

115TH CONGRESS  
1ST SESSION

# S. 417

To reinstate reporting requirements related to United States-Hong Kong relations.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2017

Mr. RUBIO (for himself, Mr. COTTON, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To reinstate reporting requirements related to United States-Hong Kong relations.

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 “Hong Kong Human  
5 Rights and Democracy Act of 2017”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMITTED; ALIEN.—The terms “admitted”  
9 and “alien” have the meanings given those terms in

1 section 101 of the Immigration and Nationality Act  
2 (8 U.S.C. 1101).

3 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
4 TEES.—The term “appropriate congressional com-  
5 mittees” means—

6 (A) the Committee on Armed Services, the  
7 Committee on Financial Services, the Com-  
8 mittee on Foreign Affairs, the Committee on  
9 Homeland Security, and the Committee on the  
10 Judiciary of the House of Representatives; and

11 (B) the Committee on Armed Services, the  
12 Committee on Banking, Housing, and Urban  
13 Affairs, the Committee on Foreign Relations,  
14 the Committee on Homeland Security and Gov-  
15 ernmental Affairs, and the Committee on the  
16 Judiciary of the Senate.

17 (3) FINANCIAL INSTITUTION.—The term “fi-  
18 nancial institution” has the meaning given that term  
19 in section 5312 of title 31, United States Code.

20 (4) UNITED STATES PERSON.—The term  
21 “United States person” means—

22 (A) a United States citizen or an alien law-  
23 fully admitted for permanent residence to the  
24 United States; or

1 (B) an entity organized under the laws of  
2 the United States or of any jurisdiction within  
3 the United States, including a foreign branch of  
4 such an entity.

5 **SEC. 3. FINDINGS.**

6 Congress makes the following findings:

7 (1) The Joint Declaration of the Government of  
8 the United Kingdom of Great Britain and Northern  
9 Ireland and the Government of the People's Repub-  
10 lic of China on the Question of Hong Kong, done at  
11 Beijing December 19, 1984 (in this Act referred to  
12 as the "Joint Declaration")—

13 (A) provided that the People's Republic of  
14 China resumed sovereignty over Hong Kong on  
15 July 1, 1997; and

16 (B) established a "high degree of auton-  
17 omy" for Hong Kong except in matters of for-  
18 eign affairs and defense.

19 (2) The Basic Law of the Hong Kong Special  
20 Administrative Region of the People's Republic of  
21 China (in this Act referred to as "Basic Law")—

22 (A) guarantees Hong Kong a "high degree  
23 of autonomy" and separate executive, legisla-  
24 tive, and independent judicial powers;

1 (B) generally prohibits the central Govern-  
2 ment of the People's Republic of China from  
3 interfering in the affairs that Hong Kong ad-  
4 ministers on its own according to the Basic  
5 Law;

6 (C) protects the rights to free speech,  
7 press, assembly, and religion;

8 (D) guarantees residents of Hong Kong  
9 "the freedom of the person," meaning "no  
10 Hong Kong resident shall be subjected to arbi-  
11 trary or unlawful arrest, detention or imprison-  
12 ment";

13 (E) guarantees residents of Hong Kong  
14 "the right to confidential legal advice, access to  
15 the courts, choice of lawyers for timely protec-  
16 tion of their lawful rights and interests or for  
17 representation in the courts, and to judicial  
18 remedies";

19 (F) provides that the socialist system and  
20 policies shall not be practiced in Hong Kong  
21 and that Hong Kong's capitalist system and  
22 way of life shall remain unchanged for 50 years  
23 (the principle of "one country, two systems");

1 (G) affirms the continuing applicability of  
2 the International Covenant on Civil and Polit-  
3 ical Rights to Hong Kong;

4 (H) provides that the head of the Hong  
5 Kong Special Administrative Region shall be  
6 the Chief Executive;

7 (I) provides that “the ultimate aim is the  
8 selection of the Chief Executive by universal  
9 suffrage upon nomination by a broadly rep-  
10 resentative nominating committee in accordance  
11 with democratic procedures”;

12 (J) provides that the legislature of the  
13 Hong Kong Special Administrative Region shall  
14 be the Legislative Council; and

15 (K) provides that “the ultimate aim is the  
16 election of all the members of the Legislative  
17 Council by universal suffrage”.

18 (3) The National People’s Congress Standing  
19 Committee (NPCSC) determined on December 29,  
20 2007, that Hong Kong could elect the Chief Execu-  
21 tive by universal suffrage beginning in 2017, and  
22 that Hong Kong could thereafter elect the Legisla-  
23 tive Council by universal suffrage beginning in 2020.

