To state the policy of the United States regarding the need for reciprocity in the relationship between the United States and the People's Republic of China, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SULLIVAN introduced the following bill; which was read twice and referred to the Committee on ____________________

A BILL

To state the policy of the United States regarding the need for reciprocity in the relationship between the United States and the People's Republic of China, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “True Reciprocity Act of 2020”.

SEC. 2. FINDINGS.

Congress makes the following findings:
(1) In a number of areas, the relationship between the United States and the People’s Republic of China is not fair, equal, or reciprocal.

(2) The Government of the People’s Republic of China requires diplomats, Members of Congress, and other officials of the United States to obtain approval before admittance into the People’s Republic of China and sometimes denies the entry of those individuals. Officials of the United States are very restricted with respect to where they can travel and with whom they can meet in the People’s Republic of China.

(3) The Government of the United States requires diplomats of the People’s Republic of China to notify the Department of State of their travel and meeting plans, and the Government of the United States sometimes requires such diplomats to obtain approval from the Department of State while traveling in the United States. However, when such approval is required, it is almost always granted expeditiously, and diplomats of the People’s Republic of China are not restricted with respect to where they can travel or with whom they can meet in the United States.
(4) Diplomats of the People’s Republic of China based in the United States generally avail themselves of the freedom to travel to cities in the United States and lobby city councils, mayors, and governors to refrain from passing resolutions, issuing proclamations, or making statements critical of the Government of the People’s Republic of China.

(5) According to the 2018 Integrated Country Strategy of the Department of State on the People’s Republic of China, “Chinese law enforcement and security services employ extra-judicial means against U.S. citizens without regard to international norms, including the Vienna Consular Convention and the 1980 U.S.-China Bilateral Consular Convention. These means include broad travel prohibitions, known as ‘exit bans,’ which are sometimes used to prevent U.S. citizens who are not themselves suspected of a crime from leaving China as a means to pressure their relatives or associates who are wanted by Chinese law enforcement in the United States.”. The Department of State also stated that Chinese officials arbitrarily detain and interrogate United States citizens for reasons pertaining to “state security” and often subject United States citizens to
lengthy pretrial detention in substandard conditions while investigations are ongoing.

(6) The People’s Republic of China is considered one of the least free countries to operate in as a journalist, ranked 177 out of 180 in the 2019 World Press Freedom Index published by Reporters Without Borders, above Eritrea, North Korea, and Turkmenistan.

(7) According to Freedom House’s 2019 “Freedom of the Net” annual report, the People’s Republic of China was ranked the world’s worst abuser of internet freedoms for the fourth consecutive year with censorship reaching “unprecedented levels”.

(8) The Government of the People’s Republic of China restricts the movement of journalists from the United States and journalists representing United States media outlets by denying entry into the People’s Republic of China, issuing short visas, and restricting access to people and places unless prior approval is received.

(9) The Government of the United States generally allows journalists, diplomats, and other citizens of the People’s Republic of China to travel freely within the United States, including on college and university campuses and in the halls of Congress.
(10) The Government of the People’s Republic of China either directly or indirectly funds Confucius Institutes and Confucius Classrooms operated on campuses of institutions of higher education in the United States and in K–12 public school districts, but similar institutes funded by the Government of the United States are prohibited in the People’s Republic of China.

(11) In April 2016, the Government of the People’s Republic of China enacted legislation stating that foreign nongovernmental organizations operating in the mainland of the People’s Republic of China and in special administrative regions of the People’s Republic of China would be subjected to supervision by the Government of the People’s Republic of China, and, in December 2019, the Government of the People’s Republic of China announced that it would be imposing sanctions on nonprofit organizations based in the United States, including the National Endowment for Democracy, Human Rights Watch, Freedom House, the National Democratic Institute, and the International Republican Institute, even if those organizations do not operate in the mainland of the People’s Republic of China or
in special administrative regions of the People’s Re-
public of China.

(12) When the People’s Republic of China
joined the World Trade Organization in 2001, the
People’s Republic of China promised that it would
liberalize economically, but, through state mer-
cantilism, has created a severely imbalanced trading
relationship with the United States, requiring forced
transfers of intellectual property and imposing joint
venture requirements and nontariff barriers.

