

Calendar No. 97

118TH CONGRESS
1ST SESSION**S. 308**

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. ROMNEY (for himself, Mr. VAN HOLLEN, Mr. SULLIVAN, Mr. CORNYN, and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 13, 2023

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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

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 “Ending China’s Devel-
5 oping Nation Status Act”.

1 **SEC. 2. STATEMENT OF POLICY.**

2 It should be the policy of the 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; and

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.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) **APPROPRIATE COMMITTEES OF CON-**
17 **GRESS.**—The term “appropriate committees of Con-
18 **gress”** means—

19 (A) the Committee on Foreign Relations of
20 the Senate; and

21 (B) the Committee on Foreign Affairs of
22 the House of Representatives.

23 (2) **SECRETARY.**—The term “Secretary” means
24 the Secretary of State.

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

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 identifying all
6 current treaty negotiations in which—

7 (1) the proposed treaty develops different
8 standards for the enforcement of the treaty based on
9 the development status of the member states of the
10 treaty; and

11 (2) the People's Republic of China is under con-
12 sideration for becoming a party to the treaty.

13 **SEC. 5. REPORT ON DEVELOPMENT STATUS IN EXISTING**
14 **ORGANIZATIONS AND TREATIES.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary shall submit a report to
17 the appropriate committees of Congress identifying—

18 (1) all international organizations or treaties, of
19 which the United States is a member, that have dif-
20 ferent standards for enforcement based on the devel-
21 opment status of the member states; and

22 (2) for each of the organizations or treaties
23 identified pursuant to paragraph (1), the Secretary
24 shall provide a list of countries that—

1 (A) are labeled as developing nations or re-
2 ceive the benefits of a developing nation under
3 the terms of the organization or treaty; and

4 (B) meet the World Bank classification for
5 upper middle income or high-income countries.

6 **SEC. 6. MECHANISMS FOR CHANGING DEVELOPMENT STA-**
7 **TUS.**

8 (a) **IN GENERAL.**—In any international organization
9 of which the United States and the People’s Republic of
10 China are both current members, the Secretary shall pur-
11 sue—

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

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

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Ending China’s Devel-*
3 *oping Nation Status Act”.*

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

5 *(a) FINDING.—Congress finds that the People’s Repub-*
6 *lic of China is still classified as a developing nation under*
7 *multiple treaties and international organization structures,*
8 *even though it has grown to be the second largest economy*
9 *in the world.*

10 *(b) STATEMENT OF POLICY.—It is the policy of the*
11 *United States—*

12 *(1) to oppose the labeling or treatment of the*
13 *People’s Republic of China as a developing nation in*
14 *current and future treaty negotiations and in each*
15 *international organization of which the United States*
16 *and the People’s Republic of China are both current*
17 *members;*

18 *(2) to pursue the labeling or treatment of the*
19 *People’s Republic of China as a developed nation in*
20 *each international organization of which the United*
21 *States and the People’s Republic of China are both*
22 *current members; and*

23 *(3) to work with allies and partners of the*
24 *United States to implement the policies described in*
25 *paragraphs (1) and (2).*

1 **SEC. 3. DEFINITIONS.**

2 *In this Act:*

3 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—

4 *The term “appropriate committees of Congress”*
5 *means—*

6 (A) *the Committee on Foreign Relations of*
7 *the Senate; and*

8 (B) *the Committee on Foreign Affairs of the*
9 *House of Representatives.*

10 (2) *SECRETARY.*—*The term “Secretary” means*
11 *the Secretary of State.*

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

14 *Not later than 180 days after the date of the enactment*
15 *of this Act, the Secretary shall submit a report to the appro-*
16 *priate committees of Congress that—*

17 (1) *identifies all current treaty negotiations in*
18 *which—*

19 (A) *the proposed treaty would provide for*
20 *different treatment or standards for enforcement*
21 *of the treaty based on respective development sta-*
22 *tus of the states that are party to the treaty; and*

23 (B) *the People’s Republic of China is ac-*
24 *tively participating in the negotiations, or it is*
25 *reasonably foreseeable that the People’s Republic*

1 *of China would seek to become a party to the*
2 *treaty; and*

3 *(2) for each treaty negotiation identified pursu-*
4 *ant to paragraph (1), describes how the treaty under*
5 *negotiation would provide different treatment or*
6 *standards for enforcement of the treaty based on de-*
7 *velopment status of the states parties.*

8 **SEC. 5. REPORT ON DEVELOPMENT STATUS IN EXISTING**
9 **ORGANIZATIONS AND TREATIES.**

10 *Not later than 180 days after the date of the enactment*
11 *of this Act, the Secretary shall submit a report to the appro-*
12 *priate committees of Congress that—*

13 *(1) identifies all international organizations or*
14 *treaties, of which the United States is a member, that*
15 *provide different treatment or standards for enforce-*
16 *ment based on the respective development status of the*
17 *member states or states parties;*

18 *(2) describes the mechanisms for changing the*
19 *country designation for each relevant treaty or orga-*
20 *nization; and*

21 *(3) for each of the organizations or treaties iden-*
22 *tified pursuant to paragraph (1)—*

23 *(A) includes a list of countries that—*

24 *(i) are labeled as developing nations or*
25 *receive the benefits of a developing nation*

1 *under the terms of the organization or treaty;*
 2 *and*

3 *(ii) meet the World Bank classification*
 4 *for upper middle income or high-income*
 5 *countries; and*

6 *(B) describes how the organization or treaty*
 7 *provides different treatment or standards for en-*
 8 *forcement based on development status of the*
 9 *member states or states parties.*

10 **SEC. 6. MECHANISMS FOR CHANGING DEVELOPMENT STA-**
 11 **TUS.**

12 *(a) IN GENERAL.—In any international organization*
 13 *of which the United States and the People’s Republic of*
 14 *China are both current members, the Secretary, in consulta-*
 15 *tion with allies and partners of the United States, shall*
 16 *pursue—*

17 *(1) changing the status of the People’s Republic*
 18 *of China from developing nation to developed nation*
 19 *if a mechanism exists in such organization to make*
 20 *such status change; or*

21 *(2) proposing the development of a mechanism*
 22 *described in paragraph (1) to change the status of the*
 23 *People’s Republic of China in such organization from*
 24 *developing nation to developed nation.*

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

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