24 (4) The Chief Executive is currently selected by  
25 an Election Committee consisting of 1,200 members.

1 In order to run, candidates for Chief Executive must  
2 currently receive the support of one-eighth of the  
3 members of the Election Committee, the majority of  
4 whom reportedly support or have ties to the Chinese  
5 Communist Party.

6 (5) On August 31, 2014, the NPCSC deter-  
7 mined that the 2017 election for the Chief Executive  
8 could be held by universal suffrage but that Hong  
9 Kong voters could only choose from two to three  
10 candidates, each of whom is to be chosen by a ma-  
11 jority of a nominating committee similar to the cur-  
12 rent Election Committee that is heavily controlled by  
13 pro-Beijing members.

14 (6) International standards for elections, in-  
15 cluding Article 21 of the Universal Declaration of  
16 Human Rights and Article 25 of the International  
17 Covenant on Civil and Political Rights, guarantee  
18 citizens the right to vote and to be elected in gen-  
19 uine periodic elections by universal and equal suf-  
20 frage without unreasonable restrictions.

21 (7) Hundreds of thousands of Hong Kong resi-  
22 dents have consistently and peacefully expressed  
23 their dissatisfaction with the electoral reform plans  
24 of the Hong Kong government and the Government  
25 of the People's Republic of China, including the Au-

1       gust 2014 NPCSC decision, and have called for a  
2       genuine choice in elections that meet international  
3       standards. Their peaceful and orderly protests have  
4       set an example for other democratic movements  
5       around the world, including those in mainland China  
6       that continue to fight for their fundamental free-  
7       doms.

8           (8) Media reports and video footage indicate  
9       that Hong Kong police used tear gas and pepper  
10      spray against pro-democracy demonstrators on Sep-  
11      tember 28, 2014. There have also been accusations  
12      of excessive use of force by the Hong Kong police,  
13      but no police officer has yet been convicted.

14          (9) Protestors and pro-democracy activists re-  
15      ported sustained harassment and intimidation dur-  
16      ing and after the demonstrations, including hacking  
17      of their email accounts or phone, by groups report-  
18      edly connected to the Government of the People's  
19      Republic of China.

20          (10) Some protestors and activists have been  
21      unable to travel to mainland China due to their par-  
22      ticipation in the demonstrations, which has a direct  
23      bearing on their future employment prospects. Pro-  
24      democracy advocates claim that the Governments of  
25      the People's Republic of China and Hong Kong have

1 assembled “blacklists” of activists banned from en-  
2 tering mainland China.

3 (11) Several prominent student leaders, includ-  
4 ing Joshua Wong, leader of the now dissolved stu-  
5 dent activist group Scholarism and Secretary-Gen-  
6 eral of the political party Demosisto, Nathan Law,  
7 former General Secretary of the Hong Kong Federa-  
8 tion of Students and current member of the Legisla-  
9 tive Council, and Alex Chow, the former General  
10 Secretary of the Hong Kong Federation of Students,  
11 had legal charges levied against them due to their  
12 participation in pro-democracy protest activities in  
13 September 2014. Wong and Chow were convicted of  
14 “unlawful assembly” while Law was convicted of  
15 “incitement,” offenses under Hong Kong’s Public  
16 Order Ordinance, which is incompatible with inter-  
17 national standards on the freedom of assembly.

18 (12) Ahead of the September 2016 Legislative  
19 Council election, the Electoral Affairs Commission in  
20 Hong Kong issued a new “confirmation form” for  
21 LegCo candidates to sign confirming their commit-  
22 ment to uphold the Basic Law, specifically that the  
23 territory is an inalienable part of China. Six pro-  
24 independence candidates were disqualified for failing  
25 to do so. This new requirement has been character-



1        ized as unlawful and political censorship by lawyers,  
2        political organizations, and students.

3            (13) Following the September 2016 Legislative  
4        Council elections, the Hong Kong government filed  
5        a lawsuit to remove from office two newly-elected  
6        pro-democracy lawmakers, arguing that the alter-  
7        ations they made to their oaths of office rendered  
8        those oaths invalid.

9            (14) On November 7, 2016, the NPCSC inter-  
10        vened in the pending court case, issuing an interpre-  
11        tation of article 104 of Hong Kong’s Basic Law  
12        which found that oaths of office would be invalid un-  
13        less delivered “sincerely and solemnly.” Following  
14        the NPCSC interpretation, the two lawmakers were  
15        removed from office by a Hong Kong court.

