

116TH CONGRESS
1ST SESSION

S. 1824

To amend the United States-Hong Kong Policy Act of 1992 to require a report on how the People’s Republic of China exploits Hong Kong to circumvent the laws of the United States.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2019

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

A BILL

To amend the United States-Hong Kong Policy Act of 1992 to require a report on how the People’s Republic of China exploits Hong Kong to circumvent the laws of the United States.

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 Policy Re-
5 evaluation Act of 2019”.

1 **SEC. 2. REPORT ON HOW PEOPLE’S REPUBLIC OF CHINA**
 2 **EXPLOITS HONG KONG TO CIRCUMVENT**
 3 **UNITED STATES LAWS.**

4 Title III of the United States-Hong Kong Policy Act
 5 of 1992 (22 U.S.C. 5731 et seq.) is amended by adding
 6 at the end the following:

7 **“SEC. 303. REPORT ON HOW PEOPLE’S REPUBLIC OF CHINA**
 8 **EXPLOITS HONG KONG TO CIRCUMVENT**
 9 **UNITED STATES LAWS.**

10 “(a) IN GENERAL.—Not later than 180 days after
 11 the date of the enactment of the Hong Kong Policy Re-
 12 evaluation Act of 2019, the Secretary of State shall submit
 13 to the appropriate congressional committees a report on
 14 how the Government of the People’s Republic of China
 15 uses Hong Kong to circumvent the laws of the United
 16 States.

17 “(b) ELEMENTS.—The report required by subsection
 18 (a) shall include the following:

19 “(1) In consultation with the Secretary of
 20 Homeland Security and the Director of National In-
 21 telligence—

22 “(A) an assessment of how the Govern-
 23 ment of the People’s Republic of China uses
 24 formal or informal means to extradite or coer-
 25 cively move foreign nationals, including United

1 States citizens, from Hong Kong to the Peo-
2 ple's Republic of China;

3 “(B) a list of foreign nationals, including
4 United States citizens, who have been formally
5 or informally extradited or coercively moved
6 from Hong Kong to the People's Republic of
7 China during the reporting period; and

8 “(C) a list of each official of the Govern-
9 ment of the People's Republic of China that en-
10 gaged in activities described in subparagraphs
11 (A) and (B).

12 “(2) In consultation with the Secretary of Com-
13 merce, the Secretary of Homeland Security, and the
14 Director of National Intelligence—

15 “(A) an assessment of how the Govern-
16 ment of the People's Republic of China uses
17 Hong Kong to circumvent United States export
18 controls;

19 “(B) a list of all significant incidents in
20 which the Government of the People's Republic
21 of China used Hong Kong to circumvent such
22 controls during the reporting period; and

23 “(C) a list of each official of the Govern-
24 ment of the People's Republic of China that en-

1 gaged in activities described in subparagraphs
2 (A) and (B).

3 “(3) In consultation with the Secretary of the
4 Treasury and the Secretary of Commerce—

5 “(A) an assessment of how the Govern-
6 ment of the People’s Republic of China uses
7 Hong Kong to circumvent duties on merchan-
8 dise imported into the United States from the
9 People’s Republic of China;

10 “(B) a list of all significant incidents in
11 which the Government of the People’s Republic
12 of China used Hong Kong to circumvent such
13 duties during the reporting period; and

14 “(C) a list of each official of the Govern-
15 ment of the People’s Republic of China that en-
16 gaged in activities described in subparagraphs
17 (A) and (B).

18 “(4) In consultation with the Secretary of the
19 Treasury, the Secretary of Homeland Security, and
20 the Director of National Intelligence—

21 “(A) an assessment of how the Govern-
22 ment of the People’s Republic of China uses
23 Hong Kong to circumvent sanctions imposed by
24 the United States or pursuant to multilateral
25 regimes;

1 “(B) a list of all significant incidents in
2 which the Government of the People’s Republic
3 of China used Hong Kong to circumvent such
4 sanctions during the reporting period; and

5 “(C) a list of each official of the Govern-
6 ment of the People’s Republic of China that en-
7 gaged in activities described in subparagraphs
8 (A) and (B).

9 “(5) In consultation with the Secretary of De-
10 fense, the Director of National Intelligence, and the
11 Director of Homeland Security—

12 “(A) an assessment of how the intelligence,
13 security, and law enforcement agencies of the
14 Government of the People’s Republic of China,
15 including the Ministry of State Security, the
16 Ministry of Public Security, and the People’s
17 Armed Police, use the Hong Kong Security Bu-
18 reau and other security agencies in Hong Kong
19 to conduct espionage on foreign nationals (in-
20 cluding United States citizens), conduct influ-
21 ence operations, or violate civil liberties guaran-
22 teed under the laws of Hong Kong;

23 “(B) a list of all significant incidents of
24 such espionage, influence operations, or viola-

1 tions of civil liberties during the reporting pe-
2 riod; and

3 “(C) a list of each official of the Govern-
4 ment of the People’s Republic of China that en-
5 gaged in activities described in subparagraphs
6 (A) and (B).

7 “(c) FORM OF REPORT; AVAILABILITY.—

8 “(1) FORM.—The report required by subsection
9 (a) shall be submitted in unclassified form, but may
10 include a classified index.

11 “(2) AVAILABILITY.—The unclassified portion
12 of the report required by subsection (a) shall be
13 posted on a publicly available internet website of the
14 Department of State.

15 “(d) DEFINITIONS.—In this section:

16 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term ‘appropriate congressional com-
18 mittees’ means the Committee on Foreign Relations
19 of the Senate and the Committee on Foreign Affairs
20 of the House of Representatives.

21 “(2) FOREIGN PERSON.—The term ‘foreign per-
22 son’ means a person that is not a United States per-
23 son.

1 “(3) REPORTING PERIOD.—The term ‘reporting
2 period’ means the 5-year period preceding submis-
3 sion of the report.

4 “(4) UNITED STATES PERSON.—The term
5 ‘United States person’ means—

6 “(A) a United States citizen or an alien
7 lawfully admitted for permanent residence to
8 the United States; or

9 “(B) an entity organized under the laws of
10 the United States or of any jurisdiction within
11 the United States, including a foreign branch of
12 such an entity.”.

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