

116TH CONGRESS
1ST SESSION

S. 1838

AN ACT

To amend the Hong Kong Policy Act of 1992, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Hong Kong Human Rights and Democracy Act of
4 2019”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 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. Annual report on violations of United States export control laws and
United Nations sanctions occurring in Hong Kong.

Sec. 6. Protecting United States citizens and others from rendition to the Peo-
ple’s Republic of China.

Sec. 7. Sanctions relating to undermining fundamental freedoms and autonomy
in Hong Kong.

Sec. 8. Sanctions reports.

Sec. 9. Sense of Congress on People’s Republic of China state-controlled media.

Sec. 10. Sense of Congress on commercial exports of crowd control equipment
to Hong Kong.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Foreign Relations of
13 the Senate;

14 (B) the Committee on Armed Services of
15 the Senate;

16 (C) the Committee on Banking, Housing,
17 and Urban Affairs of the Senate;

18 (D) the Committee on Homeland Security
19 and Governmental Affairs of the Senate;

1 (E) the Committee on the Judiciary of the
2 Senate;

3 (F) the Committee on Foreign Affairs of
4 the House of Representatives;

5 (G) the Committee on Armed Services of
6 the House of Representatives;

7 (H) the Committee on Financial Services
8 of the House of Representatives;

9 (I) the Committee on Homeland Security
10 of the House of Representatives; and

11 (J) the Committee on the Judiciary of the
12 House of Representatives.

13 (2) SOCIAL CREDIT SYSTEM.—The term “social
14 credit system” means a system proposed by the Gov-
15 ernment of the People’s Republic of China and
16 scheduled for implementation by 2020, which
17 would—

18 (A) use existing financial credit systems,
19 public records, online activity, and other tools
20 of surveillance to aggregate data on every Chi-
21 nese citizen and business; and

22 (B) use such data to monitor, shape, and
23 rate certain financial, social, religious, or polit-
24 ical behaviors.

1 (3) UNITED STATES PERSON.—The term
2 “United States person” means—

3 (A) a United States citizen;

4 (B) a lawfully admitted permanent resi-
5 dent of the United States; or

6 (C) an entity organized under the laws
7 of—

8 (i) the United States; or

9 (ii) any jurisdiction within the United
10 States, including a foreign branch of such
11 an entity.

12 **SEC. 3. STATEMENT OF POLICY.**

13 It is the policy of the United States—

14 (1) to reaffirm the principles and objectives set
15 forth in the United States-Hong Kong Policy Act of
16 1992 (Public Law 102–383), namely that—

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

20 (B) “[s]upport for democratization is a
21 fundamental principle of United States foreign
22 policy” and therefore “naturally applies to
23 United States policy toward Hong Kong”;

24 (C) “the human rights of the people of
25 Hong Kong are of great importance to the

1 United States and are directly relevant to
2 United States interests in Hong Kong [and]
3 serve as a basis for Hong Kong’s continued eco-
4 nomic prosperity”; and

5 (D) Hong Kong must remain sufficiently
6 autonomous from the People’s Republic of
7 China to “justify treatment under a particular
8 law of the United States, or any provision
9 thereof, different from that accorded the Peo-
10 ple’s Republic of China”;

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

14 (A) the Joint Declaration of the Govern-
15 ment of the United Kingdom of Great Britain
16 and Northern Ireland and the Government of
17 the People’s Republic of China on the Question
18 of Hong Kong, done at Beijing December 19,
19 1984 (referred to in this Act as the “Joint Dec-
20 laration”);

21 (B) the International Covenant on Civil
22 and Political Rights, done at New York Decem-
23 ber 19, 1966; and

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

1 (3) to support the democratic aspirations of the
2 people of Hong Kong, including the “ultimate aim”
3 of the selection of the Chief Executive and all mem-
4 bers of the Legislative Council by universal suffrage,
5 as articulated in the Basic Law of the Hong Kong
6 Special Administrative Region of the People’s Re-
7 public of China (referred to in this Act as the
8 “Basic Law”);