16           (15) In December 2016, the Hong Kong gov-  
17        ernment filed a lawsuit against four other pro-de-  
18        mocracy lawmakers, seeking to disqualify and re-  
19        move them from office for impermissibly altering  
20        their oaths.

21           (16) Five individuals affiliated with the Mighty  
22        Current Publishing House and the Causeway Bay  
23        Bookstore, both of which are based in Hong Kong  
24        and sell literary works critical of Beijing, dis-  
25        appeared under mysterious circumstances between

1       October and December 2015, including Gui Minhai,  
2       a naturalized Swedish citizen and co-owner of  
3       Mighty Current; Lee Bo, a British citizen and co-  
4       owner of Mighty Current; Lui Bo; Cheung Chi-ping;  
5       and Lam Wing-kee.

6           (17) Upon his return to Hong Kong in June  
7       2016, Lam publicly revealed details of his and other  
8       booksellers' detentions, including their forced confes-  
9       sions alleging that the abductions and detentions  
10      were directed by Chinese central government offi-  
11      cials.

12          (18) Despite Lee's denial that he was abducted  
13      and the televised confessions of the other four, the  
14      five men's disappearances have been widely con-  
15      demned by human rights organizations and foreign  
16      officials and have resulted in allegations of mainland  
17      China's law enforcement agencies operating in Hong  
18      Kong, which would be a violation of the Basic Law.

19          (19) In February 2016, the British Foreign  
20      Secretary said Lee Bo's involuntary removal to  
21      mainland China "constitute[d] a serious breach of  
22      the Sino-British Joint Declaration that paved the  
23      way for Hong Kong's 1997 return to China. As part  
24      of the treaty, China promised to safeguard Hong  
25      Kong's freedoms."

1           (20) As China’s use of public “confessions” has  
2           expanded, several Hong Kong media outlets have  
3           been the medium whereby prominent rights defend-  
4           ers and lawyers, including Wang Yu and Zhao Wei,  
5           have “confessed” to their alleged crimes.

6           (21) The United States enjoys close economic,  
7           social, and cultural ties with Hong Kong. According  
8           to the Department of State, 60,000 United States  
9           citizens live in Hong Kong, and 1,400 United States  
10          businesses have offices there. According to the Office  
11          of the United States Trade Representative, Hong  
12          Kong is the United States 18th largest trade part-  
13          ner and 10th largest export market for United  
14          States goods.

15          (22) Hong Kong’s unique status as an inter-  
16          national finance center where the rule of law and the  
17          rights and freedoms of its citizens are protected has  
18          served as the foundation for Hong Kong’s stability  
19          and prosperity.

20          (23) Section 301 of the Hong Kong Policy Act  
21          of 1992 (22 U.S.C. 5731) required the Secretary of  
22          State to issue reports on conditions in Hong Kong  
23          of interest to the United States, including the devel-  
24          opment of democratic institutions in Hong Kong,

1 and the last report under section 301 was issued on  
2 June 30, 2007.

3 (24) Failure to establish a genuine democratic  
4 option to nominate and elect the Chief Executive of  
5 Hong Kong by 2017 and to establish open and di-  
6 rect democratic elections for all members of the  
7 Hong Kong Legislative Council by 2020 would re-  
8 duce confidence in the commitment of the Govern-  
9 ment of the People's Republic of China to uphold its  
10 obligations under international law, and would erode  
11 the ability of Hong Kong to retain a high degree of  
12 autonomy.

13 (25) During an October 2014 session, the  
14 United Nations Human Rights Committee, con-  
15 sisting of 18 independent experts, reviewed China's  
16 compliance with the International Covenant on Civil  
17 and Political Rights with respect to Hong Kong. Ac-  
18 cording to the session's chair, the Committee agreed  
19 on "the need to ensure universal suffrage, which  
20 means both the right to be elected as well as the  
21 right to vote. The main concerns of Committee  
22 members were focused on the right to stand for elec-  
23 tions without unreasonable restrictions." Another  
24 Committee member said that the "committee doesn't

1 want candidates filtered. The problem is that Beijing  
2 wants to vet candidates.”

3 (26) The Congressional-Executive Commission  
4 on China’s 2015 Annual Report “observed develop-  
5 ments raising concerns that the Chinese and Hong  
6 Kong governments may have infringed on the rights  
7 of the people of Hong Kong, including in the areas  
8 of political participation and democratic reform,  
9 press freedom, and freedom of assembly.”

