

time, and I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, I yield myself as much time as I may consume, and I will close.

Mr. Speaker, several years ago, I joined the then chairman of the Foreign Affairs Committee, Mr. Royce, in visiting Hong Kong. We had a chance to spend a lot of time with both young and more experienced leaders fighting for democracy and autonomy for Hong Kong. And this has, in fact, been the policy of the United States since the 1992 Hong Kong Policy Act, which establishes our support for democratization as a fundamental principle of U.S. foreign policy.

In recent days, we have seen demonstrators in Hong Kong asking the U.S. Congress to pass the three pieces of legislation that are before us. The protestors want to know if our support for democracy is merely rhetorical or if we are willing to take action to defend our principles.

By passing these three bills today, we will affirm that the U.S. Congress supports democracy, human rights, and appropriate autonomy for Hong Kong.

Mr. Speaker, as to all three bills, I want to thank Speaker PELOSI and Chairman ENGEL and many other colleagues for their leadership on this issue.

Mr. Speaker, turning to the specifics of H. Res. 543, the specific matter before us at this moment, I want to thank my Foreign Affairs Committee colleagues for helping to introduce this measure, including Mrs. WAGNER, Mr. CONNOLLY, and Mr. YOHO, who spoke just a few minutes ago.

H. Res. 543 recognizes our country's strong relationship with the people of Hong Kong. It is an important measure of solidarity at a time when protesters are facing police brutality and China is trying to take away the autonomy that it promised.

Mr. Speaker, I urge my colleagues to support this measure, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H. Res. 543, a resolution "Recognizing Hong Kong's bilateral relationship with the United States, condemning the interference of the People's Republic of China in Hong Kong's affairs, and supporting the people of Hong Kong's right to protest."

As a senior member of the House Committee on the Judiciary, I support H. Res. 543 because it calls on the Hong Kong government to address the protesters' five demands, condemns police brutality against peaceful protesters, and condemns efforts to falsely accuse U.S. diplomats of fueling unrest.

On June 30, 1997, China resumed the exercise of sovereignty over Hong Kong, ending more than 150 years of British colonial rule.

Hong Kong is a customs territory and economic entity separate from the rest of China and is able to enter into international agreements on its own behalf in commercial, economic, and certain legal matters.

U.S. policy toward Hong Kong is stated in the U.S.-Hong Kong Policy Act of 1992 and grounded in the determination to promote

Hong Kong's prosperity, autonomy, and way of life.

The United States maintains substantial economic and political interests in Hong Kong.

The U.S. supports Hong Kong's autonomy under the "One Country, Two Systems" framework by concluding and implementing bilateral agreements; promoting trade and investment; broadening law enforcement cooperation; bolstering educational, academic, and cultural links; supporting high-level visits of U.S. officials; and serving the large community of U.S. citizens and visitors.

After 22 years, protests erupted over Carrie Lam's proposal to amend extradition laws to allow suspects to be transferred to mainland China for trial.

A few days after proposing the amendment to the extradition laws, Carrie Lam suspended the proposal, but the protests in Hong Kong continue as the people of Hong Kong demand the high degree of autonomy promised by the Sino-British Joint Declaration of 1984.

It is critical for the United States Congress to stand with the women and men advocating and speaking up for the autonomy and dignity of people of Hong Kong.

I applaud the efforts and sacrifices pro-democracy activists have made and they should know that the United States fully supports their desire for freedom and peace, and strongly condemns the violent and oppressive tactics of the Hong Kong police.

As a senior member of the House Committee on Homeland Security, I support the bilateral relationship between Hong Kong and the United States and the promotion of international peace.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 543 to condemn the brutality faced by the people of Hong Kong and which poses a strong threat to the democratic values we work to protect.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the resolution, H. Res. 543, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "A resolution recognizing Hong Kong's bilateral relationship with the United States, condemning the People's Republic of China for violating their obligations to the people of Hong Kong, and supporting the people of Hong Kong's right to freedom of assembly and peaceful protest."

A motion to reconsider was laid on the table.

HONG KONG HUMAN RIGHTS AND DEMOCRACY ACT OF 2019

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3289) to amend the Hong Kong Policy Act of 1992 and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Hong Kong Human Rights and Democracy Act of 2019".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Statement of policy.
- Sec. 4. Amendments to the United States-Hong Kong Policy Act of 1992.
- Sec. 5. Report on enforcement of United States export control and sanctions laws by Hong Kong.
- Sec. 6. Protecting United States interests with respect to Hong Kong.
- Sec. 7. Sanctions relating to undermining fundamental freedoms and autonomy in Hong Kong.
- Sec. 8. Sanctions reports.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs of the House of Representatives;

(B) the Committee on Financial Services of the House of Representatives;

(C) the Committee on the Judiciary of the House of Representatives.