(13) The People’s Republic of China provides
massive subsidies for agriculture, fishery, aluminum
and steel, and technology manufacturing industries
that distort domestic and global competition in favor
of Chinese businesses and at the expense of market
access for United States companies. These
distortionary policies harm United States companies,
workers, and consumers.

(14) The People’s Republic of China uses mul-
tiple tools, including caps on foreign equity own-
ship, data localization, and other administrative pro-
cedures, to coerce foreign companies to transfer
technology as a precondition for market access.
These policies pose immediate and far-reaching chal-
lenges for United States companies, and limit mar-
ket access for United States products and services.

(15) The People’s Republic of China’s internet
and online restrictions hamper the operations of
United States businesses in the People’s Republic of
China and certain United States technology compa-
nies are effectively banned from doing business in
the People’s Republic of China.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to clearly differentiate, in official state-
ments, media communications, and messaging, be-
tween—

(A) the people and culture of the People’s
Republic of China; and

(B) the Government of the People’s Re-
public of China and the Communist Party of
China;

(2) that ongoing negotiations toward a com-
prehensive trade agreement should be concluded in
a manner that addresses unfair trading practices by
the People’s Republic of China;

(3) that such an agreement should, to the ex-
tent possible—
(A) ensure that the People’s Republic of China commits to structural changes in its trade and economic policies;

(B) hold the People’s Republic of China accountable to those commitments; and

(C) promote access to reciprocal direct investment; and

(4) to seek and develop a relationship with the People’s Republic of China that is founded on the principles of basic reciprocity across sectors, including economic, diplomatic, educational, and communications sectors.

SEC. 4. REPORT ON THE MANNER IN WHICH THE PEOPLE’S REPUBLIC OF CHINA PERPETUATES NON-RECIPROCAL RELATIONS WITH THE UNITED STATES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report on the manner in which the Government of the People’s Republic of China creates barriers to the work of United States diplomats and other officials, journalists, and businesses, and nongovernmental
organizations based in the United States, in the People’s Republic of China.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A summary of obstacles that United States diplomats and other officials, journalists, and businesses encounter when attempting to work in the People’s Republic of China.

(2) A summary of the obstacles Chinese diplomats and other officials, journalists, and businesses encounter while working in the United States.

(3) A description of the efforts that officials of the United States have made to rectify any differences in the treatment of diplomats and other officials, journalists, and businesses by the United States and by the People’s Republic of China, and the results of those efforts.

(4) An assessment of the impact of the sanctions announced by the Government of the People’s Republic of China in December 2019 on nonprofit organizations based in the United States, including the National Endowment for Democracy, Human Rights Watch, Freedom House, the National Democratic Institute, and the International Republican Institute, even if those organizations do not operate
in the mainland of the People’s Republic of China or
in special administrative regions of the People’s Re-
public of China.

(5) An assessment of the adherence of the Gov-
ernment of the People’s Republic of China, in its
treatment of United States citizens, to due process
and the norms of—

(A) the Convention on Consular Relations,
done at Vienna April 24, 1963, and entered
into force March 19, 1967 (21 UST 77); and

(B) the Consular Convention, signed at
Washington September 17, 1980, and entered
into force February 19, 1982, between the
United States and the People’s Republic of
China.

(6) A summary of the adherence of the People’s
Republic of China to its international commitments
to the World Trade Organization.

(7) An assessment of lack of reciprocity be-
tween the United States and the People’s Republic
of China with respect to market access and the im-
пacts of the People’s Republic of China’s internet re-
strictions.

(8) Recommendations on efforts that the Gov-
ernment of the United States could undertake to im-
prove reciprocity in the relationship between the United States and the People’s Republic of China, specifically regarding parity in the areas of diplomatic and market access.

(c) FORM OF REPORT; AVAILABILITY.—

(1) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified index.

(2) AVAILABILITY.—The unclassified portion of the report required by subsection (a) shall be posted on a publicly available internet website of the Department of State.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 5. RECIPROCITY DEFINED.

In this Act, the term “reciprocity” means the mutual exchange of privileges between governments, countries, businesses, or individuals.