10 (27) The Congressional-Executive Commission  
11 on China’s 2016 Annual Report found that “the  
12 growing influence of the Chinese central government  
13 and communist party and suspected activity by Chi-  
14 nese authorities in Hong Kong—notably the dis-  
15 appearance, alleged abduction, and detention in  
16 mainland China of five Hong Kong booksellers—  
17 raised fears regarding Hong Kong’s autonomy with-  
18 in China as guaranteed under the ‘one country, two  
19 systems’ policy enshrined in the Basic Law, which  
20 prohibits mainland Chinese authorities from inter-  
21 fering in Hong Kong”.

22 (28) A Hong Kong Journalists Association  
23 (HKJA) survey on press freedom found that 85 per-  
24 cent of journalists believed press freedom had dete-  
25 riorated in 2015.

1           (29) Hong Kong ranked 69th among 180 coun-  
 2       tries in Reporters Without Borders’ 2016 World  
 3       Press Freedom Index, down eight places in just two  
 4       years and marking a significant decline from 2002,  
 5       when Hong Kong ranked 18th.

6           (30) Freedom House’s 2015 Freedom of the  
 7       Press Report found a five-year decline in press free-  
 8       dom in Hong Kong marked by an increase in phys-  
 9       ical attacks against journalists, cyberattacks crip-  
 10      pling widely read news sites at politically sensitive  
 11      moments, and businesses withdrawing advertising  
 12      from outlets that were critical of Beijing and sup-  
 13      portive of prodemocracy protestors.

14 **SEC. 4. STATEMENT OF POLICY.**

15       It is the policy of the United States—

16           (1) to reaffirm the principles and objectives set  
 17       forth in the United States-Hong Kong Policy Act of  
 18       1992, namely that—

19           (A) the United States has “a strong inter-  
 20       est in the continued vitality, prosperity, and  
 21       stability of Hong Kong”;

22           (B) “support for democratization is a fun-  
 23       damental principle of United States foreign pol-  
 24       icy”;

1 (C) “the human rights of the people of  
2 Hong Kong are of great importance to the  
3 United States and are directly relevant to  
4 United States interests in Hong Kong”;

5 (D) human rights “serve as a basis for  
6 Hong Kong’s continued economic prosperity”;  
7 and

8 (E) Hong Kong must remain sufficiently  
9 autonomous from the People’s Republic of  
10 China to justify a different treatment under a  
11 particular law of the United States, or any pro-  
12 vision thereof, from that accorded the People’s  
13 Republic of China;

14 (2) to support the democratic aspirations of the  
15 people of Hong Kong, as guaranteed to them by the  
16 Joint Declaration, the Basic Law, the International  
17 Covenant on Civil and Political Rights, and the Uni-  
18 versal Declaration of Human Rights;

19 (3) to urge the Government of the People’s Re-  
20 public of China to uphold its commitments to Hong  
21 Kong, including allowing the people of Hong Kong  
22 to rule Hong Kong with a high degree of autonomy  
23 and without undue interference, and ensuring that  
24 Hong Kong voters freely enjoy the right to elect the

1 Chief Executive and all members of the Hong Kong  
2 Legislative Council by universal suffrage;

3 (4) to support the establishment by 2017 of a  
4 genuine democratic option to freely and fairly nomi-  
5 nate and elect the Chief Executive of Hong Kong,  
6 and the establishment by 2020 of open and direct  
7 democratic elections for all members of the Hong  
8 Kong Legislative Council;

9 (5) to support the robust exercise by residents  
10 of Hong Kong of the rights to free speech and the  
11 press as guaranteed to them by the Basic Law and  
12 the Joint Declaration;

13 (6) to ensure that all residents of Hong Kong  
14 are afforded freedom from arbitrary or unlawful ar-  
15 rest, detention, or imprisonment as guaranteed to  
16 them by the Basic Law and the Joint Declaration;  
17 and

18 (7) to draw international attention to any viola-  
19 tions by the Government of the People's Republic of  
20 China of the fundamental rights of residents of  
21 Hong Kong and any encroachment upon the auton-  
22 omy guaranteed to Hong Kong by the Basic Law  
23 and the Joint Declaration.