9 (4) to urge the Government of the People’s Re-
10 public of China to uphold its commitments to Hong
11 Kong, including allowing the people of Hong Kong
12 to govern Hong Kong with a high degree of auton-
13 omy and without undue interference, and ensuring
14 that Hong Kong voters freely enjoy the right to elect
15 the Chief Executive and all members of the Hong
16 Kong Legislative Council by universal suffrage;

17 (5) to support the establishment of a genuine
18 democratic option to freely and fairly nominate and
19 elect the Chief Executive of Hong Kong, and the es-
20 tablishment by 2020 of open and direct democratic
21 elections for all members of the Hong Kong Legisla-
22 tive Council;

23 (6) to support the robust exercise by residents
24 of Hong Kong of the rights to free speech, the press,
25 and other fundamental freedoms, as provided by the

1 Basic Law, the Joint Declaration, and the Inter-
2 national Covenant on Civil and Political Rights;

3 (7) to support freedom from arbitrary or unlaw-
4 ful arrest, detention, or imprisonment for all Hong
5 Kong residents, as provided by the Basic Law, the
6 Joint Declaration, and the International Covenant
7 on Civil and Political Rights;

8 (8) to draw international attention to any viola-
9 tions by the Government of the People's Republic of
10 China of the fundamental rights of the people of
11 Hong Kong, as provided by the International Cov-
12 enant on Civil and Political Rights, and any en-
13 croachment upon the autonomy guaranteed to Hong
14 Kong by the Basic Law and the Joint Declaration;

15 (9) to protect United States citizens and long-
16 term permanent residents living in Hong Kong, as
17 well as people visiting and transiting through Hong
18 Kong;

19 (10) to maintain the economic and cultural ties
20 that provide significant benefits to both the United
21 States and Hong Kong; and

22 (11) to coordinate with allies, including the
23 United Kingdom, Australia, Canada, Japan, and the
24 Republic of Korea, to promote democracy and
25 human rights in Hong Kong.

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

3 (a) REPORT.—Title II of the United States-Hong
4 Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.) is
5 amended—

6 (1) in section 201(b), by striking “such date”
7 each place such term appears and inserting “the
8 date of the enactment of the Hong Kong Human
9 Rights and Democracy Act of 2019”; and

10 (2) adding at the end the following:

11 **“SEC. 205. SECRETARY OF STATE REPORT REGARDING THE**
12 **AUTONOMY OF HONG KONG.**

13 “(a) CERTIFICATION.—

14 “(1) IN GENERAL.—Except as provided in sub-
15 section (b), the Secretary of State, on at least an an-
16 nual basis, and in conjunction with the report re-
17 quired under section 301, shall issue a certification
18 to Congress that—

19 “(A) indicates whether Hong Kong con-
20 tinues to warrant treatment under United
21 States law in the same manner as United
22 States laws were applied to Hong Kong before
23 July 1, 1997;

24 “(B) addresses—

25 “(i) commercial agreements;

1 “(ii) law enforcement cooperation, in-
2 cluding extradition requests;

3 “(iii) sanctions enforcement;

4 “(iv) export controls, and any other
5 agreements and forms of exchange involv-
6 ing dual use, critical, or other sensitive
7 technologies;

8 “(v) any formal treaties or agree-
9 ments between the United States and
10 Hong Kong;

11 “(vi) other areas of bilateral coopera-
12 tion that the Secretary determines to be
13 relevant; and

14 “(vii) decision-making within the Gov-
15 ernment of Hong Kong, including execu-
16 tive, legislative, and judicial structures, in-
17 cluding—

18 “(I) freedom of assembly;

19 “(II) freedom of speech;

20 “(III) freedom of expression; and

21 “(IV) freedom of the press, in-
22 cluding the Internet and social media;

23 “(viii) universal suffrage, including
24 the ultimate aim of the selection of the