(D) the Committee on Foreign Relations of the Senate;

(E) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(F) the Committee on the Judiciary of the Senate.

(2) CHINA.—The term "China" means the People's Republic of China.

(3) SOCIAL CREDIT SYSTEM.—The term "social credit system" means a system proposed by the Government of China and scheduled for implementation by 2020 that would use existing financial credit systems, public records, online activity, and other tools of surveillance to aggregate data on every Chinese citizen and business and use that data to monitor, shape, and rate certain financial, social, religious, or political behaviors.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to reaffirm the principles and objectives set forth in the United States-Hong Kong Policy Act of 1992 (Public Law 102-383), namely that—

(A) the United States has "a strong interest in the continued vitality, prosperity, and stability of Hong Kong";

(B) "[s]upport for democratization is a fundamental principle of United States foreign policy" and therefore "naturally applies to United States policy toward Hong Kong";

(C) "the human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong [and] serve as a basis for Hong Kong's continued economic prosperity"; and

(D) Hong Kong must remain sufficiently autonomous from the People's Republic of China to "justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China";

(2) to support the high degree of autonomy and fundamental rights and freedoms of the people of Hong Kong, as enumerated by—

(A) the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing December 19, 1984 (referred to in this Act as the "Joint Declaration");

(B) the International Covenant on Civil and Political Rights, done at New York December 19, 1966; and

(C) the Universal Declaration of Human Rights, done at Paris December 10, 1948.

(3) to support the democratic aspirations of the people of Hong Kong, including the “ultimate aim” of the selection of the Chief Executive and all members of the Legislative Council by universal suffrage, as articulated in the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (referred to in this Act as the “Basic Law”);

(4) to urge the Government of the People’s Republic of China and the Government of the Hong Kong Special Autonomous Region to uphold their commitment to the people of Hong Kong, including providing a high degree of autonomy for Hong Kong as articulated in the Joint Declaration and the Basic Law;

(5) to support the robust exercise by residents of Hong Kong of the rights to free speech, the press, and other fundamental freedoms as provided by the Basic Law and the Joint Declaration;

(6) to support freedom from arbitrary or unlawful arrest, detention, or imprisonment for all Hong Kong residents, as provided to them by the Basic Law and the Joint Declaration;

(7) to draw international attention to any violations by the Government of the People’s Republic of China of the fundamental rights of the people of Hong Kong and any encroachment upon the autonomy guaranteed to Hong Kong by the Basic Law and the Joint Declaration;

(8) to protect United States citizens and legal permanent residents living in Hong Kong as well as people visiting and transiting through Hong Kong; and

(9) to maintain the economic and cultural ties that provide significant benefits to both the United States and Hong Kong.

SEC. 4. AMENDMENTS TO THE UNITED STATES-HONG KONG POLICY ACT OF 1992.

(a) CERTIFICATIONS.—Title II of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.) is amended by adding at the end the following new section:

“SEC. 205. SECRETARY OF STATE CERTIFICATION REGARDING THE AUTONOMY OF HONG KONG.

“(a) CERTIFICATION.—

“(1) IN GENERAL.—The Secretary of State shall annually submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a certification, in conjunction with, and taking into consideration the contents of, the report required in section 301, regarding whether Hong Kong continues to warrant treatment under particular treaties, international agreements, and United States laws, or any provisions thereof, specified in paragraph (2) in the same manner as such treaties, international agreements, and laws were applied to Hong Kong as of the date of enactment of this section.

“(2) PROVISIONS SPECIFIED.—The treaties, international agreements, and United States laws specified in this paragraph are the following:

“(A) Commercial agreements.

“(B) Law enforcement cooperation, including extradition matters.

“(C) Nonproliferation commitments.

“(D) Sanctions enforcement.

“(E) Export control agreements, including enforcement of export controls with respect to dual use technologies.

“(F) Formal treaties and agreements between the United States and Hong Kong, including agreements related to taxation and currency exchange.

“(G) Other particular laws of the United States, or any provisions thereof, that accord to Hong Kong treatment different to

that accorded to the People’s Republic of China.

