

115TH CONGRESS
1ST SESSION

H. R. 3856

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2017

Mr. SMITH of New Jersey (for himself and Mr. WALZ) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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:

1 (1) ADMITTED; ALIEN.—The terms “admitted”
2 and “alien” have the meanings given those terms in
3 section 101 of the Immigration and Nationality Act
4 (8 U.S.C. 1101).

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

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

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

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

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

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

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

8 **SEC. 3. FINDINGS.**

9 Congress makes the following findings:

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

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

19 (B) established a "high degree of auton-
20 omy" for Hong Kong except in matters of for-
21 eign affairs and defense.

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

1 (A) guarantees Hong Kong a “high degree
2 of autonomy” and separate executive, legisla-
3 tive, and independent judicial powers;

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

9 (C) protects the rights to free speech,
10 press, assembly, and religion;

11 (D) guarantees residents of Hong Kong
12 “the freedom of the person,” meaning “no
13 Hong Kong resident shall be subjected to arbi-
14 trary or unlawful arrest, detention or imprison-
15 ment”;

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

22 (F) provides that the socialist system and
23 policies shall not be practiced in Hong Kong
24 and that Hong Kong’s capitalist system and

1 way of life shall remain unchanged for 50 years
2 (the principle of “one country, two systems”);

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

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

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

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

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

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

1 (4) The Chief Executive is currently selected by
2 an Election Committee consisting of 1,200 members.
3 In order to run, candidates for Chief Executive must
4 currently receive the support of one-eighth of the
5 members of the Election Committee, the majority of
6 whom reportedly support or have ties to the Chinese
7 Communist Party.

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

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

23 (7) Hundreds of thousands of Hong Kong resi-
24 dents have consistently and peacefully expressed
25 their dissatisfaction with the electoral reform plans

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

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

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

22 (10) Some protestors and activists have been
23 unable to travel to mainland China due to their par-
24 ticipation in the demonstrations, which has a direct
25 bearing on their future employment prospects. Pro-

1 democracy advocates claim that the Governments of
2 the People’s Republic of China and Hong Kong have
3 assembled “blacklists” of activists banned from en-
4 tering mainland China.

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

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

1 independence candidates were disqualified for failing
2 to do so. This new requirement has been character-
3 ized as unlawful and political censorship by lawyers,
4 political organizations, and students.

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

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

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

23 (16) Five individuals affiliated with the Mighty
24 Current Publishing House and the Causeway Bay
25 Bookstore, both of which are based in Hong Kong

1 and sell literary works critical of Beijing, dis-
2 appeared under mysterious circumstances between
3 October and December 2015, including Gui Minhai,
4 a naturalized Swedish citizen and co-owner of
5 Mighty Current; Lee Bo, a British citizen and co-
6 owner of Mighty Current; Lui Bo; Cheung Chi-ping;
7 and Lam Wing-kee.

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

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

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

1 of the treaty, China promised to safeguard Hong
2 Kong's freedoms."

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

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

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

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

1 opment of democratic institutions in Hong Kong,
2 and the last report under section 301 was issued on
3 June 30, 2007.

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

14 (25) During an October 2014 session, the
15 United Nations Human Rights Committee, con-
16 sisting of 18 independent experts, reviewed China’s
17 compliance with the International Covenant on Civil
18 and Political Rights with respect to Hong Kong. Ac-
19 cording to the session’s chair, the Committee agreed
20 on “the need to ensure universal suffrage, which
21 means both the right to be elected as well as the
22 right to vote. The main concerns of Committee
23 members were focused on the right to stand for elec-
24 tions without unreasonable restrictions.” Another
25 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 piate 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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