

smallpox, the reduction of polio cases by 99 percent, the elimination of river blindness, the decline in maternal and child mortality, the recognition of tobacco use as a health hazard, and countless others;

Whereas there has been bipartisan support in the United States to lead efforts to address global health needs, as evidenced by initiatives such as the President's Emergency Plan for AIDS Relief (PEPFAR) and the President's Malaria Initiative;

Whereas the United States led the global effort to end the Ebola outbreak in West Africa between 2014 and 2016;

Whereas these bipartisan investments in global health have helped not only save countless lives around the world, but also at home in the United States;

Whereas an outbreak of coronavirus disease 2019 (COVID-19) in Wuhan, China was first reported in December 2019, with a global pandemic declaration by the World Health Organization on March 11, 2020;

Whereas, according to the Centers for Disease Control and Protection, more than 116,000 individuals in the United States are known to have died due to COVID-19 as of June 17, 2020, and a long-term, sustainable solution will require international access to a vaccine;

Whereas the COVID-19 outbreak continues to place extreme pressure on health care systems and supply chains worldwide, impacting international travel, trade, and all other aspects of international exchanges, and requires a coordinated global effort to respond;

Whereas the interconnectivity of our globalized world means an infectious disease can travel around the world in as little as 36 hours;

Whereas United States Federal departments and agencies have engaged in and supported certain research and clinical trial efforts into coronaviruses, which may yield potential discoveries related to vaccine candidates;

Whereas domestic and domestically supported vaccine candidates for COVID-19 comprise approximately 40 percent of the current potential COVID-19 vaccine candidates worldwide;

Whereas international collaboration and coordination can help ensure equitable access to safe, effective, and affordable therapeutics and vaccines, thereby saving the lives of Americans and others around the world;

Whereas the Coalition for Epidemic Preparedness Innovations is working to accelerate the development of vaccines against emerging infectious diseases, including COVID-19, and to enable equitable access to these vaccines for people during outbreaks;

Whereas, on May 4, 2020, the President of the European Commission led a virtual summit where nations around the world pledged more than \$8,000,000,000 to quickly develop vaccines and treatment to fight COVID-19;

Whereas Gavi, the Vaccine Alliance, is working to maintain ongoing immunization programs in partner countries while helping to identify and rapidly accelerate the development, production, and equitable delivery of COVID-19 vaccines; and

Whereas, on June 4, 2020, the United Kingdom hosted a pledging conference for Gavi, the Vaccine Alliance, for which the United States made an historic \$1,160,000,000 multi-year commitment: Now, therefore, be it

The preamble, as amended, was agreed to.

The amendment (No. 1812) was agreed to as follows:

(Purpose: To amend the title)

Amend the title so as to read: "A resolution encouraging the international community to remain committed to collaboration

and coordination to mitigate and prevent the further spread of COVID-19 and urging renewed United States leadership and participation in global efforts on therapeutics and vaccine development and delivery to address COVID-19 and prevent further deaths, and for other purposes."

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Whereas there is a rich history of coordinated global health collaboration and coordination, dating back to 1851, to strategically and effectively combat deadly diseases of the time, such as the spread of plague;

Whereas the United States has long been an active and critical leader in such global public health efforts, providing financial and technical support to multilateral institutions, foreign governments, and nongovernmental organizations;

Whereas international collaboration has led to a number of historic global health achievements, including the eradication of smallpox, the reduction of polio cases by 99 percent, the elimination of river blindness, the decline in maternal and child mortality, the recognition of tobacco use as a health hazard, and countless others;

Whereas there has been bipartisan support in the United States to lead efforts to address global health needs, as evidenced by initiatives such as the President's Emergency Plan for AIDS Relief (PEPFAR) and the President's Malaria Initiative;

Whereas the United States led the global effort to end the Ebola outbreak in West Africa between 2014 and 2016;

Whereas these bipartisan investments in global health have helped not only save countless lives around the world, but also at home in the United States;

Whereas an outbreak of coronavirus disease 2019 (COVID-19) in Wuhan, China was first reported in December 2019, with a global pandemic declaration by the World Health Organization on March 11, 2020;

Whereas, according to the Centers for Disease Control and Protection, more than 116,000 individuals in the United States are known to have died due to COVID-19 as of June 17, 2020, and a long-term, sustainable solution will require international access to a vaccine;

