

Managers Substitute Amendment

AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 308

To end the treatment of the People’s Republic of China
as a developing nation.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. RISCH

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ending China’s Devel-
5 oping Nation Status Act”.

6 **SEC. 2. FINDING; STATEMENT OF POLICY.**

7 (a) FINDING.—Congress finds that the People’s Re-
8 public of China is still classified as a developing nation
9 under multiple treaties and international organization
10 structures, even though it has grown to be the second larg-
11 est economy in the world.

1 (b) STATEMENT OF POLICY.—It is the policy of the
2 United States—

3 (1) to oppose the labeling or treatment of the
4 People’s Republic of China as a developing nation in
5 current and future treaty negotiations and in each
6 international organization of which the United
7 States and the People’s Republic of China are both
8 current members;

9 (2) to pursue the labeling or treatment of the
10 People’s Republic of China as a developed nation in
11 each international organization of which the United
12 States and the People’s Republic of China are both
13 current members; and

14 (3) to work with allies and partners of the
15 United States to implement the policies described in
16 paragraphs (1) and (2).

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) APPROPRIATE COMMITTEES OF CON-
20 GRESS.—The term “appropriate committees of Con-
21 gress” means—

22 (A) the Committee on Foreign Relations of
23 the Senate; and

24 (B) the Committee on Foreign Affairs of
25 the House of Representatives.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of State.

3 **SEC. 4. REPORT ON DEVELOPMENT STATUS IN CURRENT**
4 **TREATY NEGOTIATIONS.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act, the Secretary shall submit a report to
7 the appropriate committees of Congress that—

8 (1) identifies all current treaty negotiations in
9 which—

10 (A) the proposed treaty would provide for
11 different treatment or standards for enforce-
12 ment of the treaty based on respective develop-
13 ment status of the states that are party to the
14 treaty; and

15 (B) the People’s Republic of China is ac-
16 tively participating in the negotiations, or it is
17 reasonably foreseeable that the People’s Repub-
18 lic of China would seek to become a party to
19 the treaty; and

20 (2) for each treaty negotiation identified pursu-
21 ant to paragraph (1), describes how the treaty under
22 negotiation would provide different treatment or
23 standards for enforcement of the treaty based on de-
24 velopment status of the states parties.

1 **SEC. 5. REPORT ON DEVELOPMENT STATUS IN EXISTING**
2 **ORGANIZATIONS AND TREATIES.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Secretary shall submit a report to
5 the appropriate committees of Congress that—

6 (1) identifies all international organizations or
7 treaties, of which the United States is a member,
8 that provide different treatment or standards for en-
9 forcement based on the respective development sta-
10 tus of the member states or states parties;

11 (2) describes the mechanisms for changing the
12 country designation for each relevant treaty or orga-
13 nization; and

14 (3) for each of the organizations or treaties
15 identified pursuant to paragraph (1)—

16 (A) includes a list of countries that—

17 (i) are labeled as developing nations
18 or receive the benefits of a developing na-
19 tion under the terms of the organization or
20 treaty; and

21 (ii) meet the World Bank classifica-
22 tion for upper middle income or high-in-
23 come countries; and

24 (B) describes how the organization or trea-
25 ty provides different treatment or standards for

1 enforcement based on development status of the
2 member states or states parties.

3 **SEC. 6. MECHANISMS FOR CHANGING DEVELOPMENT STA-**
4 **TUS.**

5 (a) IN GENERAL.—In any international organization
6 of which the United States and the People’s Republic of
7 China are both current members, the Secretary, in con-
8 sultation with allies and partners of the United States,
9 shall pursue—

10 (1) changing the status of the People’s Republic
11 of China from developing nation to developed nation
12 if a mechanism exists in such organization to make
13 such status change; or

14 (2) proposing the development of a mechanism
15 described in paragraph (1) to change the status of
16 the People’s Republic of China in such organization
17 from developing nation to developed nation.

18 (b) WAIVER.—The President may waive the applica-
19 tion of paragraph (1) or (2) of subsection (a) with respect
20 to any international organization if the President notifies
21 the appropriate committees of Congress that such a waiver
22 is in the national interests of the United States.