

116TH CONGRESS
1ST SESSION

H. R. 4551

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2019

Mr. ROUDA (for himself and Mr. MAST) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hong Kong Policy Re-
5 evaluation Act of 2019”.

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

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

7 **“SEC. 303. REPORT ON THE MANNER AND EXTENT TO**
8 **WHICH PEOPLE’S REPUBLIC OF CHINA EX-**
9 **PLOITS HONG KONG TO CIRCUMVENT**
10 **UNITED STATES LAWS AND PROTECTIONS.**

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

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

21 “(1) In consultation with the Secretary of Com-
22 merce, the Secretary of Homeland Security, and the
23 Director of National Intelligence—

24 “(A) an assessment of how the Govern-
25 ment of the People’s Republic of China uses

1 Hong Kong to circumvent United States export
2 controls;

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

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

11 “(2) In consultation with the Secretary of the
12 Treasury and the Secretary of Commerce—

13 “(A) an assessment of how the Govern-
14 ment of the People’s Republic of China uses
15 Hong Kong to circumvent duties on merchan-
16 dise exported to the United States from the
17 People’s Republic of China;

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

22 “(C) a list of each official of the Govern-
23 ment of the People’s Republic of China that en-
24 gaged in activities described in subparagraphs
25 (A) and (B).

1 “(3) In consultation with the Secretary of the
2 Treasury, the Secretary of Homeland Security, and
3 the Director of National Intelligence—

4 “(A) an assessment of how the Govern-
5 ment of the People’s Republic of China uses
6 Hong Kong to circumvent sanctions imposed by
7 the United States or pursuant to multilateral
8 regimes;

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

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

17 “(4) In consultation with the Secretary of
18 Homeland Security and the Director of National In-
19 telligence—

20 “(A) an assessment of how the Govern-
21 ment of the People’s Republic of China uses
22 formal or informal means to extradite or coer-
23 cively move foreign nationals, including United
24 States persons, from Hong Kong to the Peo-
25 ple’s Republic of China;

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

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

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

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

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

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

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

7 “(c) FORM OF REPORT; AVAILABILITY.—

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

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

15 “(d) DEFINITIONS.—In this section:

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

21 “(2) FOREIGN NATIONAL.—The term ‘foreign
22 national’ means a person that is neither—

23 “(A) an individual who is a citizen or na-
24 tional of China; or

1 “(B) an entity organized under the laws of
2 China or of any jurisdiction within China.

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

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

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

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

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