Whereas the COVID-19 outbreak continues to place extreme pressure on health care systems and supply chains worldwide, impacting international travel, trade, and all other aspects of international exchanges, and requires a coordinated global effort to respond;

Whereas the interconnectivity of our globalized world means an infectious disease can travel around the world in as little as 36 hours;

Whereas United States Federal departments and agencies have engaged in and supported certain research and clinical trial efforts into coronaviruses, which may yield potential discoveries related to vaccine candidates;

Whereas domestic and domestically supported vaccine candidates for COVID-19 comprise approximately 40 percent of the current potential COVID-19 vaccine candidates worldwide;

Whereas international collaboration and coordination can help ensure equitable access to safe, effective, and affordable therapeutics and vaccines, thereby saving the lives of Americans and others around the world;

Whereas the Coalition for Epidemic Preparedness Innovations is working to accelerate the development of vaccines against emerging infectious diseases, including COVID-19, and to enable equitable access to these vaccines for people during outbreaks;

Whereas, on May 4, 2020, the President of the European Commission led a virtual sum-

mit where nations around the world pledged more than \$8,000,000,000 to quickly develop vaccines and treatment to fight COVID-19;

Whereas Gavi, the Vaccine Alliance, is working to maintain ongoing immunization programs in partner countries while helping to identify and rapidly accelerate the development, production, and equitable delivery of COVID-19 vaccines; and

Whereas, on June 4, 2020, the United Kingdom hosted a pledging conference for Gavi, the Vaccine Alliance, for which the United States made an historic \$1,160,000,000 multi-year commitment: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic leadership role of the United States in stemming global health crises in the past;

(2) commends the historic achievements of the international community to address global public health threats, such as the eradication of smallpox and dramatic progress in reducing cases of polio;

(3) encourages the international community to remain committed to collaboration and coordination to mitigate and prevent the further spread of COVID-19;

(4) commends the promising research and development underway to develop COVID-19 diagnostics, therapies, and vaccines within the United States and with support from the Federal government, public-private partnerships, and commercial partners;

(5) acknowledges the vast international research enterprise and collaboration underway to study an expansive range of drug and vaccine candidates;

(6) urges renewed United States leadership and participation in global efforts on therapeutics and vaccine development and delivery to address COVID-19 and prevent further American deaths; and

(7) calls on the United States Government to strengthen collaboration with key partners at the forefront of responding to COVID-19.

Mr. TOOMEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAWLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE SENSE OF THE SENATE THAT THE HONG KONG NATIONAL SECURITY LAW PROPOSED BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA WOULD VIOLATE THE OBLIGATIONS OF THAT GOVERNMENT UNDER THE 1984 SINO-BRITISH JOINT DECLARATION AND THE HONG KONG BASIC LAW AND CALLING UPON ALL FREE NATIONS OF THE WORLD TO STAND WITH THE PEOPLE OF HONG KONG

HONG KONG AUTONOMY ACT

Mr. HAWLEY. Mr. President, a week ago, I stood in this Chamber and spoke about the death of democracy. I spoke about how free people are slowly losing their basic liberties right in front of our eyes. I spoke about how deeply oppressive regimes are defiling laws and

tearing up treaties that offer protections and peace. I spoke about how the bright light of a great city is descending into darkness and chaos. I spoke about the plight of the people of Hong Kong.

I take this opportunity to remind everyone, both at home and those listening abroad, about the urgent and existential crisis that plagues this outpost of liberty in the Indo-Pacific. On May 28, the Chinese Communist Party in Beijing adopted a resolution and began drafting a new national security law in Hong Kong. That is what they call it, anyway. But the more we learn about this impending legislation, the more concerned we should be. That is because we know that this is no legitimate law.

I will tell you what this is. It is a dictate from a dictatorship, and its passage will deal a mortal blow to the freedoms and liberties that Hongkongers have enjoyed for decades now. It is a permanent break from the one country-two systems principle that has governed that city since 1997, the principle to which Beijing committed in the 1984 Sino-British Treaty, when they also committed to upholding the basic rights and liberties of the people of Hong Kong.

Beijing wants to violate all of that now. They want to sweep it aside, and they want to do it through so-called legislation adopted through their fake legislature that would roll back the commitments they have made, roll back the protections and rights of the people of Hong Kong, and snuff out this light in the Indo-Pacific.

