

116TH CONGRESS  
1ST SESSION

# H. R. 3289

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## 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. 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. 9. Determination of budgetary effects.

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 Affairs of  
13 the House of Representatives;

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

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

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

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

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

5 (2) CHINA.—The term “China” means the Peo-  
6 ple’s Republic of China.

7 (3) SOCIAL CREDIT SYSTEM.—The term “social  
8 credit system” means a system proposed by the Gov-  
9 ernment of China and scheduled for implementation  
10 by 2020 that would use existing financial credit sys-  
11 tems, public records, online activity, and other tools  
12 of surveillance to aggregate data on every Chinese  
13 citizen and business and use that data to monitor,  
14 shape, and rate certain financial, social, religious, or  
15 political behaviors.

16 **SEC. 3. STATEMENT OF POLICY.**

17 It is the policy of the United States—

18 (1) to reaffirm the principles and objectives set  
19 forth in the United States-Hong Kong Policy Act of  
20 1992 (Public Law 102–383), namely that—

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

24 (B) “[s]upport for democratization is a  
25 fundamental principle of United States foreign

1 policy” and therefore “naturally applies to  
2 United States policy toward Hong Kong”;

3 (C) “the human rights of the people of  
4 Hong Kong are of great importance to the  
5 United States and are directly relevant to  
6 United States interests in Hong Kong [and]  
7 serve as a basis for Hong Kong’s continued eco-  
8 nomic prosperity”; and

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

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

18 (A) the Joint Declaration of the Govern-  
19 ment of the United Kingdom of Great Britain  
20 and Northern Ireland and the Government of  
21 the People’s Republic of China on the Question  
22 of Hong Kong, done at Beijing December 19,  
23 1984 (referred to in this Act as the “Joint Dec-  
24 laration”);

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

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

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

14 (4) to urge the Government of the People’s Re-  
15 public of China and the Government of the Hong  
16 Kong Special Autonomous Region to uphold their  
17 commitment to the people of Hong Kong, including  
18 providing a high degree of autonomy for Hong Kong  
19 as articulated in the Joint Declaration and the Basic  
20 Law;

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

1           (6) to support freedom from arbitrary or unlaw-  
2           ful arrest, detention, or imprisonment for all Hong  
3           Kong residents, as provided to them by the Basic  
4           Law and the Joint Declaration;

5           (7) to draw international attention to any viola-  
6           tions by the Government of the People’s Republic of  
7           China of the fundamental rights of the people of  
8           Hong Kong and any encroachment upon the auton-  
9           omy guaranteed to Hong Kong by the Basic Law  
10          and the Joint Declaration;

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

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

18 **SEC. 4. AMENDMENTS TO THE UNITED STATES-HONG KONG**

19 **POLICY ACT OF 1992.**

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

23 **“SEC. 205. SECRETARY OF STATE CERTIFICATION REGARD-**  
24 **ING THE AUTONOMY OF HONG KONG.**

25          “(a) CERTIFICATION.—

1           “(1) IN GENERAL.—The Secretary of State  
2 shall annually submit to the Committee on Foreign  
3 Affairs of the House of Representatives and the  
4 Committee on Foreign Relations of the Senate a cer-  
5 tification, in conjunction with, and taking into con-  
6 sideration the contents of, the report required in sec-  
7 tion 301, regarding whether Hong Kong continues  
8 to warrant treatment under particular treaties,  
9 international agreements, and United States laws, or  
10 any provisions thereof, specified in paragraph (2) in  
11 the same manner as such treaties, international  
12 agreements, and laws were applied to Hong Kong as  
13 of the date of enactment of this section.

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

17                   “(A) Commercial agreements.

18                   “(B) Law enforcement cooperation, includ-  
19 ing extradition matters.

20                   “(C) Nonproliferation commitments.

21                   “(D) Sanctions enforcement.

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

1           “(F) Formal treaties and agreements be-  
2           tween the United States and Hong Kong, in-  
3           cluding agreements related to taxation and cur-  
4           rency exchange.

5           “(G) Other particular laws of the United  
6           States, or any provisions thereof, that accord to  
7           Hong Kong treatment different to that ac-  
8           corded to the People’s Republic of China.

9           “(H) Other bilateral or multilateral agree-  
10          ments determined relevant by the Secretary.