1 Chief Executive and all members of the
2 Legislative Council by universal suffrage;
3 “(ix) judicial independence;
4 “(x) police and security functions;
5 “(xi) education;
6 “(xii) laws or regulations regarding
7 treason, secession, sedition, subversion
8 against the Central People’s Government
9 of the People’s Republic of China, or theft
10 of state secrets;
11 “(xiii) laws or regulations regarding
12 foreign political organizations or bodies;
13 “(xiv) laws or regulations regarding
14 political organizations; and
15 “(xv) other rights enumerated in the
16 Universal Declaration of Human Rights,
17 done at Paris December 10, 1948, and the
18 International Covenant on Civil and Polit-
19 ical Rights, done at New York December
20 19, 1966; and
21 “(C) includes—
22 “(i) an assessment of the degree of
23 any erosions to Hong Kong’s autonomy in
24 each category listed in subparagraph (B)
25 resulting from actions by the Government

1 of the People’s Republic of China that are
2 inconsistent with its commitments under
3 the Basic Law or the Joint Declaration;

4 “(ii) an evaluation of the specific im-
5 pacts to any areas of cooperation between
6 the United States and Hong Kong result-
7 ing from erosions of autonomy in Hong
8 Kong or failures of the Government of
9 Hong Kong to fulfill obligations to the
10 United States under international agree-
11 ments within the categories listed in sub-
12 paragraph (B); and

13 “(iii) a list of any specific actions
14 taken by the United States Government in
15 response to any erosion of autonomy or
16 failures to fulfill obligations to the United
17 States under international agreements
18 identified in this certification and the re-
19 port required under section 301.

20 “(2) FACTOR FOR CONSIDERATION.—In making
21 each certification under paragraph (1), the Secretary
22 of State should consider the terms, obligations, and
23 expectations expressed in the Joint Declaration with
24 respect to Hong Kong.

1 “(3) ADDITIONAL CERTIFICATIONS.—The cer-
2 tification under section (1) shall be issued annually,
3 but the Secretary may issue additional certifications
4 at any time if the Secretary determines it is war-
5 ranted by circumstances in Hong Kong.

6 “(b) WAIVER AUTHORITY.—

7 “(1) IN GENERAL.—The Secretary of State may
8 waive the application of subsection (a) if—

9 “(A) the Secretary determines that such a
10 waiver is in the national security interests of
11 the United States; and

12 “(B) on or before the date on which the
13 waiver takes effect, the Secretary notifies the
14 Committee on Foreign Relations of the Senate
15 and the Committee on Foreign Affairs of the
16 House of Representatives of the intent to waive
17 such subsection;

18 “(2) PARTIAL WAIVER.—Except for the list of
19 actions described in subsection (a)(1)(C)(iii), the
20 Secretary of State may waive relevant parts of the
21 application of subsection (a) if the President issues
22 an Executive order under section 202 that suspends
23 the application of any particular United States law
24 to Hong Kong.”.

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

5 **“SEC. 206. TREATMENT OF HONG KONG APPLICANTS FOR**
6 **VISAS TO STUDY OR WORK IN THE UNITED**
7 **STATES.**

8 “(a) VISA ELIGIBILITY FOR CERTAIN HONG KONG
9 STUDENTS.—Notwithstanding any other provision of law,
10 applications for visas to enter, study, or work in the
11 United States, which are submitted by otherwise qualified
12 applicants who resided in Hong Kong in 2014 and later,
13 may not be denied primarily on the basis of the applicant’s
14 subjection to politically-motivated arrest, detention, or
15 other adverse government action.

16 “(b) IMPLEMENTATION.—The Secretary of State
17 shall take such steps as may be necessary to ensure that
18 consular officers are aware of the policy described in sub-
19 section (a) and receive appropriate training and support
20 to ensure that the policy is carried out so that affected
21 individuals do not face discrimination or unnecessary
22 delay in the processing of their visa applications, includ-
23 ing—

24 “(1) providing specialized training for all con-
25 sular officers posted to the United States Embassy

1 in Beijing or to any United States consulate in the
2 People’s Republic of China, the Hong Kong Special
3 Administrative Region, or the Macau Special Admin-
4 istrative Region;

5 “(2) instructing the United States Consulate in
6 Hong Kong to maintain an active list of individuals
7 who are known to have been formally charged, de-
8 tained, or convicted by the Government of Hong
9 Kong Special Administrative Region or by the Gov-
10 ernment of the People’s Republic of China, or inter-
11 mediaries of such governments, based on politically-
12 motivated considerations related to their exercise of
13 rights enumerated in the Universal Declaration of
14 Human Rights, done at Paris December 10, 1948,
15 or the International Covenant on Civil and Political
16 Rights, done at New York December 19, 1966, to
17 facilitate the cross-checking of visa applications for
18 Hong Kong residents; and

19 “(3) updating any relevant United States Gov-
20 ernment websites with information on the policy de-
21 scribed in subsection (a).