Imagine this great city with new restrictions on speech, assembly, and religion, because that is what the Chinese Communist Party wants. They call it a national security law. It doesn't have anything to do with national security. It has everything to do with ending liberty. It has to do with banning the freedom of assembly. It has to do with squelching the freedom of speech. It has to do with denying the freedom of religion. That is the agenda. That is the substance. That is what Beijing wants, and it is what they are going to do unless the free world, beginning with the Members of this body, stand up and say no.

This body must take action today to support the people of Hong Kong. It must speak with one voice. It must tell the world that this is not acceptable and that it must not stand, and free peoples the world over must not silently acquiesce.

Now, a week ago, I tried to do just that. I asked this body for consent, unanimously, to pass a resolution that would condemn this new dictate from Beijing and emphasize its clear violation of both Hong Kong basic law and the Sino-British joint declaration. This resolution that I am here again today to offer, sponsored and supported by Senators of both parties, would make it clear to everyone that the United States stands with the people of Hong

Kong in this their hour of need. It would encourage the administration to take all necessary diplomatic action to stop this new law, to stop this advance against freedom, and it would rally the free nations of the world to support a free city.

That resolution was blocked last week. You know, here in this body, we often have the luxury of time. It seems like that is all we have sometimes. We debate and we wait, and we debate and discuss, but the fact is, the people of Hong Kong do not have time, not anymore, and that means the U.S. Senate does not have time. We must act, and we must act today.

This new so-called law that Beijing is intent on forcing through is set to pass now on June 30. That is just 5 days from today. The Senate needs to act now to send a clear signal now that we will stand up to this aggression, to rally free peoples now in defense of the rights and liberties of Hong Kong, and to stand up now to protect our own interests and to protect our own needs in the Indo-Pacific, because there is nothing more dangerous to the people of the United States abroad than an imperialist China intent on imposing its will and imposing its way on the entire globe, beginning in the Asia-Pacific and beginning with the free people of Hong Kong.

A chorus of voices from Hong Kong and around the world are calling for the passage of this resolution. They are calling for it because they know it will inspire hope in Hong Kong. They are calling for it because they know it will give pause to the tyrants in Beijing.

Our friends in Hong Kong know that Beijing is watching closely. Beijing is finalizing its national security law even as we speak, and Hongkongers know, as we must, that this could be our last opportunity to stay Beijing's hand before it destroys what is left of freedom in this city. Beijing must know that its actions have consequences. This resolution today makes clear that that will be the case, and that is why so many in Hong Kong are so eager to see it pass and why Beijing is so hopeful that it will fail.

As I said a week ago, the struggle of the free people of Hong Kong is the struggle of all free people everywhere. It is a struggle to stay free from domination. It is a struggle to ensure that Beijing does not extend its imperial power around the globe and its influence to free countries and societies across the globe. Hong Kong is the vanguard, and it is vital that we stand up for it now.

I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration and the Senate now proceed to S. Res. 596.

The PRESIDING OFFICER. Is there objection?

Mr. VAN HOLLEN. Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Reserving the right to object, I believe that we may

have this worked out so there may not be an objection, but I just want to say a few words before I proceed with this unanimous consent request.

As the gentleman from Missouri said, he was on the floor of the Senate last week proposing a Senate resolution condemning the actions of China with respect to Hong Kong. I said then and I say again now, I fully agree with his assessment.

What the Government of China is doing in Hong Kong is unacceptable. They are taking away the rights of the people in Hong Kong. They are snuffing out the freedoms that exist there right now. Since we were on the floor last week, the Standing Committee of the National People's Congress reportedly reviewed an initial draft of the national security law, which has not been released. So even in this last week, they are moving forward in their process to take away the liberties of the people of Hong Kong.

Time is of the essence. What I said on the floor last week and what I will say again today is that passage of a Senate resolution is not going to deter the actions of the Government of China. It is a statement. It is an important statement by the Senate. But to believe that the Government of China will be deterred one wit in moving forward on the path that it is on to take away the freedoms of the people of Hong Kong is to not be even paying attention to what is happening in Beijing.

I heard the Senator from Missouri say: "Actions have consequences." I agree they should. From the perspective of the Government of China passing a Senate resolution as a consequence to their action is hardly going to be taken seriously in Beijing. That is why it is important to actually do something that shows that the Government of China will pay a price if it continues down this path to extinguish those freedoms of the people of Hong Kong.

