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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

APRIL 19, 2021

Mr. SULLIVAN (for himself and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “True Reciprocity Act
5 of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) In a number of areas, the relationship be-
2 tween the United States and the People's Republic
3 of China is not fair, equal, or reciprocal.

4 (2) The Government of the People's Republic of
5 China requires diplomats, Members of Congress, and
6 other officials of the United States to obtain ap-
7 proval before admittance into the People's Republic
8 of China and sometimes denies the entry of those in-
9 dividuals. Officials of the United States are very re-
10 stricted with respect to where they can travel and
11 with whom they can meet in the People's Republic
12 of China.

13 (3) The Government of the United States re-
14 quires diplomats of the People's Republic of China
15 to notify the Department of State of their travel and
16 meeting plans, and the Government of the United
17 States sometimes requires such diplomats to obtain
18 approval from the Department of State while trav-
19 eling in the United States. However, when such ap-
20 proval is required, it is almost always granted expe-
21 ditiously, and diplomats of the People's Republic of
22 China are not restricted with respect to where they
23 can travel or with whom they can meet in the United
24 States.

1 (4) Diplomats of the People’s Republic of China
2 based in the United States generally avail them-
3 selves of the freedom to travel to cities in the United
4 States and lobby city councils, mayors, and gov-
5 ernors to refrain from passing resolutions, issuing
6 proclamations, or making statements critical of the
7 Government of the People’s Republic of China.

8 (5) According to the 2020 Integrated Country
9 Strategy of the Department of State on the People’s
10 Republic of China, “Chinese law enforcement and
11 security services employ extra-judicial means against
12 U.S. citizens without regard to international norms,
13 including the Vienna Consular Convention and the
14 1980 U.S.-China Bilateral Consular Convention.
15 These means include broad travel prohibitions,
16 known as ‘exit bans,’ which are sometimes used to
17 prevent U.S. citizens who are not themselves sus-
18 pected of a crime from leaving China as a means to
19 pressure their relatives or associates who are wanted
20 by Chinese law enforcement in the United States.”.
21 The Department of State also stated that “Chinese
22 officials also arbitrarily detain and interrogate U.S.
23 citizens for reasons related to ‘state security’ . . .
24 [and] the Chinese criminal justice system often sub-
25 jects U.S. citizens to overly lengthy pre-trial deten-

1 tion in substandard conditions while investigations
2 are ongoing”.

3 (6) The People’s Republic of China is consid-
4 ered one of the least free countries to operate in as
5 a journalist, ranked 177 out of 180 in the 2020
6 World Press Freedom Index published by Reporters
7 Without Borders, above Eritrea, North Korea, and
8 Turkmenistan.

9 (7) According to Freedom House’s 2020 “Free-
10 dom of the Net” annual report, the People’s Repub-
11 lic of China was ranked the world’s worst abuser of
12 internet freedoms for the sixth consecutive year with
13 censorship and surveillance “pushed to unprece-
14 dented extremes”.

15 (8) The Government of the People’s Republic of
16 China restricts the movement of journalists from the
17 United States and journalists representing United
18 States media outlets by denying entry into the Peo-
19 ple’s Republic of China, issuing short visas, and re-
20 stricting access to people and places unless prior ap-
21 proval is received.

22 (9) The Government of the United States gen-
23 erally allows journalists, diplomats, and other citi-
24 zens of the People’s Republic of China to travel free-

1 ly within the United States, including on college and
2 university campuses and in the halls of Congress.

3 (10) The Government of the People's Republic
4 of China either directly or indirectly funds Confucius
5 Institutes and Confucius Classrooms operated on
6 campuses of institutions of higher education in the
7 United States and in K–12 public school districts,
8 but similar institutes funded by the Government of
9 the United States are prohibited in the People's Re-
10 public of China.

11 (11) In April 2016, the Government of the Peo-
12 ple's Republic of China enacted legislation stating
13 that foreign nongovernmental organizations oper-
14 ating in the mainland of the People's Republic of
15 China and in special administrative regions of the
16 People's Republic of China would be subjected to su-
17 pervision by the Government of the People's Repub-
18 lic of China, and, in December 2019, the Govern-
19 ment of the People's Republic of China announced
20 that it would be imposing sanctions on nonprofit or-
21 ganizations based in the United States, including the
22 National Endowment for Democracy, Human Rights
23 Watch, Freedom House, the National Democratic
24 Institute, and the International Republican Insti-
25 tute, even if those organizations do not operate in

1 the mainland of the People's Republic of China or
2 in special administrative regions of the People's Re-
3 public of China.