22 “(c) COOPERATION WITH LIKE-MINDED COUN-
23 TRIES.—The Secretary of State shall contact appropriate
24 representatives of other democratic countries, particularly

1 those who receive a large number of applicants for student
2 and employment visas from Hong Kong—

3 “(1) to inform them of the United States policy
4 regarding arrests for participation in nonviolent pro-
5 tests in Hong Kong; and

6 “(2) to encourage them to take similar steps to
7 ensure the rights of nonviolent protesters are pro-
8 tected from discrimination due to the actions of the
9 Government of Hong Kong and of the Government
10 of the People’s Republic of China.”.

11 **SEC. 5. ANNUAL REPORT ON VIOLATIONS OF UNITED**
12 **STATES EXPORT CONTROL LAWS AND**
13 **UNITED NATIONS SANCTIONS OCCURRING IN**
14 **HONG KONG.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, and annually thereafter
17 until the date that is 7 years after the date of the enact-
18 ment of this Act, the Secretary of Commerce, in consulta-
19 tion with the Secretary of the Treasury and the Secretary
20 of State, shall submit a report to the committees specified
21 in subsection (b) that includes—

22 (1) an assessment of the nature and extent of
23 violations of United States export control and sanc-
24 tions laws occurring in Hong Kong;

1 (2) to the extent possible, the identification
2 of—

3 (A) any items that were reexported from
4 Hong Kong in violation of the laws referred to
5 in paragraph (1);

6 (B) the countries and persons to which the
7 items referred to in subparagraph (A) were re-
8 exported; and

9 (C) how such items were used;

10 (3) an assessment of whether sensitive dual-use
11 items subject to the export control laws of the
12 United States are being—

13 (A) transshipped through Hong Kong; and

14 (B) used to develop—

15 (i) the Sharp Eyes, Skynet, Inte-
16 grated Joint Operations Platform, or other
17 systems of mass surveillance and predictive
18 policing; or

19 (ii) the “social credit system” of the
20 People’s Republic of China;

21 (4) an assessment of the efforts by the Govern-
22 ment of the People’s Republic of China to use the
23 status of Hong Kong as a separate customs territory
24 to import items into the People’s Republic of China
25 from Hong Kong in violation of the export control

1 laws of the United States, whether as part of the
2 Greater Bay Area plan, through the assignment by
3 Beijing of Hong Kong as a national technology and
4 innovation center, or through other programs that
5 may exploit Hong Kong as a conduit for controlled
6 sensitive technology;

7 (5) an assessment of whether the Government
8 of Hong Kong has adequately enforced sanctions im-
9 posed by the United Nations;

10 (6) a description of the types of goods and serv-
11 ices transshipped or reexported through Hong Kong
12 in violation of such sanctions to—

13 (A) North Korea or Iran; or

14 (B) other countries, regimes, or persons
15 subject to such sanctions for engaging in activi-
16 ties—

17 (i) relating to international terrorism,
18 international narcotics trafficking, or the
19 proliferation of weapons of mass destruc-
20 tion; or

21 (ii) that otherwise present a threat to
22 the national security, foreign policy, or
23 economy of the United States; and

24 (7) an assessment of whether shortcomings in
25 the enforcement of export controls or sanctions by

1 the Government of Hong Kong necessitates the as-
2 signment of additional Department of the Treasury,
3 Department of Commerce, or Department of State
4 personnel to the United States Consulate in Hong
5 Kong.