That is exactly why, right after the Government of China headed down this path, Senator TOOMEY, who is here with us on the floor, and I introduced a piece of legislation that would have consequences, that would actually punish the government of China if it continues down this path. It establishes a set of mandatory sanctions. It requires the administration to identify all those individuals who are culpable and complicit in taking away the rights of the people in Hong Kong. And more than that, it would sanction those banks that allow those individuals to do business.

That is an action that does have consequences. That is an action where at least there is a chance that the Government of China will listen because they understand it is not just a statement by the U.S. Senate. They understand that it is a statement with penalties.

Now, let me make clear that in order for this legislation to be effective, eventually, the administration is going

to have to follow the law, and it is going to have to impose the sanctions on those individuals who are responsible.

I would be remiss or negligent if I didn't point out that the administration currently has authority to impose sanctions against China for its actions in Hong Kong based on legislation that this body passed last year to uphold the rights—the human rights and the democratic rights—of the people of Hong Kong.

So, despite some statements from the Secretary of State, this administration has still taken no action.

Now, this legislation that Senator TOOMEY and I have proposed—and I really want to thank the Senator and salute him for his leadership on this. We have worked together in the past on sanctions that have been adopted into law with respect to North Korea, and I think it is important that we work on a bipartisan basis to take action that is meaningful here in the Senate.

The administration should act now on their existing authority. The Senate and the House should pass this legislation, the Hong Kong Autonomy Act, as amended, here today and send it to the White House. The President, we hope, would sign it, and then we hope the President would impose the expanded sanctions that are provided for in the Hong Kong Autonomy Act. That is doing something that demonstrates to the Government of China that consequences have action, and that is why it was discouraging last week when we proposed this and we had a Senator come to the floor and block it.

I agree with the Senator from Missouri—it would have been great to pass this last week—but a Senator came to the floor to block it even though that Senator was a cosponsor of this legislation. When asked why he did it, he said he blocked it at the behest of the White House. That is what he said. I am hoping that is not the case today. I am hoping that today we don't, at the last minute, have a Senator, at the behest of the White House, coming forward.

Before I make my unanimous consent request, I would like to yield the floor briefly to the Senator from Pennsylvania, who has been a partner in this effort.

THE PRESIDING OFFICER (Mrs. FISCHER). The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I am going to just take a quick moment here to thank both my colleague from Missouri and my colleague from Maryland for their leadership on this extremely important issue.

In the interest of time, I will not reiterate the many very, very compelling reasons that we are here on the floor right now. The Senator from Missouri has done an outstanding job eloquently and passionately explaining why it is our responsibility to stand up for the freedom of a freedom-loving people whose freedom is seriously eroded, sys-

tematically being damaged, and that is, of course, the people of Hong Kong.

I had the great experience of living in Hong Kong for a year, learning so much about that society, that culture. The vibrancy of Hong Kong is just absolutely stunning. And it is all possible—let's be clear—because freedom has prevailed in Hong Kong—or at least it used to—freedom of speech, freedom of assembly, freedom to practice their faith as they see fit, an independent judiciary, and the rule of law. All of that is very, very seriously threatened right now by the Chinese Communist Party because their greatest fear is that the people on the mainland will observe the freedoms in Hong Kong and decide maybe they would like some of those freedoms too. That is the risk that the Chinese Communist leadership cannot tolerate.

I want to commend my colleague from Missouri for putting a spotlight on this, bringing our action, and calling on the Senate to defend the people who seek only their freedom.

I really want to thank very much my colleague from Maryland. As he pointed out, we have been partners on legislation in the past. Nobody works harder to get their objective accomplished than my colleague from Maryland.

Our legislation, which I think is about to pass jointly with the resolution—I think we are going to have a unanimous consent agreement whereby both measures pass simultaneously. I think that is the optimal outcome here.

I want to thank the folks at the Department of the Treasury, with whom we worked extensively to get to the point where they are in agreement with this legislation.

I certainly hope that, after this big step of passage here on the Senate floor today, this legislation—both pieces: the resolution and the sanctions legislation—will soon be on its way to the President's desk for his signature.

With that, I yield back to the gentleman from Maryland.

THE PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, in continuing to reserve the right to object, would the Senator from Missouri modify his request to also discharge S. 3798 and consider S. Res. 596 and S. 3798 en bloc; and the substitute to the bill at the desk be agreed to; and the bill, as amended, be read the third time; and that if the resolution is agreed to and if the bill, as amended, is passed by the Senate, that the preamble then be agreed to and all motions to reconsider be considered made and laid upon the table?