1 **SEC. 5. REINSTATEMENT OF REPORTING REQUIREMENTS**  
2 **RELATED TO UNITED STATES-HONG KONG**  
3 **RELATIONS.**

4 (a) IN GENERAL.—Section 301 of the United States-  
5 Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is  
6 amended—

7 (1) by striking “Not later than” and all that  
8 follows through “the Secretary of State” and insert-  
9 ing “Not later than 90 days after the date of the en-  
10 actment of the Hong Kong Human Rights and De-  
11 mocracy Act of 2017 and annually thereafter  
12 through 2023,”;

13 (2) by striking “Speaker of the House of Rep-  
14 resentatives” and inserting “chairman of the Com-  
15 mittee on Foreign Affairs of the House of Rep-  
16 resentatives”;

17 (3) in paragraph (7), by striking “; and” and  
18 inserting a semicolon;

19 (4) in paragraph (8), by striking the period at  
20 the end and inserting “; and”; and

21 (5) by adding at the end the following new  
22 paragraph:

23 “(9) matters in which Hong Kong is given sep-  
24 arate treatment under the laws of the United States  
25 from that accorded to the People’s Republic of  
26 China and in accordance with this Act.”.

1 (b) FORM.—The report required under section 301  
 2 of the United States-Hong Kong Policy Act of 1992 (22  
 3 U.S.C. 5731), as amended by subsection (a), should be  
 4 unclassified and made publicly available, including  
 5 through the Department of State’s public website.

6 **SEC. 6. TREATMENT OF HONG KONG UNDER UNITED**  
 7 **STATES LAW.**

8 Title II of the United States-Hong Kong Policy Act  
 9 of 1992 (22 U.S.C. 5721 et seq.) is amended by inserting  
 10 after section 202 the following new section:

11 **“SEC. 202a. TREATMENT OF HONG KONG UNDER UNITED**  
 12 **STATES LAW.**

13 “(a) SECRETARY OF STATE CERTIFICATION RE-  
 14 QUIREMENT.—

15 “(1) IN GENERAL.—Not later than 90 days  
 16 after the date of the enactment of the Hong Kong  
 17 Human Rights and Democracy Act of 2017, and an-  
 18 nually thereafter, the Secretary of State shall certify  
 19 to Congress whether Hong Kong is sufficiently au-  
 20 tonomous to justify separate treatment under a par-  
 21 ticular law of the United States, or any provision  
 22 thereof, different from that accorded the People’s  
 23 Republic of China in any new laws, agreements,  
 24 treaties, or arrangements entered into between the

1 United States and Hong Kong after the date of the  
2 enactment of such Act.

3 “(2) FACTOR FOR CONSIDERATION.—In making  
4 a certification under paragraph (1), the Secretary of  
5 State should consider the terms, obligations, and ex-  
6 pectations expressed in the Joint Declaration with  
7 respect to Hong Kong.

8 “(b) WAIVER AUTHORITY.—The Secretary of State  
9 may waive the application of subsection (a) if the Sec-  
10 retary—

11 “(1) determines that such a waiver is in the na-  
12 tional security interests of the United States; and

13 “(2) on or before the date on which the waiver  
14 takes effect, submits to the Committee on Foreign  
15 Relations of the Senate and the Committee on For-  
16 eign Affairs of the House of Representatives a notice  
17 of and justification for the waiver.”.

18 **SEC. 7. IDENTIFICATION OF PERSONS RESPONSIBLE FOR**  
19 **THE ABDUCTION OF CERTAIN BOOKSELLERS**  
20 **AND JOURNALISTS IN HONG KONG AND FOR**  
21 **OTHER ACTIONS TO SUPPRESS BASIC FREE-**  
22 **DOMS IN HONG KONG.**

23 (a) IN GENERAL.—Not later than 180 days after the  
24 date of the enactment of this Act, the President shall sub-  
25 mit to the appropriate congressional committees a list of

1 each person that the President determines, based on cred-  
2 ible information—

3           (1) is responsible for the surveillance, abduc-  
4 tion, detention, abuse, or forced confession of Gui  
5 Minhai, Lee Bo, Lam Wing-kee, Lui Bo, or Cheung  
6 Chi-ping, all of whom are involved in the operation  
7 of the Mighty Current Publishing House based in  
8 Hong Kong;

9           (2) is responsible for the surveillance, abduc-  
10 tion, detention, abuse, or forced confession of Guo  
11 Zhongxiao or Wang Jianmin, both of whom are in-  
12 volved in the operation of magazine publications  
13 based in Hong Kong; or

14           (3) is responsible for the surveillance, abduc-  
15 tion, detention, abuse, or forced confession of any  
16 other journalist, publisher, writer, bookseller, or  
17 other resident in Hong Kong in connection with the  
18 exercise by that individual of the right to freedom of  
19 speech, freedom of the press, freedom of assembly,  
20 freedom of association, and freedom of religion.

21           (b) UPDATES.—The President shall submit to the ap-  
22 propriate congressional committees an update of the list  
23 required by subsection (a) as new information becomes  
24 available.