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

12 (13) The People's Republic of China provides
13 massive subsidies for agriculture, fishery, aluminum
14 and steel, and technology manufacturing industries
15 that distort domestic and global competition in favor
16 of Chinese businesses and at the expense of market
17 access for United States companies. These distor-
18 tionary policies harm United States companies,
19 workers, and consumers.

20 (14) The People's Republic of China uses mul-
21 tiple tools, including caps on foreign equity owner-
22 ship, data localization, and other administrative pro-
23 cedures, to coerce foreign companies to transfer
24 technology as a precondition for market access.
25 These policies pose immediate and far-reaching chal-

1 lenges for United States companies and limit market
2 access for United States products and services.

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

9 **SEC. 3. STATEMENT OF POLICY.**

10 It is the policy of the United States—

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

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

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

19 (2) that any negotiations toward a trade agree-
20 ment with the People’s Republic of China should be
21 concluded in a manner that addresses unfair trading
22 practices by the People’s Republic of China;

23 (3) that such an agreement should, to the ex-
24 tent possible—

1 (A) ensure that the People’s Republic of
 2 China commits to structural changes in its
 3 trade and economic policies;

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

6 (C) promote access to reciprocal direct in-
 7 vestment; and

8 (4) to seek and develop a relationship with the
 9 People’s Republic of China that is founded on the
 10 principles of basic reciprocity across sectors, includ-
 11 ing economic, diplomatic, educational, and commu-
 12 nications sectors.

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

17 (a) IN GENERAL.—Not later than 180 days after the
 18 date of the enactment of this Act, the Secretary of State,
 19 in consultation with the Secretary of Commerce, the
 20 United States Trade Representative, and the Secretary of
 21 the Treasury, shall submit to the appropriate congres-
 22 sional committees a report on the manner in which the
 23 Government of the People’s Republic of China creates bar-
 24 riers to the work of United States diplomats and other
 25 officials, journalists, and businesses, and nongovernmental

1 organizations based in the United States, in the People's
2 Republic of China.

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

5 (1) A summary of obstacles that United States
6 diplomats and other officials, journalists, and busi-
7 nesses encounter when attempting to work in the
8 People's Republic of China.

9 (2) A summary of the obstacles Chinese dip-
10 lomats and other officials, journalists, and busi-
11 nesses encounter while working in the United States.

12 (3) A description of the efforts that officials of
13 the United States have made to rectify any dif-
14 ferences in the treatment of diplomats and other of-
15 ficials, journalists, and businesses by the United
16 States and by the People's Republic of China, and
17 the results of those efforts.

18 (4) An assessment of the impact of the sanc-
19 tions announced by the Government of the People's
20 Republic of China in December 2019 on nonprofit
21 organizations based in the United States, including
22 the National Endowment for Democracy, Human
23 Rights Watch, Freedom House, the National Demo-
24 cratic Institute, and the International Republican
25 Institute, even if those organizations do not operate

1 in the mainland of the People's Republic of China or
2 in special administrative regions of the People's Re-
3 public of China.

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

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

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

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

19 (7) An assessment of lack of reciprocity be-
20 tween the United States and the People's Republic
21 of China with respect to market access and the im-
22 pacts of the People's Republic of China's internet re-
23 strictions.

24 (8) A description of activities and investments
25 that the Government of the People's Republic of

1 China or entities affiliated with that Government are
2 able to conduct in the United States and that are
3 denied to United States entities in the People's Re-
4 public of China.

5 (9) Recommendations on efforts that the Gov-
6 ernment of the United States could undertake to im-
7 prove reciprocity in the relationship between the
8 United States and the People's Republic of China,
9 specifically regarding parity in the areas of diplo-
10 matic and market access.

11 (c) FORM OF REPORT; AVAILABILITY.—

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

15 (2) AVAILABILITY.—The unclassified portion of
16 the report required by subsection (a) shall be posted
17 on a publicly available internet website of the De-
18 partment of State.

19 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
20 DEFINED.—In this section, the term “appropriate con-
21 gressional committees” means the Committee on Foreign
22 Relations of the Senate and the Committee on Foreign
23 Affairs of the House of Representatives.

1 **SEC. 5. RECIPROCITY DEFINED.**

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