6 (b) COMMITTEES SPECIFIED.—The committees spec-
7 ified in this subsection are—

8 (1) the Committee on Foreign Relations of the
9 Senate;

10 (2) the Committee on Banking, Housing, and
11 Urban Affairs of the Senate;

12 (3) the Committee on Commerce, Science, and
13 Transportation of the Senate;

14 (4) the Committee on Foreign Affairs of the
15 House of Representatives; and

16 (5) the Committee on Energy and Commerce of
17 the House of Representatives.

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

21 **SEC. 6. PROTECTING UNITED STATES CITIZENS AND OTH-**
22 **ERS FROM RENDITION TO THE PEOPLE'S RE-**
23 **PUBLIC OF CHINA.**

24 (a) POLICY STATEMENTS.—It is the policy of the
25 United States—

1 (1) to safeguard United States citizens from ex-
2 tradition, rendition, or abduction to the People’s Re-
3 public of China from Hong Kong for trial, detention,
4 or any other purpose;

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

8 (3) pursuant to section 103(7) of the United
9 States-Hong Kong Policy Act of 1992 (22 U.S.C.
10 5713(7)), to encourage United States businesses “to
11 continue to operate in Hong Kong, in accordance
12 with applicable United States and Hong Kong law”;
13 and

14 (4) pursuant to section 201(b) of such Act (22
15 U.S.C. 5721(b)), to evaluate, not less frequently
16 than annually and as circumstances, dictate whether
17 the Government of Hong Kong is “legally competent
18 to carry out its obligations” under treaties and
19 international agreements established between the
20 United States and Hong Kong.

21 (b) RESPONSE TO THREAT OF RENDITION.—Not
22 later than 30 days after the President determines that leg-
23 islation proposed or enacted by the Government of Hong
24 Kong would put United States citizens at risk of extra-
25 dition or rendition to the People’s Republic of China or

1 to other countries that lack protections for the rights of
 2 defendants, the President shall submit a report to the ap-
 3 propriate congressional committees that—

4 (1) contains a strategy for protecting United
 5 States citizens and businesses in Hong Kong;

6 (2) assesses the potential risks of the legislation
 7 to United States citizens residing in, traveling to, or
 8 transiting through Hong Kong; and

9 (3) determines whether—

10 (A) additional resources are needed for
 11 American Citizen Services at the United States
 12 Consulate in Hong Kong; and

13 (B) the Government of Hong Kong is “le-
 14 gally competent” to administer the United
 15 States-Hong Kong Agreement for the Sur-
 16 render of Fugitive Offenders, done at Hong
 17 Kong December 20, 1996, or other relevant law
 18 enforcement agreements between the United
 19 States and Hong Kong.

20 **SEC. 7. SANCTIONS RELATING TO UNDERMINING FUNDA-**
 21 **MENTAL FREEDOMS AND AUTONOMY IN**
 22 **HONG KONG.**

23 (a) IDENTIFICATION OF PERSONS RESPONSIBLE FOR
 24 UNDERMINING FUNDAMENTAL FREEDOMS AND AUTON-
 25 OMY IN HONG KONG.—

1 (1) IN GENERAL.—The President shall submit
2 a report to the appropriate congressional commit-
3 tees, in accordance with paragraph (2), that identi-
4 fies each foreign person that the President deter-
5 mines is responsible for—

6 (A) the extrajudicial rendition, arbitrary
7 detention, or torture of any person in Hong
8 Kong; or

9 (B) other gross violations of internationally
10 recognized human rights in Hong Kong.

11 (2) TIMING OF REPORTS.—The President shall
12 submit to the appropriate congressional commit-
13 tees—

14 (A) the report required under paragraph
15 (1)—

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

18 (ii) not less frequently than annually
19 thereafter in conjunction with the publica-
20 tion of the report required under section
21 301 of the United States-Hong Kong Pol-
22 icy Act of 1992 (22 U.S.C. 5731); and

23 (B) an update to the report not later than
24 15 days after any new action is taken under

1 subsection (b) based on the discovery of new in-
2 formation described in paragraph (1).

3 (3) CONSIDERATION OF CERTAIN INFORMA-
4 TION.—In preparing the report required under para-
5 graph (1), the President shall consider—

6 (A) information provided jointly by the
7 chairperson and ranking member of each of the
8 appropriate congressional committees; and

9 (B) information obtained by other coun-
10 tries or reputable nongovernmental organiza-
11 tions that monitor violations of human rights
12 abuses.