25           (c) FORM.—

1           (1) IN GENERAL.—The list required by sub-  
2           section (a) shall be submitted in unclassified form.

3           (2) EXCEPTION.—The name of a person to be  
4           included in the list required by subsection (a) may  
5           be submitted in a classified annex only if the Presi-  
6           dent—

7                   (A) determines that it is vital for the na-  
8                   tional security interests of the United States to  
9                   do so;

10                   (B) uses the annex in such a manner con-  
11                   sistent with congressional intent and the pur-  
12                   poses of this Act; and

13                   (C) 15 days before submitting the name in  
14                   a classified annex, provides to the appropriate  
15                   congressional committees notice of, and a jus-  
16                   tification for, including or continuing to include  
17                   each person in the classified annex despite any  
18                   publicly available credible information indi-  
19                   cating that the person engaged in an activity  
20                   described in paragraph (1), (2), or (3) of sub-  
21                   section (a).

22           (3) CONSIDERATION OF DATA FROM OTHER  
23           COUNTRIES AND NONGOVERNMENTAL ORGANIZA-  
24           TIONS.—In preparing the list required by subsection  
25           (a), the President shall consider information pro-

1 vided by the chairperson and ranking member of  
2 each of the appropriate congressional committees  
3 and credible data obtained by other countries and  
4 nongovernmental organizations, including organiza-  
5 tions inside the People's Republic of China or Hong  
6 Kong, that monitor the human rights abuses of the  
7 Government of the People's Republic of China or its  
8 associates or agents.

9 (4) PUBLIC AVAILABILITY.—The unclassified  
10 portion of the list required by subsection (a) shall be  
11 made available to the public and published in the  
12 Federal Register.

13 (d) REMOVAL FROM LIST.—A person may be re-  
14 moved from the list required by subsection (a) if the Presi-  
15 dent determines and reports to the appropriate congres-  
16 sional committees not later than 15 days before the re-  
17 moval of the person from the list that—

18 (1) credible information exists that the person  
19 did not engage in the activity for which the person  
20 was added to the list;

21 (2) the person has been prosecuted appro-  
22 priately for the activity in which the person engaged;  
23 or

24 (3) the person has credibly demonstrated a sig-  
25 nificant change in behavior, has paid an appropriate

1 consequence for the activities in which the person  
2 engaged, and has credibly committed to not engage  
3 in the types of activities specified in paragraphs (1)  
4 through (3) of subsection (a).

5 (e) REQUESTS BY CHAIRPERSON AND RANKING  
6 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-  
7 TEES.—

8 (1) IN GENERAL.—Not later than 120 days  
9 after receiving a written request from the chair-  
10 person or ranking member of one of the appropriate  
11 congressional committees with respect to whether a  
12 person meets the criteria for being added to the list  
13 required by subsection (a), the President shall sub-  
14 mit a response to the chairperson and ranking mem-  
15 ber of the committee which made the request with  
16 respect to the status of the person.

17 (2) FORM.—The President may submit a re-  
18 sponse required by paragraph (1) in classified form  
19 if the President determines that it is vital for the  
20 national security interests of the United States to do  
21 so.

22 (3) REMOVAL.—If the President removes from  
23 the list required by subsection (a) a person who has  
24 been placed on the list at the request of the chair-  
25 person and ranking member of one of the appro-

1        appropriate congressional committees, the President shall  
2        provide the chairperson and ranking member with  
3        any information that contributed to the removal de-  
4        cision. The President may submit such information  
5        in classified form if the President determines that it  
6        is vital for the national security interests of the  
7        United States to do so.

8        (f) NONAPPLICABILITY OF CONFIDENTIALITY RE-  
9        QUIREMENT WITH RESPECT TO VISA RECORDS.—The  
10       President shall publish the list required by subsection (a)  
11       without regard to the requirements of section 222(f) of  
12       the Immigration and Nationality Act (8 U.S.C. 1202(f))  
13       with respect to confidentiality of records pertaining to the  
14       issuance or refusal of visas or permits to enter the United  
15       States.

16       **SEC. 8. INADMISSIBILITY OF CERTAIN ALIENS AND FAMILY**  
17       **MEMBERS.**

18       (a) IN GENERAL.—Section 212(a)(2)(F) of the Im-  
19       migration and Nationality Act (8 U.S.C. 1182(a)(2)(F))  
20       is amended to read as follows:

21                “(F) ABDUCTIONS OF CERTAIN JOURNAL-  
22                ISTS.—Any alien described in section 7(a) of  
23                the Hong Kong Human Rights and Democracy  
24                Act of 2017 is inadmissible.”.



