

- Sec.  
5722. Presidential order.  
5723. Rules and regulations.  
5724. Consultation with Congress.  
5725. Secretary of State report regarding the autonomy of Hong Kong.  
5726. Treatment of Hong Kong applicants for visas to study or work in the United States.

## SUBCHAPTER III—REPORTING PROVISIONS

5731. Reporting requirement.  
5732. Separate part of country reports.

**§ 5701. Findings and declarations**

The Congress makes the following findings and declarations:

(1) The Congress recognizes that under the 1984 Sino-British Joint Declaration:

(A) The People's Republic of China and the United Kingdom of Great Britain and Northern Ireland have agreed that the People's Republic of China will resume the exercise of sovereignty over Hong Kong on July 1, 1997. Until that time, the United Kingdom will be responsible for the administration of Hong Kong.

(B) The Hong Kong Special Administrative Region of the People's Republic of China, beginning on July 1, 1997, will continue to enjoy a high degree of autonomy on all matters other than defense and foreign affairs.

(C) There is provision for implementation of a "one country, two systems" policy, under which Hong Kong will retain its current lifestyle and legal, social, and economic systems until at least the year 2047.

(D) The legislature of the Hong Kong Special Administrative Region will be constituted by elections, and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as applied to Hong Kong, shall remain in force.

(E) Provision is made for the continuation in force of agreements implemented as of June 30, 1997, and for the ability of the Hong Kong Special Administrative Region to conclude new agreements either on its own or with the assistance of the Government of the People's Republic of China.

(2) The Congress declares its wish to see full implementation of the provisions of the Joint Declaration.

(3) The President has announced his support for the policies and decisions reflected in the Joint Declaration.

(4) Hong Kong plays an important role in today's regional and world economy. This role is reflected in strong economic, cultural, and other ties with the United States that give the United States a strong interest in the continued vitality, prosperity, and stability of Hong Kong.

(5) Support for democratization is a fundamental principle of United States foreign policy. As such, it naturally applies to United States policy toward Hong Kong. This will remain equally true after June 30, 1997.

(6) 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. A fully successful transition in the exercise of sovereignty over Hong Kong must safeguard human rights in and of themselves. Human rights also serve as a basis for Hong Kong's continued economic prosperity.

(Pub. L. 102-383, §2, Oct. 5, 1992, 106 Stat. 1448.)

## SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116-76, §1(a), Nov. 27, 2019, 133 Stat. 1161, provided that: "This Act [enacting sections 5725 and 5726 of this title, amending section 5721 of this title, and enacting provisions set out as a note under this section] may be cited as the 'Hong Kong Human Rights and Democracy Act of 2019'."

## SHORT TITLE

Pub. L. 102-383, §1, Oct. 5, 1992, 106 Stat. 1448, provided that: "This Act [enacting this chapter] may be cited as the 'United States-Hong Kong Policy Act of 1992'."

## HONG KONG HUMAN RIGHTS AND DEMOCRACY

Pub. L. 116-76, §§2, 3, 5-8, Nov. 27, 2019, 133 Stat. 1161, 1162, 1166-1170, provided that:

## "SEC. 2. DEFINITIONS.

"In this Act [see Short Title of 2019 Amendment note above]:

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

"(A) the Committee on Foreign Relations of the Senate;

"(B) the Committee on Armed Services of the Senate;

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

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

"(E) the Committee on the Judiciary of the Senate;

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

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

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

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

"(J) the Committee on the Judiciary of the House of Representatives.

"(2) SOCIAL CREDIT SYSTEM.—The term 'social credit system' means a system proposed by the Government of the People's Republic of China and scheduled for implementation by 2020, which would—

"(A) use existing financial credit systems, public records, online activity, and other tools of surveillance to aggregate data on every Chinese citizen and business; and

"(B) use such data to monitor, shape, and rate certain financial, social, religious, or political behaviors.

