

Calendar No. 55118TH CONGRESS
1ST SESSION**S. RES. 106**

Condemning Beijing's destruction of Hong Kong's democracy and rule of law.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2023

Mr. RISCH (for himself, Mr. MENENDEZ, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. CASSIDY, Mr. MERKLEY, Mr. YOUNG, Mr. OSSOFF, Mr. GRAHAM, Ms. DUCKWORTH, Mrs. BLACKBURN, Mr. KAINE, Mr. CRAPO, Ms. CORTEZ MASTO, Mr. RUBIO, Mr. WYDEN, Mr. CRUZ, Mr. COONS, Mr. DAINES, Mr. LUJÁN, Mr. MORAN, Mrs. SHAHEEN, Mr. CRAMER, Mr. CARDIN, Mr. BOOZMAN, Mr. PETERS, Mr. LANKFORD, Mr. VAN HOLLEN, Mr. SULLIVAN, Ms. HASSAN, Ms. MURKOWSKI, Ms. SMITH, Mr. BRAUN, Mr. SCHATZ, Mr. HOEVEN, Ms. BALDWIN, Mr. HAWLEY, Mr. MURPHY, Mr. SCOTT of South Carolina, Mr. BOOKER, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations

MAY 4, 2023

Reported by Mr. MENENDEZ, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Condemning Beijing's destruction of Hong Kong's democracy and rule of law.

Whereas, in 1997, Great Britain handed Hong Kong over to Chinese rule under guarantees that Hong Kong would become a Special Administrative Region under the “one country, two systems” principle, pursuant to which Hong Kong’s Basic Law would apply and would enshrine “fundamental rights” of Hong Kong residents and a political structure, including an independent judiciary, the right to vote, and freedoms of assembly and speech, among others;

Whereas the Government of the People’s Republic of China (PRC) has repeatedly undermined Hong Kong’s autonomy since the 1997 handover, including actions which resulted in political protests in Hong Kong, including the Umbrella Movement in 2014, a protest against Beijing’s attempt to reform Hong Kong’s electoral system, and the 2019–2020 protests, which opposed the Hong Kong Government’s attempt to implement an extradition law that would have subjected Hong Kongers to prosecution in mainland China;

Whereas the Hong Kong Police Force used excessive force to try to quell the 2019–2020 protestors, many of whom were under the age of 30;

Whereas the Government of the People’s Republic of China responded to these protests by passing and implementing the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (commonly referred to as the “Hong Kong national security law”) a vaguely defined criminal statute that includes overly broad charges and extraterritorial reach to punish people for exercising their fundamental rights and freedoms;

Whereas, since its enactment in June 2020, this law has been used by the Government of the People's Republic of China as a pretext to crack down on legitimate and peaceful expression, including the exercise of freedoms of assembly, speech, and religious belief provided for under the Basic Law, to replace the Hong Kong legislature with individuals loyal to the Chinese Communist Party, and to pass new immigration laws that subject Hong Kong citizens and residents, as well as PRC nationals and foreign nationals, to exit bans in Hong Kong similar to those implemented in mainland China;

Whereas more than 200 people have been arrested under the Hong Kong national security law since its enactment in June 2020;

Whereas the Government of the People's Republic of China is using the Hong Kong national security law to harass, target, and threaten non-Hong Kong citizens and those outside of Hong Kong, based upon for unsubstantiated and vague allegations of "endangering national security";

Whereas, Jimmy Lai, a 75-year-old Hong Kong pro-democracy advocate and media entrepreneur, has been targeted and persecuted for decades, most recently through multiple prosecutions, including related to exercising his rights to freedom of peaceful assembly and freedom of expression, his sentencing to over five years in prison under politically motivated fraud charges and the seizure of his multimillion dollar independent media organization Apple Daily by the Hong Kong authorities;

Whereas Mr. Lai is now one of the highest profile cases facing trial under vaguely defined charges under the so-called "national security law";

Whereas, Cardinal Zen, a 90-year-old Roman Catholic cardinal, and five other colleagues were found guilty of politically motivated charges related to failing to register a humanitarian fund that helped anti-government protesters;

Whereas the Government of the People's Republic of China's undermining of democracy in Hong Kong has ramifications for the international order, including with regard to the future of Taiwan;

Whereas the Hong Kong Government has conducted a public relations campaign to convince global business leaders that Hong Kong remains a critical and attractive international financial center, while simultaneously undermining the independence of institutions that encouraged its growth over the past several decades;