THE PRESIDING OFFICER. Does the Senator from Missouri so modify his request?

Mr. HAWLEY. I will.

THE PRESIDING OFFICER. Is there an objection to the request as modified?

Without objection, it is so ordered.

There being no objection, the Committee on Banking, Housing, and

Urban Affairs was discharged, and the Senate proceeded to consider the resolution (S. Res. 596) and the bill (S. 3798) en bloc.

The amendment (No. 1821) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Hong Kong Autonomy Act".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Findings.

Sec. 4. Sense of Congress regarding Hong Kong.

Sec. 5. Identification of foreign persons involved in the erosion of the obligations of China under the Joint Declaration or the Basic Law and foreign financial institutions that conduct significant transactions with those persons.

Sec. 6. Sanctions with respect to foreign persons that contravene the obligations of China under the Joint Declaration or the Basic Law.

Sec. 7. Sanctions with respect to foreign financial institutions that conduct significant transactions with foreign persons that contravene the obligations of China under the Joint Declaration or the Basic Law.

Sec. 8. Waiver, termination, exceptions, and congressional review process.

Sec. 9. Implementation; penalties.

Sec. 10. Rule of construction.

SEC. 2. DEFINITIONS.

In this Act:

(1) **ALIEN; NATIONAL; NATIONAL OF THE UNITED STATES.**—The terms "alien", "national", and "national of the United States" have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.**—The term "appropriate congressional committees and leadership" means—

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and

(B) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Speaker and the minority leader of the House of Representatives.

(3) **BASIC LAW.**—The term "Basic Law" means the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

(4) **CHINA.**—The term "China" means the People's Republic of China.

(5) **ENTITY.**—The term "entity" means a partnership, joint venture, association, corporation, organization, network, group, or subgroup, or any other form of business collaboration.

(6) **FINANCIAL INSTITUTION.**—The term "financial institution" means a financial institution specified in section 5312(a)(2) of title 31, United States Code.

(7) HONG KONG.—The term “Hong Kong” means the Hong Kong Special Administrative Region of the People’s Republic of China.

(8) JOINT DECLARATION.—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.

(9) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge of the conduct, the circumstance, or the result.

(10) PERSON.—The term “person” means an individual or entity.

(11) UNITED STATES PERSON.—The term “United States person” means—

(A) any citizen or national of the United States;

(B) any alien lawfully admitted for permanent residence in the United States;

(C) any entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity); or

(D) any person located in the United States.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The Joint Declaration and the Basic Law clarify certain obligations and promises that the Government of China has made with respect to the future of Hong Kong.

(2) The obligations of the Government of China under the Joint Declaration were codified in a legally-binding treaty, signed by the Government of the United Kingdom of Great Britain and Northern Ireland and registered with the United Nations.

(3) The obligations of the Government of China under the Basic Law originate from the Joint Declaration, were passed into the domestic law of China by the National People’s Congress, and are widely considered by citizens of Hong Kong as part of the de facto legal constitution of Hong Kong.

(4) Foremost among the obligations of the Government of China to Hong Kong is the promise that, pursuant to Paragraph 3b of the Joint Declaration, “the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People’s Government”.

(5) The obligation specified in Paragraph 3b of the Joint Declaration is referenced, reinforced, and extrapolated on in several portions of the Basic Law, including Articles 2, 12, 13, 14, and 22.

(6) Article 22 of the Basic Law establishes that “No department of the Central People’s Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law.”.

(7) The Joint Declaration and the Basic Law make clear that additional obligations shall be undertaken by China to ensure the “high degree of autonomy” of Hong Kong.

(8) Paragraph 3c of the Joint Declaration states, as reinforced by Articles 2, 16, 17, 18, 19, and 22 of the Basic Law, that Hong Kong “will be vested with executive, legislative and independent judicial power, including that of final adjudication”.

(9) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (8) of this section, including the following:

(A) In 1999, the Standing Committee of the National People’s Congress overruled a deci-

sion by the Hong Kong Court of Final Appeal on the right of abode.

(B) On multiple occasions, the Government of Hong Kong, at the advice of the Government of China, is suspected to have not allowed persons entry into Hong Kong allegedly because of their support for democracy and human rights in Hong Kong and China.