"(3) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a United States citizen;

"(B) a lawfully admitted permanent resident of the United States; or

"(C) an entity organized under the laws of—

"(i) the United States; or

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

## "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) [22 U.S.C. 5701 et seq.], 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 to uphold its commitments to Hong Kong, including allowing the people of Hong Kong to govern Hong Kong with a high degree of autonomy and without undue interference, and ensuring that Hong Kong voters freely enjoy the right to elect the Chief Executive and all members of the Hong Kong Legislative Council by universal suffrage;

“(5) to support the establishment of a genuine democratic option to freely and fairly nominate and elect the Chief Executive of Hong Kong, and the establishment by 2020 of open and direct democratic elections for all members of the Hong Kong Legislative Council;

“(6) 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, the Joint Declaration, and the International Covenant on Civil and Political Rights;

“(7) to support freedom from arbitrary or unlawful arrest, detention, or imprisonment for all Hong Kong residents, as provided by the Basic Law, the Joint Declaration, and the International Covenant on Civil and Political Rights;

“(8) 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, as provided by the International Covenant on Civil and Political Rights, and any encroachment upon the autonomy guaranteed to Hong Kong by the Basic Law and the Joint Declaration;

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

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

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

“SEC. 5. ANNUAL REPORT ON VIOLATIONS OF UNITED STATES EXPORT CONTROL LAWS AND UNITED NATIONS SANCTIONS OCCURRING IN HONG KONG.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Nov. 27, 2019], and

annually thereafter until the date that is 7 years after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit a report to the committees specified in subsection (b) that includes—

“(1) an assessment of the nature and extent of violations of United States export control and sanctions laws occurring in Hong Kong;

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

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

“(B) the countries and persons to which the items referred to in subparagraph (A) were reexported; and

“(C) how such items were used;

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

“(A) transshipped through Hong Kong; and

“(B) used to develop—

“(i) the Sharp Eyes, Skynet, Integrated Joint Operations Platform, or other systems of mass surveillance and predictive policing; or

“(ii) the ‘social credit system’ of the People’s Republic of China;

“(4) an assessment of the efforts by the Government of the People’s Republic of China to use the status of Hong Kong as a separate customs territory to import items into the People’s Republic of China from Hong Kong in violation of the export control laws of the United States, whether as part of the Greater Bay Area plan, through the assignment by Beijing of Hong Kong as a national technology and innovation center, or through other programs that may exploit Hong Kong as a conduit for controlled sensitive technology;

“(5) an assessment of whether the Government of Hong Kong has adequately enforced sanctions imposed by the United Nations;

“(6) a description of the types of goods and services transshipped 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 international terrorism, international narcotics trafficking, or the proliferation of weapons of mass destruction; or

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

“(7) an assessment of whether shortcomings in the enforcement of export controls or sanctions by the Government of Hong Kong necessitates the assignment of additional Department of the Treasury, Department of Commerce, or Department of State personnel to the United States Consulate in Hong Kong.

“(b) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

“(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 Commerce, Science, and Transportation of the Senate;

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

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

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

“SEC. 6. PROTECTING UNITED STATES CITIZENS AND OTHERS FROM RESENTMENT TO THE PEOPLE’S REPUBLIC OF CHINA.

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

“(1) to safeguard United States citizens from extradition, rendition, or abduction to the People’s Republic of 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, not less frequently than annually and as circumstances dictate whether 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) RESPONSE TO THREAT OF RENDITION.—Not later than 30 days after the President determines that legislation proposed or enacted by the Government of Hong Kong would put United States citizens at risk of extradition or rendition to the People’s Republic of China or to other countries that lack protections for the rights of defendants, the President shall submit a report to the appropriate congressional committees that—

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

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

“(3) determines whether—

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

“(B) the Government of Hong Kong is ‘legally competent’ to administer the United States-Hong Kong Agreement for the Surrender of Fugitive Offenders, done at Hong Kong December 20, 1996, or other relevant law enforcement agreements between the United States and Hong Kong.