11          “(3) CONTENTS.—Each assessment under para-  
12          graph (1) shall include an evaluation of the Govern-  
13          ment of Hong Kong’s autonomous decision-making  
14          within the executive, legislative, and judicial  
15          branches, with respect to—

16                 “(A) upholding the rule of law; and

17                 “(B) protecting the rights enumerated  
18          in—

19                         “(i) the Joint Declaration of the Gov-  
20                         ernment of the United Kingdom of Great  
21                         Britain and Northern Ireland and the Gov-  
22                         ernment of the People’s Republic of China  
23                         on the Question of Hong Kong, done at  
24                         Beijing December 19, 1984 (the ‘Joint  
25                         Declaration’);



1                   “(ii) the Basic Law of the Hong Kong  
2                   Special Administrative Region of the Peo-  
3                   ple’s Republic of China (the ‘Basic Law’);

4                   “(iii) the Universal Declaration of  
5                   Human Rights, done at Paris December  
6                   10, 1948; and

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

10                  “(4) FACTORS FOR CONSIDERATION.—In mak-  
11                  ing a certification under paragraph (1), the Sec-  
12                  retary of State should consider the terms, obliga-  
13                  tions, and expectations expressed in the Joint Dec-  
14                  laration and the Basic Law.

15                  “(5) ADDITIONAL CERTIFICATIONS.—Notwith-  
16                  standing the annual requirement for certifications  
17                  under paragraph (1), the Secretary of State may  
18                  issue additional certifications at any time if the Sec-  
19                  retary determines that circumstances in Hong Kong  
20                  warrant such.

21                  “(6) FORM.—Each certification under para-  
22                  graph (1) and any additional certifications under  
23                  paragraph (5) shall be submitted in unclassified  
24                  from but may include a classified annex if the Sec-  
25                  retary of State determines such is necessary.

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

3               “(1) the Secretary determines that such a waiv-  
4 er—

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

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

9               “(2) on or before the date on which such a  
10 waiver takes effect, the Secretary notifies the Com-  
11 mittee on Foreign Relations of the Senate and the  
12 Committee on Foreign Affairs of the House of Rep-  
13 resentatives of the intent to waive such subsection.

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

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

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

24       “‘It is the sense of Congress that applications for  
25 visas to enter the United States, including for work or

1 study, which are submitted by otherwise qualified appli-  
2 cants from Hong Kong should not be denied solely on the  
3 basis of politically-motivated arrest, detention, or other  
4 adverse government action taken against such applicants  
5 as a result of the participation by such applicants in pro-  
6 test activities, and that the Secretary of State should  
7 make efforts to implement such policy, ensure consular of-  
8 ficers make determinations in accordance with such policy,  
9 and coordinate with representatives of other countries to  
10 encourage the adoption of compatible policies.”.

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

14 (1) in the matter preceding paragraph (1), in  
15 the first sentence, by striking “2024” and inserting  
16 “2027”;

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

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

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

23 “(9) China’s ability to limit Hong Kong’s au-  
24 tonomy with respect to the treaties, international  
25 agreements, and United States laws specified in sec-

1       tion 205(a)(2) as result of actions by the Govern-  
2       ment of the People’s Republic of China that are in-  
3       consistent with its commitments under the Basic  
4       Law or the Joint Declaration;

5               “(10) the limitations to Hong Kong’s autonomy  
6       with respect to the treaties, international agree-  
7       ments, and United States laws specified in section  
8       205(a)(2) resulting from actions by the Government  
9       of the Hong Kong Special Autonomous Region that  
10      are inconsistent with its commitments under the  
11      Basic Law or the Joint Declaration;

12              “(11) the specific impacts to any areas of co-  
13      operation between the United States and Hong  
14      Kong as a result of limits, whether self-imposed or  
15      otherwise, to Hong Kong’s autonomy, including any  
16      failures of the Hong Kong Government to fulfill obli-  
17      gations with the United States under the treaties,  
18      international agreements, and United States laws  
19      specified in section 205(a)(2);

20              “(12) the specific actions taken by the United  
21      States Government to mitigate the negative impact  
22      to United States interests of limitations, whether  
23      self-imposed or otherwise, to Hong Kong’s autonomy  
24      or any failures to fulfill obligations with the United  
25      States under the treaties, international agreements,

1 and United States laws specified in section  
2 205(a)(2); and

3 “(13) whether the rescission of special treat-  
4 ment under any particular treaties, international  
5 agreements, or particular laws of the United States,  
6 or any provisions thereof would contribute to further  
7 erosion of Hong Kong’s autonomy.”.

8 **SEC. 5. REPORT ON ENFORCEMENT OF UNITED STATES EX-**  
9 **PORT CONTROL AND SANCTIONS LAWS BY**  
10 **HONG KONG.**

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

15 (1) An assessment of the policies and actions of  
16 the Government of the Hong Kong Special Autono-  
17 mous Region to enforce the Export Control Reform  
18 Act of 2018 (subtitle B of title XVII of Public Law  
19 115–232) and other relevant provisions of United  
20 States law related to export controls.

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

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

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

3 (C) How such items were used.