“(H) Other bilateral or multilateral agreements determined relevant by the Secretary.

“(3) CONTENTS.—Each assessment under paragraph (1) shall include an evaluation of the Government of Hong Kong’s autonomous decision-making within the executive, legislative, and judicial branches, with respect to—

“(A) upholding the rule of law; and

“(B) protecting the rights enumerated in—

“(i) the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong, done at Beijing December 19, 1984 (the ‘Joint Declaration’);

“(ii) the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (the ‘Basic Law’);

“(iii) the Universal Declaration of Human Rights, done at Paris December 10, 1948; and

“(iv) the International Covenant on Civil and Political Rights, done at New York December 19, 1966.

“(4) FACTORS FOR CONSIDERATION.—In making a certification under paragraph (1), the Secretary of State should consider the terms, obligations, and expectations expressed in the Joint Declaration and the Basic Law.

“(5) ADDITIONAL CERTIFICATIONS.—Notwithstanding the annual requirement for certifications under paragraph (1), the Secretary of State may issue additional certifications at any time if the Secretary determines that circumstances in Hong Kong warrant such.

“(6) FORM.—Each certification under paragraph (1) and any additional certifications under paragraph (5) shall be submitted in unclassified form but may include a classified annex if the Secretary of State determines such is necessary.

“(b) WAIVER.—The Secretary of State may waive the application of subsection (a), in whole or in part, if—

“(1) the Secretary determines that such a waiver—

“(A) is in the national security interests of the United States; or

“(B) would protect the autonomy of Hong Kong; and

“(2) on or before the date on which such a waiver takes effect, the Secretary notifies the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of the intent to waive such subsection.

“(c) PUBLIC AVAILABILITY.—The unclassified portion of the certifications required under subsection (a) shall be made available to the public, including through publication on the Department of State website.”.

(b) VISA APPLICANTS.—Title II of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.), as amended by subsection (a), is further amended by adding at the end the following new section:

“SEC. 206. TREATMENT OF HONG KONG APPLICANTS FOR VISAS TO ENTER THE UNITED STATES.

“It is the sense of Congress that applications for visas to enter the United States, including for work or study, which are submitted by otherwise qualified applicants from Hong Kong should not be denied solely on the basis of politically-motivated arrest, detention, or other adverse government action taken against such applicants as a result of the participation by such applicants in protest activities, and that the Secretary of State should make efforts to implement such policy, ensure consular officers make determinations in accordance with such policy, and coordinate with representatives of other countries to encourage the adoption of compatible policies.”.

(c) REPORTING REQUIREMENTS.—Subsection (a) of section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is amended—

(1) in the matter preceding paragraph (1), in the first sentence, by striking “2024” and inserting “2027”;

(2) in paragraph (7), by striking “and” after the semicolon at the end;

(3) in paragraph (8), by striking the period and inserting “; and”; and

(4) by adding at the end the following new paragraphs:

“(9) China’s ability to limit Hong Kong’s autonomy with respect to the treaties, international agreements, and United States laws specified in section 205(a)(2) as result of actions by the Government of the People’s Republic of China that are inconsistent with its commitments under the Basic Law or the Joint Declaration;

“(10) the limitations to Hong Kong’s autonomy with respect to the treaties, international agreements, and United States laws specified in section 205(a)(2) resulting from actions by the Government of the Hong Kong Special Autonomous Region that are inconsistent with its commitments under the Basic Law or the Joint Declaration;

“(11) the specific impacts to any areas of cooperation between the United States and Hong Kong as a result of limits, whether self-imposed or otherwise, to Hong Kong’s autonomy, including any failures of the Hong Kong Government to fulfill obligations with the United States under the treaties, international agreements, and United States laws specified in section 205(a)(2);

“(12) the specific actions taken by the United States Government to mitigate the negative impact to United States interests of limitations, whether self-imposed or otherwise, to Hong Kong’s autonomy or any failures to fulfill obligations with the United States under the treaties, international agreements, and United States laws specified in section 205(a)(2); and

“(13) whether the rescission of special treatment under any particular treaties, international agreements, or particular laws of the United States, or any provisions thereof would contribute to further erosion of Hong Kong’s autonomy.”.