13 (4) FORM.—The report required under para-
14 graph (1) shall be submitted in unclassified form,
15 but may include a classified annex.

16 (b) IMPOSITION OF SANCTIONS.—The President shall
17 impose the sanctions described in subsection (c) with re-
18 spect to each foreign person identified in the report re-
19 quired under subsection (a)(1).

20 (c) SANCTIONS DESCRIBED.—The sanctions de-
21 scribed in this subsection are the following:

22 (1) ASSET BLOCKING.—The President shall ex-
23 ercise all of the powers granted to the President
24 under the International Emergency Economic Pow-
25 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-

1 essary to block and prohibit all transactions in prop-
2 erty and interests in property of a foreign person
3 identified in the report required under subsection
4 (a)(1) if such property and interests in property are
5 in the United States, come within the United States,
6 or come within the possession or control of a United
7 States person.

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

10 (A) VISAS, ADMISSION, OR PAROLE.—An
11 alien described in subsection (a)(1) is—

12 (i) inadmissible to the United States;

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

16 (iii) otherwise ineligible to be admitted
17 or paroled into the United States or to re-
18 ceive any other benefit under the Immigra-
19 tion and Nationality Act (8 U.S.C. 1101 et
20 seq.).

21 (B) CURRENT VISAS REVOKED.—

22 (i) IN GENERAL.—An alien described
23 in subsection (a)(1) is subject to revocation
24 of any visa or other entry documentation

1 regardless of when the visa or other entry
2 documentation is or was issued.

3 (ii) IMMEDIATE EFFECT.—A revoca-
4 tion under clause (i) shall—

5 (I) take effect immediately; and

6 (II) automatically cancel any
7 other valid visa or entry documenta-
8 tion that is in the alien's possession.

9 (3) PENALTIES.—The penalties provided for in
10 subsections (b) and (c) of section 206 of the Inter-
11 national Emergency Economic Powers Act (50
12 U.S.C. 1705) shall apply to a foreign person that
13 violates, attempts to violate, conspires to violate, or
14 causes a violation of paragraph (1) to the same ex-
15 tent that such penalties apply to a person that com-
16 mits an unlawful act described in subsection (a) of
17 such section 206.

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

22 (e) WAIVER.—The President may waive the applica-
23 tion of sanctions under this section with respect to a per-
24 son identified in the report required under subsection
25 (a)(1) if the President determines and certifies to the ap-

1 appropriate congressional committees that such a waiver is
2 in the national interest of the United States.

3 (f) EXCEPTIONS.—

4 (1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply
5 to any activity subject to the reporting requirements
6 under title V of the National Security Act of 1947
7 (50 U.S.C. 3091 et seq.) or any authorized intel-
8 ligence activities of the United States.
9

10 (2) EXCEPTION TO COMPLY WITH INTER-
11 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
12 MENT ACTIVITIES.—Sanctions under subsection
13 (c)(2) shall not apply with respect to an alien if ad-
14 mitting or paroling the alien into the United States
15 is necessary—

16 (A) to permit the United States to comply
17 with the Agreement regarding the Head-
18 quarters of the United Nations, signed at Lake
19 Success June 26, 1947, and entered into force
20 November 21, 1947, between the United Na-
21 tions and the United States, or other applicable
22 international obligations; or

23 (B) to carry out or assist law enforcement
24 activity in the United States.

1 (3) EXCEPTION RELATING TO IMPORTATION OF
2 GOODS.—

3 (A) IN GENERAL.—The authorities and re-
4 quirements to impose sanctions authorized
5 under this section shall not include the author-
6 ity or a requirement to impose sanctions on the
7 importation of goods.

8 (B) GOOD DEFINED.—In this paragraph,
9 the term “good” means any article, natural or
10 manmade substance, material, supply, or manu-
11 factured product, including inspection and test
12 equipment, and excluding technical data.