Whereas Hong Kong still maintains a separate voting share from the People's Republic of China at many multilateral organizations—including the Asia Pacific Economic Cooperation forum, the Financial Action Task Force, the International Olympic Committee, and the World Trade Organization—effectively doubling the People's Republic of China's voting power at these critical institutions; and

Whereas the Hong Kong Human Rights and Democracy Act (Public Law 116–76; 22 U.S.C. 5701 note), signed into law in November 2019, requires the President to use sanctions to promote accountability for those responsible for certain conduct that undermines fundamental freedoms and autonomy in Hong Kong: Now, therefore, be it

Whereas, in 1997, Great Britain handed Hong Kong over to Chinese rule under guarantees that Hong Kong would be-

come a Special Administrative Region under the “one country, two systems” principle, pursuant to which Hong Kong’s Basic Law would apply and would enshrine “fundamental rights” of Hong Kong residents and a political structure, including an independent judiciary, the right to vote, and freedoms of assembly and speech, among others;

Whereas the Government of the People’s Republic of China (PRC) has repeatedly undermined Hong Kong’s autonomy since the 1997 handover, including actions which resulted in political protests in Hong Kong, including the Umbrella Movement in 2014, a protest against Beijing’s attempt to reform Hong Kong’s electoral system, and the 2019–2020 protests, which opposed the Hong Kong Government’s attempt to implement an extradition law that would have subjected Hong Kongers to prosecution in mainland China;

Whereas the Hong Kong Police Force used excessive force to try to quell the 2019–2020 protestors, many of whom were under the age of 30;

Whereas the Government of the People’s Republic of China responded to these protests by passing and implementing the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (commonly referred to as the “Hong Kong national security law”) a vaguely defined criminal statute that includes overly broad charges and extraterritorial reach to punish people for exercising their fundamental rights and freedoms;

Whereas, since its enactment in June 2020, this law has been used by the Government of the People’s Republic of China as a pretext to crack down on legitimate and peaceful expression, including the exercise of freedoms of assembly,

speech, and religious belief provided for under the Basic Law, to replace the Hong Kong legislature with individuals loyal to the Chinese Communist Party, and to pass new immigration laws that subject Hong Kong citizens and residents, as well as PRC nationals and foreign nationals, to exit bans in Hong Kong similar to those implemented in mainland China;

Whereas more than 200 people have been arrested under the Hong Kong national security law since its enactment in June 2020;

Whereas at least 47 individuals known collectively as the Hong Kong 47, including Benny Tai Yiu-ting and Joshua Wong Chi-fung, are facing national security charges for organizing or participating in a peaceful unofficial primary election, many of whom have been held in lengthy pretrial detention;

Whereas the Government of the People’s Republic of China is using the Hong Kong national security law to harass, target, and threaten non-Hong Kong citizens and those outside of Hong Kong, based upon for unsubstantiated and vague allegations of “endangering national security”;

Whereas, Jimmy Lai, a 75-year-old Hong Kong pro-democracy advocate and media entrepreneur, has been targeted and persecuted for decades, most recently through multiple prosecutions, including related to exercising his rights to freedom of peaceful assembly and freedom of expression, his sentencing to over five years in prison under politically motivated fraud charges and the seizure of his multi-million dollar independent media organization Apple Daily by the Hong Kong authorities;

Whereas Mr. Lai is now one of the highest profile cases facing trial under vaguely defined charges under the so-called “national security law”;

Whereas, Cardinal Zen, a 90-year-old Roman Catholic cardinal, and five other colleagues were found guilty of politically motivated charges related to failing to register a humanitarian fund that helped anti-government protesters;

Whereas the Government of the People’s Republic of China’s undermining of democracy in Hong Kong has ramifications for the international order, including with regard to the future of Taiwan;

Whereas the Hong Kong Government has conducted a public relations campaign to convince global business leaders that Hong Kong remains a critical and attractive international financial center, while simultaneously undermining the independence of institutions that encouraged its growth over the past several decades;

Whereas Hong Kong still maintains a separate voting share from the People’s Republic of China at many multilateral organizations—including the Asia Pacific Economic Cooperation forum, the Financial Action Task Force, the International Olympic Committee, and the World Trade Organization—effectively doubling the People’s Republic of China’s voting power at these critical institutions; and