4 (3) An assessment of whether United States or-  
5 igin items (including software, technology, and serv-  
6 ices) have been transferred from Hong Kong to  
7 China in violation of United States law and have  
8 been used by China for mass surveillance, predictive  
9 policing, or for the social credit system.

10 (4) An assessment of the policies and actions of  
11 the Government of the Hong Kong Special Autono-  
12 mous Region to enforce sanctions imposed by the  
13 United States and the United Nations.

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

17 (A) North Korea or Iran; or

18 (B) other countries, regimes, or persons  
19 subject to such sanctions for engaging in activi-  
20 ties—

21 (i) relating to—

22 (I) international terrorism, inter-  
23 national narcotics trafficking, or the  
24 proliferation of weapons of mass de-  
25 struction; or

1 (II) corruption and violations of  
2 human rights; or  
3 (ii) that otherwise present a threat to  
4 the national security, foreign policy, or  
5 economy of the United States.

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

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 Foreign Affairs of the  
13 House of Representatives.

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

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

19 **SEC. 6. PROTECTING UNITED STATES INTERESTS WITH RE-**  
20 **SPECT TO HONG KONG.**

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

23 (1) to safeguard United States citizens and law-  
24 ful permanent residents from extradition, rendition,

1 or abduction to China from Hong Kong for trial, de-  
2 tention, or any other purpose;

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

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

12 (4) pursuant to section 201(b) of such Act (22  
13 U.S.C. 5721(b)), to evaluate as circumstances re-  
14 quire the Government of Hong Kong is “legally com-  
15 petent to carry out its obligations” under treaties  
16 and international agreements established between  
17 the United States and Hong Kong.

18 (b) NOTIFICATION TO CONGRESS.—

19 (1) DETERMINATION.—The Secretary of State  
20 shall, with respect to any legislation proposed or en-  
21 acted by the Government of Hong Kong, determine,  
22 not later than 30 days after such legislation is pro-  
23 posed or enacted, if such proposed or enacted legis-  
24 lation would—



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

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

9 (2) NOTIFICATION.—If the Secretary of State  
10 makes a determination in the affirmative under  
11 paragraph (1), the Secretary shall submit to the ap-  
12 propriate congressional committees a notification re-  
13 lating thereto that includes the following:

14 (A) An assessment of the potential risks of  
15 the proposed or enacted legislation described in  
16 such paragraph to United States national inter-  
17 ests, including risks to United States citizens or  
18 lawful permanent residents residing in, trav-  
19 eling to, or transiting through Hong Kong.

20 (B) A strategy for protecting United  
21 States interests in Hong Kong with respect to  
22 the proposed or enacted legislation described in  
23 such paragraph.

1 **SEC. 7. SANCTIONS RELATING TO UNDERMINING FUNDA-**  
2 **MENTAL FREEDOMS AND AUTONOMY IN**  
3 **HONG KONG.**

4 (a) IDENTIFICATION OF PERSONS RESPONSIBLE FOR  
5 UNDERMINING FUNDAMENTAL FREEDOMS AND AUTON-  
6 OMY IN HONG KONG.—

7 (1) IN GENERAL.—The President shall transmit  
8 to the appropriate congressional committees a re-  
9 port, in accordance with paragraph (2), that identi-  
10 fies each foreign person that the President deter-  
11 mines, based on credible information, is knowingly  
12 responsible for any of the following:

13 (A) The actual or threatened rendition, ar-  
14 bitrary detention, torture, or forced confession  
15 of any individual in Hong Kong.

16 (B) Repeated acts or decisions which con-  
17 travene the shared obligations of China and  
18 Hong Kong under the Joint Declaration and  
19 Basic Law and undermine the national interests  
20 of the United States in Hong Kong's autonomy  
21 and the rule of law.

22 (C) Other gross violations of internation-  
23 ally recognized human rights in Hong Kong.

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

1 (A) the report required under paragraph

2 (1)—

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

5 (ii) not less frequently than annually  
6 thereafter in conjunction with the publica-  
7 tion of the report required under section  
8 301 of the United States-Hong Kong Pol-  
9 icy Act of 1992 (22 U.S.C. 5731); and

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

14 (3) CONSIDERATION OF CERTAIN INFORMA-  
15 TION.—In preparing the report required under para-  
16 graph (1), the President shall consider the following:

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

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

23 (4) FORM.—The report required under para-  
24 graph (1) shall be submitted in unclassified form but  
25 may include a classified annex.

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

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

7           (1) ASSET BLOCKING.—The President shall ex-  
8 ercise all of the powers granted to the President  
9 under the International Emergency Economic Pow-  
10 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-  
11 essary to block and prohibit all transactions in prop-  
12 erty and interests in property of a foreign person  
13 identified in the report required under subsection  
14 (a)(1) if such property and interests in property are  
15 in the United States, come within the United States,  
16 or come within the possession or control of a United  
17 States person.

