied more strongly on nurturing close relations with the US administration, giving less attention to Congress. The most active and arguably most influential

ethnic group dealing with China issue, The Formosan Association for Public Affairs, stresses Taiwan's right to self-determination in opposition to the China policies followed by the Taiwan government of President Ma Ying-jeou.

Major Washington-based think tanks that influence Congress have tended to be generally aligned with the administration's pragmatic efforts to sustain a business-like relationship with China and to manage differences diplomatically. Many have staff experts who have played important roles in the engagement policies toward China pursued by previous US administrations. Nevertheless, some former Republican administration officials criticized President Obama's decision not to sell F-16C/D fighters to Taiwan, and some have taken a strongly negative view of China's military and other national security policies and practices. Think tanks associated with organized labor have tended to call for tougher policies against perceived unfair Chinese trade and economic policies.

In conclusion, the path ahead promises continued congressional debate that will slow forward movement in US relations with China, but Congress has not yet demonstrated the unity and resolve to force change in the president's policy.

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