SEC. 5. REPORT ON ENFORCEMENT OF UNITED STATES EXPORT CONTROL AND SANCTIONS LAWS BY HONG KONG.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the committees specified in subsection (b) a report that includes the following:

(1) An assessment of the policies and actions of the Government of the Hong Kong Special Autonomous Region to enforce the Export Control Reform Act of 2018 (subtitle B of title XVII of Public Law 115-232) and other relevant provisions of United States law related to export controls.

(2) To the extent possible, an identification of the following:

(A) Any items that were transferred from Hong Kong in violation of such laws.

(B) The countries and persons to which such items were transferred.

(C) How such items were used.

(3) An assessment of whether United States origin items (including software, technology, and services) have been transferred from Hong Kong to China in violation of United States law and have been used by China for mass surveillance, predictive policing, or for the social credit system.

(4) An assessment of the policies and actions of the Government of the Hong Kong Special Autonomous Region to enforce sanctions imposed by the United States and the United Nations.

(5) A description of the types of goods and services transhipped or reexported through Hong Kong in violation of such sanctions to—

(A) North Korea or Iran; or
(B) other countries, regimes, or persons subject to such sanctions for engaging in activities—

(i) relating to—
(I) international terrorism, international narcotics trafficking, or the proliferation of weapons of mass destruction; or
(II) corruption and violations of human rights; or

(ii) that otherwise present a threat to the national security, foreign policy, or economy of the United States.

(b) COMMITTEES SPECIFIED.—The committees specified in this subsection are the following:

(1) The Committee on Foreign Relations of the Senate.

(2) The Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives.

(4) The Committee on Financial Services of the House of Representatives.

(c) FORM OF REPORT.—The report required under subsection (a) shall be transmitted in unclassified form, but may include a classified annex.

SEC. 6. PROTECTING UNITED STATES INTERESTS WITH RESPECT TO HONG KONG.

(a) POLICY STATEMENTS.—It is the policy to the United States—

(1) to safeguard United States citizens and lawful permanent residents from extradition, rendition, or abduction to China from Hong Kong for trial, detention, or any other purpose;

(2) to safeguard United States businesses in Hong Kong from economic coercion and intellectual property theft;

(3) pursuant to section 103(7) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5713(7)), to encourage United States businesses “to continue to operate in Hong Kong in accordance with applicable United States and Hong Kong law”; and

(4) pursuant to section 201(b) of such Act (22 U.S.C. 5721(b)), to evaluate as circumstances require the Government of Hong Kong is “legally competent to carry out its obligations” under treaties and international agreements established between the United States and Hong Kong.

(b) NOTIFICATION TO CONGRESS.—

(1) DETERMINATION.—The Secretary of State shall, with respect to any legislation proposed or enacted by the Government of Hong Kong, determine, not later than 30 days after such legislation is proposed or enacted, if such proposed or enacted legislation would—

(A) put United States citizens or lawful permanent residents at risk for rendition to China or other countries with which the United States Government does not have an extradition agreement; or

(B) otherwise have a significant negative impact on United States interests with respect to Hong Kong.

(2) NOTIFICATION.—If the Secretary of State makes a determination in the affirmative under paragraph (1), the Secretary shall submit to the appropriate congressional committees a notification relating thereto that includes the following:

(A) An assessment of the potential risks of the proposed or enacted legislation described in such paragraph to United States national interests, including risks to United States citizens or lawful permanent residents residing in, traveling to, or transiting through Hong Kong.

(B) A strategy for protecting United States interests in Hong Kong with respect to the

proposed or enacted legislation described in such paragraph.

SEC. 7. SANCTIONS RELATING TO UNDERMINING FUNDAMENTAL FREEDOMS AND AUTONOMY IN HONG KONG.

(a) IDENTIFICATION OF PERSONS RESPONSIBLE FOR UNDERMINING FUNDAMENTAL FREEDOMS AND AUTONOMY IN HONG KONG.—

(1) IN GENERAL.—The President shall transmit to the appropriate congressional committees a report, in accordance with paragraph (2), that identifies each foreign person that the President determines, based on credible information, is knowingly responsible for any of the following:

(A) The actual or threatened rendition, arbitrary detention, torture, or forced confession of any individual in Hong Kong.

(B) Repeated acts or decisions which contravene the shared obligations of China and Hong Kong under the Joint Declaration and Basic Law and undermine the national interests of the United States in Hong Kong’s autonomy and the rule of law.

(C) Other gross violations of internationally recognized human rights in Hong Kong.