1       (b) CURRENT VISAS REVOKED.—The issuing con-  
2 sular officer, the Secretary of State, or the Secretary of  
3 Homeland Security (or a designee of one of such Secre-  
4 taries) shall revoke any visa or other entry documentation  
5 issued to any person who is included on the list required  
6 under section 7(a) that is an alien, regardless of when  
7 issued. The revocations shall take effect immediately and  
8 shall automatically cancel any other valid visa or entry  
9 documentation that is in the alien’s possession.

10       (c) WAIVER FOR NATIONAL SECURITY INTERESTS.—

11           (1) IN GENERAL.—The Secretary of State may  
12 waive application of section 212(a)(2)(F) of the Im-  
13 migration and Nationality Act, as amended by sub-  
14 section (a), or subsection (b) with respect to an  
15 alien, if—

16           (A) the Secretary determines that such a  
17 waiver—

18           (i) is necessary to permit the United  
19 States to comply with the Agreement be-  
20 tween the United Nations and the United  
21 States of America regarding the Head-  
22 quarters of the United Nations, signed  
23 June 26, 1947, and entered into force No-  
24 vember 21, 1947, or other applicable inter-

1 national obligations of the United States;  
 2 or

3 (ii) is vital for the national security  
 4 interests of the United States; and

5 (B) before granting such a waiver, the Sec-  
 6 retary provides to the appropriate congressional  
 7 committees notice of, and a justification for, the  
 8 waiver.

9 (2) TIMING FOR CERTAIN WAIVERS.—Notifica-  
 10 tion under subparagraph (B) of paragraph (1) shall  
 11 be made not later than 15 days before granting a  
 12 waiver under such paragraph if the Secretary grants  
 13 such waiver under subparagraph (A)(ii) of such  
 14 paragraph.

15 (d) REGULATORY AUTHORITY.—The Secretary of  
 16 State shall prescribe such regulations as are necessary to  
 17 carry out this section.

18 **SEC. 9. TREATMENT OF HONG KONG APPLICANTS FOR**  
 19 **VISAS TO STUDY OR WORK IN THE UNITED**  
 20 **STATES.**

21 Title II of the United States-Hong Kong Policy Act  
 22 of 1992 (22 U.S.C. 5721 et seq.), as amended by section  
 23 6, is further amended by inserting after section 202a the  
 24 following new section:

1   **“SEC. 202b. TREATMENT OF HONG KONG APPLICANTS FOR**  
2                           **VISAS TO STUDY OR WORK IN THE UNITED**  
3                           **STATES.**

4           “(a) STATEMENT OF POLICY.—Notwithstanding all  
5 other provisions of law, applications for visas to enter,  
6 study, or work in the United States, submitted by other-  
7 wise qualified applicants who were resident in Hong Kong  
8 in 2014, shall not be denied on the basis of the applicant’s  
9 arrest, detention, or other adverse government action  
10 taken as a result of the applicant’s participation in non-  
11 violent protest activities related to Hong Kong’s electoral  
12 processes.

13          “(b) IMPLEMENTATION.—The Secretary of State  
14 shall take such steps as necessary to ensure that consular  
15 officers shall be aware of this provision of law and shall  
16 receive appropriate training and support in order to en-  
17 sure that it is carried out in such a way that affected indi-  
18 viduals shall not face discrimination or unnecessary delay  
19 in the processing of their visa applications, including—

20               “(1) providing specialized training for consular  
21 officers posted to Hong Kong, Beijing, Guangzhou,  
22 and Macau;

23               “(2) instructing the United States Consulate in  
24 Hong Kong to maintain an active list of individuals  
25 whom it knows to have been detained, arrested or  
26 otherwise targeted by Hong Kong or People’s Re-

1 public of China authorities or their intermediaries as  
2 a result of their participation in the 2014 protests,  
3 in order to facilitate the cross-checking of visa appli-  
4 cations for Hong Kong applicants;

5 “(3) amending the physical and on-line versions  
6 of the visa application as necessary in order to en-  
7 sure relevant applicants are able to reference this  
8 provision of law in their explanatory materials; and

9 “(4) instructing personnel at the United States  
10 Consulate in Hong Kong to engage with relevant in-  
11 dividuals in the Hong Kong community in order to  
12 proactively inform them that they will not face dis-  
13 crimination in applying for a visa to the United  
14 States due to any adverse action taken against them  
15 by the authorities as a result of their participation  
16 in the 2014 protests.