“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 submit a report to the appropriate congressional committees, in accordance with paragraph (2), that identifies each foreign person that the President determines is responsible for—

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

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

“(2) TIMING OF REPORTS.—The President shall submit to the appropriate congressional committees—

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

“(i) not later than 180 days after the date of the enactment of this Act [Nov. 27, 2019]; 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 not later than 15 days after any new action is taken under subsection (b) based on the discovery of new information described in paragraph (1).

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

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

“(B) information obtained by other countries or reputable 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.—An alien described in subsection (a)(1) 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.—An alien 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.

“(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 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) EXCEPTIONS.—

“(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

“(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under subsection (c)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

“(A) 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; or

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

“(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

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

“(B) GOOD DEFINED.—In this paragraph, the term ‘good’ means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

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

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

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

“(3) the 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.

“(h) SUNSET.—This section, and any sanctions imposed under this section, shall terminate on the date that is 5 years after the date of the enactment of this Act [Nov. 27, 2019].

“(i) DEFINITIONS.—In this section:

“(1) ADMISSION; ADMITTED; ALIEN.—The terms ‘admission’, ‘admitted’, and ‘alien’ have the meanings given those terms 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.

#### “SEC. 8. SANCTIONS REPORTS.

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

“(1) a list of each foreign person with respect to which the President imposed sanctions during the year preceding the submission of the 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 sanctions under section 7 during that year;

“(4) the dates on which such sanctions were imposed or terminated, as applicable;

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

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

“(b) 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.”

#### § 5702. Definitions

For purposes of this chapter—

(1) the term “Hong Kong” means, prior to July 1, 1997, the British Dependent Territory of Hong Kong, and on and after July 1, 1997,

the Hong Kong Special Administrative Region of the People’s Republic of China;

(2) the term “Joint Declaration” means 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 on December 19, 1984; and

(3) the term “laws of the United States” means provisions of law enacted by the Congress.

(Pub. L. 102-383, §3, Oct. 5, 1992, 106 Stat. 1449.)

#### SUBCHAPTER I—POLICY

#### § 5711. Bilateral ties between United States and Hong Kong

It is the sense of the Congress that the following, which are based in part on the relevant provisions of the Joint Declaration, should be the policy of the United States with respect to its bilateral relationship with Hong Kong:

(1) The United States should play an active role, before, on, and after July 1, 1997, in maintaining Hong Kong’s confidence and prosperity, Hong Kong’s role as an international financial center, and the mutually beneficial ties between the people of the United States and the people of Hong Kong.

(2) The United States should actively seek to establish and expand direct bilateral ties and agreements with Hong Kong in economic, trade, financial, monetary, aviation, shipping, communications, tourism, cultural, sport, and other appropriate areas.

(3) The United States should seek to maintain, after June 30, 1997, the United States consulate-general in Hong Kong, together with other official and semi-official organizations, such as the United States Information Agency American Library.

(4) The United States should invite Hong Kong to maintain, after June 30, 1997, its official and semi-official missions in the United States, such as the Hong Kong Economic & Trade Office, the Office of the Hong Kong Trade Development Council, and the Hong Kong Tourist Association. The United States should invite Hong Kong to open and maintain other official or semi-official missions to represent Hong Kong in those areas in which Hong Kong is entitled to maintain relations on its own, including economic, trade, financial, monetary, aviation, shipping, communications, tourism, cultural, and sport areas.

(5) The United States should recognize passports and travel documents issued after June 30, 1997, by the Hong Kong Special Administrative Region.

(6) The resumption by the People’s Republic of China of the exercise of sovereignty over Hong Kong after June 30, 1997, should not affect treatment of Hong Kong residents who apply for visas to visit or reside permanently in the United States, so long as such treatment is consistent with the Immigration and Nationality Act [8 U.S.C. 1101 et seq.].

(Pub. L. 102-383, title I, §101, Oct. 5, 1992, 106 Stat. 1449.)