(2) TIMING OF REPORTS.—The President shall transmit—

(A) the report required under paragraph (1)—

(i) not later than 180 days after the date of the enactment of this Act; and

(ii) not less frequently than annually thereafter in conjunction with the publication of the report required under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731); and

(B) an update to the report required under paragraph (1) not later than 15 days after any new credible information described in such paragraph becomes available.

(3) CONSIDERATION OF CERTAIN INFORMATION.—In preparing the report required under paragraph (1), the President shall consider the following:

(A) Information provided jointly by the chairperson and ranking member of each of the appropriate congressional committees.

(B) Credible information obtained by other countries or nongovernmental organizations that monitor violations of human rights abuses.

(4) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(b) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (c) with respect to each foreign person identified in the report required under subsection (a)(1).

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person identified in the report required under subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—A foreign person described in subsection (a)(1) and his or her immediate family members is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—A foreign person described in subsection (a)(1) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

(C) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under this paragraph shall not apply with respect to a foreign person if admitting or paroling such person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a foreign person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(e) WAIVER.—The President may waive the application of sanctions under this section with respect to a foreign person identified in the report required under subsection (a)(1) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

(f) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a foreign person if the President determines and reports to the appropriate congressional committees not less than 15 days before such termination takes effect that—

(1) credible information exists that such person did not engage in the activity for which sanctions were imposed;

(2) such person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) such person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a)(1) in the future; or

(4) the termination of the sanctions is in the national security interests of the United States.

(g) EXCEPTION RELATING TO THE IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions under this section shall not include the authority or requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(h) DEFINITIONS.—In this section:

(1) ADMITTED.—The term “admitted” has the meanings given such term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

(3) KNOWINGLY.—The term “knowingly” means, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) PERSON.—The term “person” means an individual or entity.

(5) UNITED STATES PERSON.—The term “United States person” means—

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

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

SEC. 8. SANCTIONS REPORTS.

(a) IN GENERAL.—The President shall transmit to the appropriate congressional committees a report that includes the following:

(1) A list of each foreign person with respect to which the President imposed sanctions under section 7 during the year preceding the transmission of such report.

(2) A description of the type of sanctions imposed with respect to each such person.

(3) The number of foreign persons with respect to which the President terminated such sanctions during such year.

(4) The dates on which such sanctions were imposed or terminated, as applicable.

(5) The reasons for imposing or terminating such sanctions.

(6) A description of the efforts of the President to encourage the governments of other countries to impose sanctions that are similar to such sanctions.

(b) FORM.—The report required under subsection (a) shall be transmitted in unclassified form but may contain a classified annex.

(c) PUBLIC AVAILABILITY.—The unclassified portion of the report required under subsection (a) shall be made available to the public, including through publication in the Federal Register.

(d) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the report required under subsection (a) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

SEC. 9. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3289.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I want to start by thanking Mr. SMITH for authoring the measure before us.

The Hong Kong Human Rights and Democracy Act is a bill to advance our support for the people of Hong Kong. This bill updates the longstanding U.S. policy on Hong Kong so as to reflect what is happening on the ground today.

The foundation of our relationship with Hong Kong was laid back in 1992 when Congress passed the Hong Kong Policy Act. That is where we got the one country, two systems approach that paved the way for our strong partnership with Hong Kong.

But we are watching now the Chinese Communist Party trying to break down that system, trying to strip Hong Kong's autonomy and bring it under full control of the government of the mainland. This has motivated millions of Hong Kongers to take to the streets and protest in defense of their rights. To support them, we need to make sure that our policy is brought up to date so it can match the challenges of the U.S.-Hong Kong relationship today.

The Hong Kong Human Rights and Democracy Act does just that. It makes clear that the United States will stand up for Hong Kong's autonomy and democratic aspirations of its people. It beefs up reporting so that we can track any efforts by China to interfere in Hong Kong's affairs and to use Hong Kong to avoid U.S. export controls. It slaps sanctions on anyone responsible for undermining Hong Kong's autonomy or violating Hong Kongers' human rights.

This bill sends a strong message to China that the United States stands with the people of Hong Kong.

Mr. Speaker, I urge my colleagues to support this measure, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, October 8, 2019.

Hon. ELLIOT ENGEL,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 3289, the Hong Kong Human Rights and Democracy Act of 2019. In order to permit the H.R. 3289 to proceed expeditiously to the House Floor, I agree to forgo formal consideration of the bill.