Whereas the Hong Kong Human Rights and Democracy Act (Public Law 116–76; 22 U.S.C. 5701 note), signed into law in November 2019, requires the President to use sanctions to promote accountability for those responsible for certain conduct that undermines fundamental freedoms and autonomy in Hong Kong: Now, therefore, be it

1 *Resolved, That the Senate—*

1 (1) condemns the Government of the People's
2 Republic of China's "Hong Kong national security
3 law" and related human rights abuses;

4 (2) urges all governments that value democracy
5 or autonomy to hold the Chinese Communist Party
6 accountable for its destruction of Hong Kong's au-
7 tonomy, rule of law, and freedoms;

8 (3) supports the people of Hong Kong as they
9 fight to exercise fundamental rights and freedoms,
10 as enumerated by—

11 (A) the Joint Declaration of the Govern-
12 ment of the United Kingdom of Great Britain
13 and Northern Ireland and the Government of
14 the People's Republic of China on the Question
15 of Hong Kong, done at Beijing December 19,
16 1984;

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

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

22 (4) condemns the Government of the People's
23 Republic of China's practice of bringing false and
24 politically motivated charges, such as fraud, against

1 Hong Kongers in order to tarnish their reputations
2 in advance of their national security law trials;

3 (5) calls upon the Hong Kong Government to
4 immediately drop all sedition and national security
5 law-related charges and free all defendants imme-
6 diately, including Jimmy Lai and Cardinal Zen;

7 (6) expresses extreme concern about the Gov-
8 ernment of the People's Republic of China's State-di-
9 rected theft of Apple Daily, and holds that Hong
10 Kong no longer has credibility as an international
11 business center due to the erosion of the regulatory
12 and legal environments that have promoted its eco-
13 nomic growth for decades;

14 (7) encourages the United States Government
15 and other governments to take steps at multilateral
16 institutions to ensure that voting procedures recog-
17 nize that there is no longer a meaningful distinction
18 between Hong Kong and mainland China; and

19 (8) urges the United States Government to use
20 all available tools, including those authorized by the
21 Hong Kong Human Rights and Democracy Act, in
22 response to the Government of the People's Republic
23 of China's actions in Hong Kong.

24 *That the Senate—*

1 (1) *condemns the Government of the People’s Re-*
2 *public of China’s “Hong Kong national security law”*
3 *and related human rights abuses;*

4 (2) *urges all governments that value democracy*
5 *or autonomy to hold the Chinese Communist Party*
6 *accountable for its destruction of Hong Kong’s auton-*
7 *omy, rule of law, and freedoms;*

8 (3) *supports the people of Hong Kong as they*
9 *fight to exercise fundamental rights and freedoms, as*
10 *enumerated by—*

11 (A) *the Joint Declaration of the Govern-*
12 *ment of the United Kingdom of Great Britain*
13 *and Northern Ireland and the Government of the*
14 *People’s Republic of China on the Question of*
15 *Hong Kong, done at Beijing December 19, 1984;*

16 (B) *the International Covenant on Civil*
17 *and Political Rights, done at New York Decem-*
18 *ber 19, 1966; and*

19 (C) *the Universal Declaration of Human*
20 *Rights, done at Paris December 10, 1948;*

21 (4) *condemns the Government of the People’s Re-*
22 *public of China’s practice of bringing false and politi-*
23 *cally motivated charges, such as fraud, against Hong*
24 *Kongers in order to tarnish their reputations in ad-*
25 *vance of their national security law trials;*

1 (5) *calls upon the Hong Kong Government to*
2 *immediately drop all sedition and national security*
3 *law-related charges, including those against the Hong*
4 *Kong 47, Jimmy Lai, and Cardinal Zen, and free all*
5 *defendants immediately;*

6 (6) *expresses extreme concern about the Govern-*
7 *ment of the People’s Republic of China’ State-directed*
8 *theft of Apple Daily, and holds that Hong Kong no*
9 *longer has credibility as an international business*
10 *center due to the erosion of the regulatory and legal*
11 *environments that have promoted its economic growth*
12 *for decades;*

13 (7) *encourages the United States Government*
14 *and other governments to take steps at multilateral*
15 *institutions to ensure that voting procedures recognize*
16 *that there is no longer a meaningful distinction be-*
17 *tween Hong Kong and mainland China; and*

18 (8) *urges the United States Government to use*
19 *all available tools, including those authorized by the*
20 *Hong Kong Human Rights and Democracy Act, in*
21 *response to the Government of the People’s Republic*
22 *of China’s actions in Hong Kong.*

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