

116TH CONGRESS 2D SESSION

S. 4609

To withdraw normal trade relations treatment from, and apply certain provisions of title IV of the Trade Act of 1974 to, products of the People's Republic of China, and to expand the eligibility requirements for products of the People's Republic of China to receive normal trade relations treatment in the future, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2020

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

A BILL

To withdraw normal trade relations treatment from, and apply certain provisions of title IV of the Trade Act of 1974 to, products of the People's Republic of China, and to expand the eligibility requirements for products of the People's Republic of China to receive normal trade relations treatment in the future, 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 "China Trade Relations
- 5 Act of 2020".

1	SEC. 2. WITHDRAWAL OF NORMAL TRADE RELATIONS
2	TREATMENT FROM THE PEOPLE'S REPUBLIC
3	OF CHINA.
4	Notwithstanding the provisions of title I of Public
5	Law 106–286 (114 Stat. 880) or any other provision of
6	law, effective on the date of the enactment of this Act—
7	(1) normal trade relations treatment shall not
8	apply pursuant to section 101 of that Act to the
9	products of the People's Republic of China;
10	(2) normal trade relations treatment may there-
11	after be extended to the products of the People's Re-
12	public of China only in accordance with the provi-
13	sions of chapter 1 of title IV of the Trade Act of
14	1974 (19 U.S.C. 2431 et seq.), as in effect with re-
15	spect to the products of the People's Republic of
16	China on the day before the effective date of the ac-
17	cession of the People's Republic of China to the
18	World Trade Organization; and
19	(3) the extension of waiver authority that was
20	in effect with respect to the People's Republic of
21	China under section 402(d)(1) of the Trade Act of
22	1974 (19 U.S.C. $2432(d)(1)$) on the day before the
23	effective date of the accession of the People's Repub-
24	lic of China to the World Trade Organization shall,
25	upon the enactment of this Act, be deemed not to
26	have expired, and shall continue in effect until the

1	date that is 90 days after the date of such enact-
2	ment.
3	SEC. 3. EXPANSION OF BASES OF INELIGIBILITY OF PEO-
4	PLE'S REPUBLIC OF CHINA FOR NORMAL
5	TRADE RELATIONS.
6	(a) In General.—Section 402 of the Trade Act of
7	1974 (19 U.S.C. 2432) is amended—
8	(1) in the section heading, by striking "FREE-
9	DOM OF EMIGRATION IN EAST-WEST TRADE"
10	and inserting "EAST-WEST TRADE AND HUMAN
11	RIGHTS"; and
12	(2) by adding at the end the following:
13	"(f) Additional Bases of Ineligibility of Peo-
14	PLE'S REPUBLIC OF CHINA FOR NORMAL TRADE RELA-
15	TIONS.—
16	"(1) In general.—Products from the People's
17	Republic of China shall not be eligible to receive
18	nondiscriminatory treatment (normal trade rela-
19	tions), the People's Republic of China shall not par-
20	ticipate in any program of the Government of the
21	United States which extends credits or credit guar-
22	antees or investment guarantees, directly or indi-
23	rectly, and the President shall not conclude any
24	commercial agreement with the People's Republic of
25	China, during the period—

1	"(A) beginning with the date on which the
2	President determines that the People's Republic
3	of China—
4	"(i) is in violation of paragraph (1),
5	(2), or (3) of subsection (a);
6	"(ii) uses or provides for the use of
7	slave labor;
8	"(iii) operates 'vocational training and
9	education centers' or other concentration
10	camps where people are held against their
11	will;
12	"(iv) performs or otherwise orders
13	forced abortion or sterilization procedures;
14	"(v) harvests the organs of prisoners
15	without their consent;
16	"(vi) hinders the free exercise of reli-
17	gion;
18	"(vii) intimidates or harasses nation-
19	als of the People's Republic of China living
20	outside the People's Republic of China; or
21	"(viii) engages in systematic economic
22	espionage against the United States, in-
23	cluding theft of the intellectual property of
24	United States persons; and

1	"(B) ending on the date on which the
2	President determines that the People's Republic
3	of China is no longer in violation of any of
4	clauses (i) through (viii) of subparagraph (A).
5	"(2) Report required.—

"(A) IN GENERAL.—After the date of the enactment of this subsection, products of the People's Republic of China may be eligible to receive nondiscriminatory treatment (normal trade relations), the People's Republic of China may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and the President may conclude a commercial agreement with the People's Republic of China, only after the President has submitted to Congress a report indicating that the People's Republic of China is not in violation of any of clauses (i) through (viii) of paragraph (1)(A).

"(B) ELEMENTS.—The report required by subparagraph (A) shall include information as to the nature and implementation of laws and policies of the People's Republic of China relating to the matters specified in clauses (i) through (viii) of paragraph (1)(A).

"(C) Deadlines.—The report required by subparagraph (A) shall be submitted on or before each June 30 and December 31 of each year for as long as products of the People's Republic of China receive nondiscriminatory treatment (normal trade relations), the People's Republic of China participates in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, or a commercial agreement with the People's Republic of China is in effect.