The Committee on Financial Services takes this action to forego formal consideration of H.R. 3289 in light of the changes that have been made to the bill as introduced, which focuses the bill on matters within the jurisdiction of the Committee on Foreign Affairs. The Committee also does so with our mutual understanding that, by foregoing formal consideration of H.R. 3289 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this or similar legislation moves forward with regard to any matters in the Committee's ju-

risisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation that involves the Committee's jurisdiction and request your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding, and I would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration of H.R. 3289.

Sincerely,
MAXINE WATERS,
Chairwoman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, October 10, 2019.

Hon. MAXINE WATERS,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRWOMAN WATERS: I am writing to you concerning H.R. 3289, the Hong Kong Human Rights and Democracy Act of 2019. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on Financial Services under House Rule X, and that your Committee will forgo action on H.R. 3289 to expedite floor consideration. I further acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your jurisdiction. I also acknowledge that your Committee will be appropriately consulted and involved as this or similar legislation moves forward, and will support the appointment of Committee on Financial Services conferees during any House-Senate conference convened on this legislation.

Lastly, I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,
ELLIOT L. ENGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 10, 2019.

Hon. ELLIOT L. ENGEL,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR CHAIRMAN ENGEL: This is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 3289, the “Hong Kong Human Rights and Democracy Act of 2019” that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consideration is willing to forgo action on H.R. 3289, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have

worked regarding this matter and others between our committees.

Sincerely,

JERROLD NADLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, October 10, 2019.

Hon. JERROLD NADLER,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN NADLER: I am writing to you concerning H.R. 3289, the Hong Kong Human Rights and Democracy Act of 2019. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on the Judiciary under House Rule X, and that your Committee will forgo action on H.R. 3289 to expedite floor consideration. I further acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your jurisdiction. I will also support the appointment of Committee on the Judiciary conferees during any House-Senate conference convened on this legislation.

Lastly, I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,

ELIOT L. ENGEL,
Chairman.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank so many people for working so hard on this piece of legislation: my good friend, JIM MCGOVERN, the principal cosponsor and just a great friend, on fighting tyranny in China. He chairs the China Commission. I am the ranking member. Previously, I have chaired it, and so we have gone back and forth in working that leadership. I want to thank him especially for that.

Mr. Speaker, I also want to thank, of course, Chairman ENGEL and Ranking Member McCaul, Chairman SHERMAN and Ranking Member Yoho for their strong support for this bipartisan legislation.

Mr. Speaker, there are a number of staffers who I will speak about in a moment. No. I will do it now: Scott Flipse for his great work on this bill, it is landmark work going back to 5 years ago; Jon Stivers; Reva Price from the Speaker's office, who has been tenacious on this legislation; Jennifer Hendrixson-White; Bryan Burack; Janice Kaguyutan; Theresa Lou; Darrow Godeski Merton; Doug Anderson; Piero Tozzi; Sabrina Tsai. Just so many very good people who have all pulled together in a bipartisan way to make sure that this legislation comes to the floor and becomes law.

Mr. Speaker, since the 1989 Tiananmen Square massacre 30 years ago, I have had the privilege of working with colleagues on both sides of the aisle, including Speaker PELOSI, on human rights, the rule of law and de-

mocracy for the People's Republic of China.

Mr. Speaker, I also want to thank KEVIN MCCARTHY, the minority leader here in the House, the Republican leader, who has put me on as his selection on the China Commission and for his strong support for this legislation as well.

We have always believed, Mr. Speaker, that every person in China deserves better than the brutality so many endure every single day and the systematic violations of their universally-recognized human rights.

Tragically, under President Xi Jinping, human rights abuses throughout China have significantly worsened, including the pervasive use of torture, religious persecution, and human trafficking.

Solemn promises made by Beijing are rarely kept, and far too many leaders of the free world are far too eager to blindly accept fiction over fact.

Broken promises are the rule, not the exception under Xi Jinping, and the people of Hong Kong are suffering because of it.

During the 2014 Umbrella Movement, the world saw the courageous people of Hong Kong demanding that Beijing not renege on promises made to ensure universal suffrage, basic rights, and authentic elections in 2017.

Despite President Xi Jinping's brutal crackdown on protesters then and now, triggered this time by an outrageous proposed policy to facilitate extradition, the resolve, the courage, the tenacity, and clarity of purpose of the people of Hong Kong shines through the darkness like the Sun.