(C) The Liaison Office of China in Hong Kong has, despite restrictions on interference in the affairs of Hong Kong as detailed in Article 22 of the Basic Law—

(i) openly expressed support for candidates in Hong Kong for Chief Executive and Legislative Council;

(ii) expressed views on various policies for the Government of Hong Kong and other internal matters relating to Hong Kong; and

(iii) on April 17, 2020, asserted that both the Liaison Office of China in Hong Kong and the Hong Kong and Macau Affairs Office of the State Council “have the right to exercise supervision . . . on affairs regarding Hong Kong and the mainland, in order to ensure correct implementation of the Basic Law”.

(D) The National People’s Congress has passed laws requiring Hong Kong to pass laws banning disrespectful treatment of the national flag and national anthem of China.

(E) The State Council of China released a white paper on June 10, 2014, that stressed the “comprehensive jurisdiction” of the Government of China over Hong Kong and indicated that Hong Kong must be governed by “patriots”.

(F) The Government of China has directed operatives to kidnap and bring to the mainland, or is otherwise responsible for the kidnapping of, residents of Hong Kong, including businessman Xiao Jianhua and bookseller Gui Minhai.

(G) The Government of Hong Kong, acting with the support of the Government of China, introduced an extradition bill that would have permitted the Government of China to request and enforce extradition requests for any individual present in Hong Kong, regardless of the legality of the request or the degree to which it compromised the judicial independence of Hong Kong.

(H) The spokesman for the Standing Committee of the National People’s Congress said, “Whether Hong Kong’s laws are consistent with the Basic Law can only be judged and decided by the National People’s Congress Standing Committee. No other authority has the right to make judgments and decisions.”.

(10) Paragraph 3e of the Joint Declaration states, as reinforced by Article 5 of the Basic Law, that the “current social and economic systems in Hong Kong will remain unchanged, as so will the life-style.”.

(11) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (10) of this section, including the following:

(A) In 2002, the Government of China pressured the Government of Hong Kong to introduce “patriotic” curriculum in primary and secondary schools.

(B) The governments of China and Hong Kong proposed the prohibition of discussion of Hong Kong independence and self-determination in primary and secondary schools, which infringes on freedom of speech.

(C) The Government of Hong Kong mandated that Mandarin, and not the native language of Cantonese, be the language of instruction in Hong Kong schools.

(D) The governments of China and Hong Kong agreed to a daily quota of mainland immigrants to Hong Kong, which is widely believed by citizens of Hong Kong to be part of an effort to “mainlandize” Hong Kong.

(12) Paragraph 3e of the Joint Declaration states, as reinforced by Articles 4, 26, 27, 28,

29, 30, 31, 32 33, 34, and 39 of the Basic Law, that the “rights and freedoms, including those of person, of speech, of the press, of assembly, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and of religious belief will be ensured by law” in Hong Kong.

(13) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (12) of this section, including the following:

(A) On February 26, 2003, the Government of Hong Kong introduced a national security bill that would have placed restrictions on freedom of speech and other protected rights.

(B) The Liaison Office of China in Hong Kong has pressured businesses in Hong Kong not to advertise in newspapers and magazines critical of the governments of China and Hong Kong.

(C) The Hong Kong Police Force selectively blocked demonstrations and protests expressing opposition to the governments of China and Hong Kong or the policies of those governments.

(D) The Government of Hong Kong refused to renew work visa for a foreign journalist, allegedly for hosting a speaker from the banned Hong Kong National Party.

(E) The Justice Department of Hong Kong selectively prosecuted cases against leaders of the Umbrella Movement, while failing to prosecute police officers accused of using excessive force during the protests in 2014.

(F) On April 18, 2020, the Hong Kong Police Force arrested 14 high-profile democracy activists and campaigners for their role in organizing a protest march that took place on August 18, 2019, in which almost 2,000,000 people rallied against a proposed extradition bill.

(14) Articles 45 and 68 of the Basic Law assert that the selection of Chief Executive and all members of the Legislative Council of Hong Kong should be by “universal suffrage.”.

(15) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (14) of this section, including the following:

(A) In 2004, the National People’s Congress created new, antidemocratic procedures restricting the adoption of universal suffrage for the election of the Chief Executive of Hong Kong.