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

20           (A) VISAS, ADMISSION, OR PAROLE.—A  
21 foreign person described in subsection (a)(1)  
22 and his or her immediate family members is—  
23           (i) inadmissible to the United States;

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

4 (iii) otherwise ineligible to be admitted  
5 or paroled into the United States or to re-  
6 ceive any other benefit under the Immigra-  
7 tion and Nationality Act (8 U.S.C. 1101 et  
8 seq.).

9 (B) CURRENT VISAS REVOKED.—

10 (i) IN GENERAL.—A foreign person  
11 described in subsection (a)(1) is subject to  
12 revocation of any visa or other entry docu-  
13 mentation regardless of when the visa or  
14 other entry documentation is or was  
15 issued.

16 (ii) IMMEDIATE EFFECT.—A revoca-  
17 tion under clause (i) shall—

18 (I) take effect immediately; and

19 (II) automatically cancel any  
20 other valid visa or entry documenta-  
21 tion that is in the alien's possession.

22 (C) EXCEPTION TO COMPLY WITH INTER-  
23 NATIONAL OBLIGATIONS.—Sanctions under this  
24 paragraph shall not apply with respect to a for-  
25 eign person if admitting or paroling such per-

1 son into the United States is necessary to per-  
2 mit the United States to comply with the  
3 Agreement regarding the Headquarters of the  
4 United Nations, signed at Lake Success June  
5 26, 1947, and entered into force November 21,  
6 1947, between the United Nations and the  
7 United States, or other applicable international  
8 obligations.

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 for-  
24 eign person identified in the report required under sub-  
25 section (a)(1) if the President determines and certifies to

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

3 (f) TERMINATION OF SANCTIONS.—The President  
4 may terminate the application of sanctions under this sec-  
5 tion with respect to a foreign person if the President deter-  
6 mines and reports to the appropriate congressional com-  
7 mittees not less than 15 days before such termination  
8 takes effect that—

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

12 (2) such person has been prosecuted appro-  
13 priately for the activity for which sanctions were im-  
14 posed;

15 (3) such person has credibly demonstrated a  
16 significant change in behavior, has paid an appro-  
17 priate consequence for the activity for which sanc-  
18 tions were imposed, and has credibly committed to  
19 not engage in an activity described in subsection  
20 (a)(1) in the future; or

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

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

1           (1) IN GENERAL.—The authorities and require-  
2           ments to impose sanctions under this section shall  
3           not include the authority or requirement to impose  
4           sanctions on the importation of goods.

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

10          (h) DEFINITIONS.—In this section:

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

14           (2) FOREIGN PERSON.—The term “foreign per-  
15           son” means a person that is not a United States  
16           person.

17           (3) KNOWINGLY.—The term “knowingly”  
18           means, with respect to conduct, a circumstance, or  
19           a result, means that a person has actual knowledge,  
20           or should have known, of the conduct, the cir-  
21           cumstance, or the result.

22           (4) PERSON.—The term “person” means an in-  
23           dividual or entity.

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



1 (A) a United States citizen or an alien law-  
2 fully admitted for permanent residence to the  
3 United States; or

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

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

9 (a) IN GENERAL.—The President shall transmit to  
10 the appropriate congressional committees a report that in-  
11 cludes the following:

12 (1) A list of each foreign person with respect to  
13 which the President imposed sanctions under section  
14 7 during the year preceding the transmission of such  
15 report.

16 (2) A description of the type of sanctions im-  
17 posed with respect to each such person.

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

21 (4) The dates on which such sanctions were im-  
22 posed or terminated, as applicable.

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

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

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

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

11          (d) NONAPPLICABILITY OF CONFIDENTIALITY RE-  
12          QUIREMENT WITH RESPECT TO VISA RECORDS.—The  
13          President shall publish the report required under sub-  
14          section (a) without regard to the requirements of section  
15          222(f) of the Immigration and Nationality Act (8 U.S.C.  
16          1202(f)) with respect to confidentiality of records per-  
17          taining to the issuance or refusal of visas or permits to  
18          enter the United States.

19          **SEC. 9. DETERMINATION OF BUDGETARY EFFECTS.**

20          The budgetary effects of this Act, for the purpose of  
21          complying with the Statutory Pay-As-You-Go Act of 2010,  
22          shall be determined by reference to the latest statement  
23          titled “Budgetary Effects of PAYGO Legislation” for this  
24          Act, submitted for printing in the Congressional Record  
25          by the Chairman of the House Budget Committee, pro-

1 vided that such statement has been submitted prior to the  
2 vote on passage.

Passed the House of Representatives October 15,  
2019.

Attest:

*Clerk.*

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 3289**

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**AN ACT**

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