Two days ago, Reuters reported that President Xi Jinping told leaders in Nepal, "Anyone attempting to split China in any part of the country will end in crushed bodies and shattered bones."

President Xi's government excels in crushing bodies, shattering bones, torturing dissidents, and filling concentration camps, massive crimes against humanity, for which there has been little or no accountability or sanctioning.

But today, Mr. Speaker, we are simply urging the Chinese President and the Hong Kong Chief Executive—and we have that obligation under our own laws—to faithfully honor the government's promises.

Honor the promises made in the 1984 Sino-British Joint Declaration that facilitated the conveyance of Hong Kong from the United Kingdom to China beginning on July 1, 1997, that autonomy, human rights, including press, assembly, association, and religion, would be exactly the same as before the handover for at least 50 years.

Honor the promises made in the "Basic Law" of Hong Kong adopted by China's National People's Congress in 1990, before the giveback of Hong Kong, that autonomy and rights would be protected.

Even before the latest round of protests, Mr. Speaker, the U.S. State De-

partment has noted that rights and liberties in Hong Kong have diminished. They are not living up to their solemn promises made in order for the Hong Kong conveyance to occur.

You know, the great young leader, Joshua Wong, reminded us that a fourth of the population of Hong Kong, about 2 million people, turned out for one of the peaceful protests. Mr. Speaker, where has that ever happened?

Five years ago, Mr. Speaker, in 2014, joined by Mrs. PELOSI, I introduced the bipartisan Hong Kong Human Rights and Democracy Act. We did it again in 2015, in 2017, and again this year, again, with my good friend from Massachusetts.

Our new bill, the Hong Kong Human Rights and Democracy Act, is a blueprint for meaningful action. Specifically, the act directs the Secretary of State to certify to Congress annually whether Hong Kong continues to deserve special treatment under U.S. law different from mainland China in such matters as trade, customs, sanctions enforcement, law enforcement cooperation, and protection of human rights and the rule of law.

It encourages the State Department not to deny visas based on an applicant's arrest or detention for participating in nonviolent activities in Hong Kong.

It requires an annual report from the Commerce Department on whether the Hong Kong Government adequately enforces U.S. export controls and sanctions laws, including on those goods and services transshipped to North Korea, Iran, or other countries relating to the proliferation of weapons of mass destruction, violations of human rights, narcotics trafficking, and more.

□ 1600

It requires an assessment of whether U.S. origin items, including software, technology, and services, have been transferred from Hong Kong to China in violation of U.S. law and have been used by China for mass surveillance, predictive policing, or for the social credit system.

Now, some people might ask: What is this social credit system? Mr. Speaker, it is a ubiquitous, totalitarian "brave new world" system scheduled for implementation by 2020 that will use public records, online activities, and other tools of surveillance to aggregate data on every single, solitary Chinese citizen and business and use that data to monitor, shape, and rate financial, social, religious, or political behaviors.

It requires the Secretary of State to submit a strategy to Congress to protect U.S. citizens and businesses in Hong Kong from the erosion of autonomy and the rule of law because of actions taken by the Chinese Communist governments.

It requires the President to identify and sanction persons in Hong Kong or in mainland China responsible for the erosion of Hong Kong's autonomy and serious abuses of human rights.

It tracks the Magnitsky Act, which Mr. MCGOVERN and I worked so hard to enact into law, so that we deny visas and also deny the ability to do business here to the people who are responsible for these egregious abuses.

And it requires a waiver provision that helps ensure that our actions protect the great people of Hong Kong and enhance the autonomy rather than inadvertently harming it. So it gives real flexibility to the President and to the State Department to make the right call.

Finally, Mr. Speaker, I have heard it said that the business of Hong Kong is business. It is that. But it is also clear to me, now, that the business of Hong Kong is freedom and democracy.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I join with the gentleman from New Jersey in praising the staff members who helped create these bills, not only the one under consideration, but the other two that deal with Hong Kong.

Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a great champion for human rights.

Mr. MCGOVERN. Mr. Speaker, I rise in support of H.R. 3289, the Hong Kong Human Rights and Democracy Act.

Mr. Speaker, I thank Congressman CHRIS SMITH for his incredible leadership in introducing this bipartisan legislation and for all of his work on human rights. I also thank Chairman ENGEL and Ranking Member MCCAUL, as well as Chairman SHERMAN, for their leadership and their support of this bill and bringing it before the House today for consideration.