13 (g) TERMINATION OF SANCTIONS.—The President
14 may terminate the application of sanctions under this sec-
15 tion with respect to a person if the President determines
16 and reports to the appropriate congressional committees
17 not less than 15 days before the termination takes effect
18 that—

19 (1) information exists that the person did not
20 engage in the activity for which sanctions were im-
21 posed;

22 (2) the person has been prosecuted appro-
23 priately for the activity for which sanctions were im-
24 posed;

1 (3) the person has credibly demonstrated a sig-
2 nificant change in behavior, has paid an appropriate
3 consequence for the activity for which sanctions were
4 imposed, and has credibly committed to not engage
5 in an activity described in subsection (a)(1) in the
6 future; or

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

9 (h) SUNSET.—This section, and any sanctions im-
10 posed under this section, shall terminate on the date that
11 is 5 years after the date of the enactment of this Act.

12 (i) DEFINITIONS.—In this section:

13 (1) ADMISSION; ADMITTED; ALIEN.—The terms
14 “admission”, “admitted”, and “alien” have the
15 meanings given those terms in section 101 of the
16 Immigration and Nationality Act (8 U.S.C. 1101).

17 (2) FOREIGN PERSON.—The term “foreign per-
18 son” means a person that is not a United States
19 person.

20 **SEC. 8. SANCTIONS REPORTS.**

21 (a) IN GENERAL.—In accordance with section 7, the
22 President shall submit, to the appropriate congressional
23 committees, a report that includes—

1 (1) a list of each foreign person with respect to
2 which the President imposed sanctions during the
3 year preceding the submission of the report;

4 (2) a description of the type of sanctions im-
5 posed with respect to each such person;

6 (3) the number of foreign persons with respect
7 to which the President terminated sanctions under
8 section 7 during that year;

9 (4) the dates on which such sanctions were im-
10 posed or terminated, as applicable;

11 (5) the reasons for imposing or terminating
12 such sanctions; and

13 (6) a description of the efforts of the President
14 to encourage the governments of other countries to
15 impose sanctions that are similar to the sanctions
16 authorized under section 7.

17 (b) NONAPPLICABILITY OF CONFIDENTIALITY RE-
18 QUIREMENT WITH RESPECT TO VISA RECORDS.—The
19 President shall publish the report required under sub-
20 section (a) without regard to the requirements of section
21 222(f) of the Immigration and Nationality Act (8 U.S.C.
22 1202(f)) with respect to confidentiality of records per-
23 taining to the issuance or refusal of visas or permits to
24 enter the United States.

1 **SEC. 9. SENSE OF CONGRESS ON PEOPLE'S REPUBLIC OF**
2 **CHINA STATE-CONTROLLED MEDIA.**

3 It is the sense of Congress that—

4 (1) the United States condemns the deliberate
5 targeting and harassment of democracy activists,
6 diplomatic personnel of the United States and other
7 nations, and their families by media organizations
8 controlled by the Government of the People's Repub-
9 lic of China, including Wen Wei Po and Ta Kung
10 Po;

11 (2) the Secretary of State should clearly inform
12 the Government of the People's Republic of China
13 that the use of media outlets to spread
14 disinformation or to intimidate and threaten its per-
15 ceived enemies in Hong Kong or in other countries
16 is unacceptable; and

17 (3) the Secretary of State should take any ac-
18 tivities described in paragraph (1) or (2) into consid-
19 eration when granting visas for travel and work in
20 the United States to journalists from the People's
21 Republic of China who are affiliated with any such
22 media organizations.

1 **SEC. 10. SENSE OF CONGRESS ON COMMERCIAL EXPORTS**
2 **OF CROWD CONTROL EQUIPMENT TO HONG**
3 **KONG.**

4 It is sense of Congress that the Department of Com-
5 merce, in conjunction with other relevant Federal depart-
6 ments and agencies, should consider appropriate adjust-
7 ments to the current United States export controls with
8 respect to Hong Kong to prevent the supply of crowd con-
9 trol and surveillance equipment that could be used inap-
10 propriately in Hong Kong.

Passed the Senate November 19, 2019.

Attest:

Secretary.

116TH CONGRESS
1ST SESSION

S. 1838

AN ACT

To amend the Hong Kong Policy Act of 1992, and
for other purposes.