"(3) Waiver.—

- "(A) IN GENERAL.—The President is authorized to waive by Executive order the application of paragraphs (1) and (2) for a 12-month period if the President submits to Congress a report that the President—
 - "(i) has determined that such waiver will substantially promote the objectives of this subsection; and
 - "(ii) has received assurances that the practices of the People's Republic of China relating to the matters specified in clauses
 (i) through (viii) of paragraph (1)(A) will in the future lead substantially to the

1	achievement of the objectives of this sub-
2	section.
3	"(B) Termination of Waiver.—A waiver
4	under subparagraph (A) shall terminate on the
5	earlier of—
6	"(i) the day after the waiver authority
7	granted by this paragraph ceases to be ef-
8	fective under paragraph (4); or
9	"(ii) the effective date of an Executive
10	order providing for termination of the
11	waiver.
12	"(4) Extension of waiver authority.—
13	"(A) RECOMMENDATIONS.—If the Presi-
14	dent determines that the further extension of
15	the waiver authority granted under paragraph
16	(3) will substantially promote the objectives of
17	this subsection, the President may recommend
18	further extensions of such authority for succes-
19	sive 12-month periods. Any such recommenda-
20	tions shall—
21	"(i) be made not later than 30 days
22	before the expiration of such authority;
23	"(ii) be made in a document sub-
24	mitted to the House of Representatives
25	and the Senate setting forth the reasons of

1	the President for recommending the exten-
2	sion of such authority; and
3	"(iii) include—
4	"(I) a determination that con-
5	tinuation of the waiver will substan-
6	tially promote the objectives of this
7	subsection; and
8	"(II) a statement setting forth
9	the reasons of the President for such
10	determination.
11	"(B) Continuation in effect of waiv-
12	ER.—If the President recommends under sub-
13	paragraph (A) the further extension of the
14	waiver authority granted under paragraph (3),
15	such authority shall continue in effect until the
16	end of the 12-month period following the end of
17	the previous 12-month extension, unless—
18	"(i) Congress adopts and transmits to
19	the President a joint resolution of dis-
20	approval under paragraph (5) before the
21	end of the 60-day period beginning on the
22	date the waiver authority would expire but
23	for an extension under subparagraph (A);
24	and

1	"(ii) if the President vetoes the joint
2	resolution, each House of Congress votes
3	to override the veto on or before the later
4	of—
5	"(I) the last day of the 60-day
6	period referred to in clause (i); or
7	"(II) the last day of the 15-day
8	period (excluding any day described in
9	section 154(b)) beginning on the date
10	on which Congress receives the veto
11	message from the President.
12	"(C) TERMINATION OF WAIVER PURSUANT
13	TO JOINT RESOLUTION OF DISAPPROVAL.—If a
14	joint resolution of disapproval is enacted into
15	law pursuant to paragraph (5), the waiver au-
16	thority granted under paragraph (3) shall cease
17	to be effective as of the day after the 60-day
18	period beginning on the date of the enactment
19	of the joint resolution.
20	"(5) Joint resolution of disapproval.—
21	"(A) Joint resolution of disapproval
22	DEFINED.—In this paragraph, the term 'joint
23	resolution of disapproval' means a joint resolu-
24	tion the matter after the resolving clause of
25	which is as follows: 'That Congress does not ap-

1	prove the extension of the authority contained
2	in paragraph (3) of section 402(f) of the Trade
3	Act of 1974 with respect to the People's Repub-
4	lic of China recommended by the President to
5	Congress under paragraph (4) of that section
6	on', with the blank space being filled
7	with the appropriate date.
8	"(B) Procedures in house and sen-
9	ATE.—The provisions of subsections (b)
10	through (f) of section 152 shall apply with re-
11	spect to a joint resolution of approval to the
12	same extent and in the same manner as such
13	provisions apply with respect to a resolution de-
14	scribed in subsection (a) of that section, except
15	that subsection (e)(2) of that section shall be
16	applied and administered by substituting 'Con-
17	sideration' for 'Debate'.
18	"(C) Rules of the house of rep-
19	RESENTATIVES AND SENATE.—This paragraph
20	is enacted by Congress—
21	"(i) as an exercise of the rulemaking
22	power of the House of Representatives and
23	the Senate, respectively, and as such is
24	deemed a part of the rules of each House,

respectively, and supersedes other rules

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1	only to the extent that it is inconsistent
2	with such other rules; and
3	"(ii) with full recognition of the con-
4	stitutional right of either House to change
5	the rules (so far as relating to the proce-
6	dure of that House) at any time, in the
7	same manner and to the same extent as in
8	the case of any other rule of that House.".
9	(b) CLERICAL AMENDMENT.—The table of contents
10	for the Trade Act of 1974 is amended by striking the item
11	relating to section 402 and inserting the following:

"Sec. 402. East-West trade and human rights.".