Behind me is a photograph taken on Monday night in Hong Kong's Chater Garden. It is estimated that 130,000 people took part in this rally calling on the United States Congress to pass the Hong Kong Human Rights and Democracy Act.

The Hong Kong people need international support, and I am proud that the United States House of Representatives is standing in solidarity with Hong Kong in their struggle.

While the protests were sparked by the extradition bill, the heart of the discontent is that many of Hong Kong's political leaders do not represent the people. Instead, Hong Kong's leaders are beholden to the Chinese Government. Millions of Hong Kongers would not have to protest in the streets if they could freely choose their political leaders.

Since the 2014 umbrella movement protests, the "one country, two systems" framework has been rapidly eroding as free expression has been stifled and the space for democratic participation has been restricted. We have seen the prosecution and sentencing of prodemocracy leaders, the disqualification and removal of prodemocracy legislators, the abduction and arbitrary detention of booksellers, and the expelling of a Financial Times journalist.

Hong Kong's high degree of autonomy is enshrined in the legally binding 1984 Sino-British Joint Declaration and Hong Kong's Basic Law. The joint declaration is an international treaty, signed by the Chinese Government, and guarantees the protection of rights and a separate economic system for mainland China.

I believe it is time for the United States to reconsider its policies toward Hong Kong.

U.S.-Hong Kong relations are governed by the United States-Hong Kong Policy Act of 1992 that commits the United States to treating Hong Kong as a separate customs territory from the rest of China as long as Hong Kong remains sufficiently autonomous. The Hong Kong Human Rights and Democracy Act would require the Secretary of State to certify, on an annual basis, whether Hong Kong continues to warrant special treatment different from mainland China under U.S. law.

It is time we put the Chinese Government on annual notice that further erosion of autonomy or a crackdown will cause the city, which serves as an important financial haven for wealthy Chinese elites, to lose its special economic, financial, and trade arrangement with the United States.

Further, the legislation authorizes sanctions against individuals who violate human rights and states that Hong Kong visa applicants should not be denied entry to the United States based on politically motivated arrests based on their protest activities.

To be clear, we stand together with the people of Hong Kong and, indeed, all the people of China when we express our concerns about the human rights violations of the Hong Kong and Chinese Governments.

Over the years, Hong Kong has prospered and become the financial center of Asia because of its strong commitment to the rule of law, good governance, human rights, and open economic system. We must use our leverage to help the people of Hong Kong in their struggle to secure a democratic future that protects Hong Kong's autonomy and way of life.

Mr. Speaker, I am proud to support this legislation, and I urge all of my colleagues to support this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, I have no additional speakers on this side, so I yield myself such time as I may consume for the purpose of closing.

Mr. Speaker, I thank Mr. SMITH for introducing this legislation.

Thirty years since Tiananmen Square and Chinese authorities are still turning to violence and intimidation to crush dissent and attack basic freedoms. With this important legislation, we send a clear signal that the United States stands with the people of Hong Kong.

Mr. Speaker, I hope all Members will join me in supporting the passage of

this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill, H.R. 3289, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PLACING RESTRICTIONS ON TEARGAS EXPORTS AND CROWD CONTROL TECHNOLOGY TO HONG KONG ACT

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4270) to prohibit commercial exports of certain nonlethal crowd control items and defense articles and services to the Hong Kong Disciplined Services, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Placing Restrictions on Teargas Exports and Crowd Control Technology to Hong Kong Act" or the "PROTECT Hong Kong Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United Nations High Commissioner for Human Rights, along with human rights organizations, has called for an investigation of the use of crowd control tactics used in Hong Kong which fall short of international standards, including the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms for Law Enforcement Officials.

(2) United States companies have reportedly provided the Hong Kong Police Force with munitions and non-lethal crowd control equipment that were reportedly used by the police.

(3) Hong Kong citizens and the international community have called for changes to the Hong Kong Police's crowd control tactics and these requests have gone unheeded by the Hong Kong Special Administrative Region Government.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to restrict the export of security assistance and crime control and detection instruments and equipment to any government that engages in a consistent pattern of gross violations of internationally recognized human rights, consistent with the requirements of section 502B(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)); and

(2) to use export controls on crime control and detection instruments and equipment to deter the development of a consistent pattern of human rights abuses, distance the United States from such abuses, and avoid contributing to civil disorder in a country or region, in accordance with section 742.7(b) of part 774 of subtitle B of title 15, Code of Federal Regulations.