17 “(c) COOPERATION WITH LIKE-MINDED COUN-  
18 TRIES.—The Secretary of State or his or her designee  
19 shall contact appropriate representatives of other demo-  
20 cratic countries, particularly those who receive a large  
21 number of applicants for student and employment visas  
22 from Hong Kong, to—

23 “(1) inform them of the United States policy  
24 regarding arrests for participation in nonviolent pro-  
25 tests in Hong Kong;

1           “(2) encourage them to take similar steps to  
2       ensure the rights of nonviolent protesters are pro-  
3       tected from discrimination due to the actions of the  
4       Hong Kong and People’s Republic of China authori-  
5       ties; and

6           “(3) offer, as appropriate, to share information  
7       regarding the execution of this policy, including in-  
8       formation regarding persons eligible for relief under  
9       this provision.”.

10 **SEC. 10. FINANCIAL MEASURES.**

11       (a) FREEZING OF ASSETS.—The President shall ex-  
12       ercise all powers granted by the International Emergency  
13       Economic Powers Act (50 U.S.C. 1701 et seq.) (except  
14       that the requirements of section 202 of such Act (50  
15       U.S.C. 1701) shall not apply) to the extent necessary to  
16       freeze and prohibit all transactions in all property and in-  
17       terests in property of a person who is on the list required  
18       by section 7(a) of this Act if such property and interests  
19       in property are in the United States, come within the  
20       United States, or are or come within the possession or  
21       control of a United States person.

22       (b) WAIVER FOR NATIONAL SECURITY INTERESTS.—  
23       The Secretary of the Treasury may waive the application  
24       of subsection (a) if the Secretary determines that such a  
25       waiver is vital for the national security interests of the

1 United States. Not later than 15 days before granting  
 2 such a waiver, the Secretary shall provide to the appro-  
 3 priate congressional committees notice of, and a justifica-  
 4 tion for, the waiver.

5 (c) ENFORCEMENT.—

6 (1) PENALTIES.—A person that violates, at-  
 7 tempts to violate, conspires to violate, or causes a  
 8 violation of this section or any regulation, license, or  
 9 order issued to carry out this section shall be subject  
 10 to the penalties set forth in subsections (b) and (c)  
 11 of section 206 of the International Emergency Eco-  
 12 nomic Powers Act (50 U.S.C. 1705) to the same ex-  
 13 tent as a person that commits an unlawful act de-  
 14 scribed in subsection (a) of such section.

15 (2) REQUIREMENTS FOR FINANCIAL INSTITU-  
 16 TIONS.—Not later than 120 days after the date of  
 17 the enactment of this Act, the Secretary of the  
 18 Treasury shall prescribe or amend regulations as  
 19 needed to require each financial institution that is a  
 20 United States person and has within its possession  
 21 or control assets that are property or interests in  
 22 property of a person that is on the list required by  
 23 section 7(a) if such property and interests in prop-  
 24 erty are in the United States to certify to the Sec-  
 25 retary that, to the best of the knowledge of the fi-

1       nancial institution, the financial institution has fro-  
2       zen all assets within the possession or control of the  
3       financial institution that are required to be frozen  
4       pursuant to subsection (a).

5           (3) NOTIFICATION TO CONGRESS.—Not later  
6       than 10 days before the promulgation of regulations  
7       under paragraph (2), the President shall notify the  
8       appropriate congressional committees of the pro-  
9       posed regulations and the provisions of this Act and  
10      the amendments made by this Act that the regula-  
11      tions are implementing.

12      (d) REGULATORY AUTHORITY.—The Secretary of the  
13      Treasury shall issue such regulations, licenses, and orders  
14      as are necessary to carry out this section.

15   **SEC. 11. REPORT TO CONGRESS.**

16      Not later than one year after the date of the enact-  
17      ment of this Act, and not less frequently than annually  
18      thereafter, the Secretary of State and the Secretary of the  
19      Treasury shall submit to the appropriate congressional  
20      committees a report on—

21           (1) the actions taken to carry out this Act, in-  
22      cluding—

23           (A) the number of persons added to or re-  
24           moved from the list required by section 7(a)  
25           during the year preceding the report, the dates

1           on which such persons have been added or re-  
2           moved, and the reasons for adding or removing  
3           such persons; and

4                 (B) if few or no such persons have been  
5           added to that list during that year, the reasons  
6           for not adding more such persons to the list;  
7           and

8           (2) efforts by the executive branch to encourage  
9           the governments of other countries to impose sanc-  
10          tions that are similar to the sanctions imposed under  
11          this Act.

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