(B) The decision by the National People’s Congress on December 29, 2007, which ruled out universal suffrage in 2012 elections and set restrictions on when and if universal suffrage will be implemented.

(C) The decision by the National People’s Congress on August 31, 2014, which placed limits on the nomination process for the Chief Executive of Hong Kong as a condition for adoption of universal suffrage.

(D) On November 7, 2016, the National People’s Congress interpreted Article 104 of the Basic Law in such a way to disqualify 6 elected members of the Legislative Council.

(E) In 2018, the Government of Hong Kong banned the Hong Kong National Party and blocked the candidacy of pro-democracy candidates.

(16) The ways in which the Government of China, at times with the support of a subservient Government of Hong Kong, has acted in contravention of its obligations under the Joint Declaration and the Basic Law, as set forth in this section, are deeply concerning to the people of Hong Kong, the United States, and members of the international community who support the autonomy of Hong Kong.

SEC. 4. SENSE OF CONGRESS REGARDING HONG KONG.

It is the sense of Congress that—

(1) the United States continues to uphold the principles and policy established in the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701 et seq.) and the Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116-76; 22 U.S.C. 5701 note), which remain consistent with China's obligations under the Joint Declaration and certain promulgated objectives under the Basic Law, including that—

(A) as set forth in section 101(1) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5711(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."; and

(B) as set forth in section 2(5) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701(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.";

(2) although the United States recognizes that, under the Joint Declaration, the Government of China "resumed the exercise of sovereignty over Hong Kong with effect on 1 July 1997", the United States supports the autonomy of Hong Kong in furtherance of the United States-Hong Kong Policy Act of 1992 and the Hong Kong Human Rights and Democracy Act of 2019 and advances the desire of the people of Hong Kong to continue the "one country, two systems" regime, in addition to other obligations promulgated by China under the Joint Declaration and the Basic Law;

(3) in order to support the benefits and protections that Hong Kong has been afforded by the Government of China under the Joint Declaration and the Basic Law, the United States should establish a clear and unambiguous set of penalties with respect to foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, to be involved in the contravention of the obligations of China under the Joint Declaration and the Basic Law and the financial institutions transacting with those foreign persons;

(4) the Secretary of State should provide an unclassified assessment of the reason for imposition of certain economic penalties on entities, so as to permit a clear path for the removal of economic penalties if the sanctioned behavior is reversed and verified by the Secretary of State;

(5) relevant Federal agencies should establish a multilateral sanctions regime with respect to foreign persons involved in the contravention of the obligations of China under the Joint Declaration and the Basic Law; and

(6) in addition to the penalties on foreign persons, and financial institutions transacting with those foreign persons, for the contravention of the obligations of China under the Joint Declaration and the Basic Law, the United States should take steps, in a time of crisis, to assist permanent residents of Hong Kong who are persecuted or fear persecution as a result of the contravention by China of its obligations under the Joint Declaration and the Basic Law to become eligible to obtain lawful entry into the United States.

SEC. 5. IDENTIFICATION OF FOREIGN PERSONS INVOLVED IN THE EROSION OF THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW AND FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT SIGNIFICANT TRANSACTIONS WITH THOSE PERSONS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, if the Secretary of State, in consultation with the Secretary of the Treasury, determines that a foreign person is materially contributing to, has materially contributed to, or attempts to materially contribute to the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law, the Secretary of State shall submit to the appropriate congressional committees and leadership a report that includes—

(1) an identification of the foreign person; and

(2) a clear explanation for why the foreign person was identified and a description of the activity that resulted in the identification.

(b) **IDENTIFYING FOREIGN FINANCIAL INSTITUTIONS.**—Not earlier than 30 days and not later than 60 days after the Secretary of State submits to the appropriate congressional committees and leadership the report under subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the appropriate congressional committees and leadership a report that identifies any foreign financial institution that knowingly conducts a significant transaction with a foreign person identified in the report under subsection (a).

(c) **EXCLUSION OF CERTAIN INFORMATION.**—

(1) **INTELLIGENCE.**—The Secretary of State shall not disclose the identity of a person in a report submitted under subsection (a) or (b), or an update under subsection (e), if the Director of National Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) **LAW ENFORCEMENT.**—The Secretary of State shall not disclose the identity of a person in a report submitted under subsection (a) or (b), or an update under subsection (e), if the Attorney General, in coordination, as appropriate, with the Director of the Federal Bureau of Investigation, the head of any other appropriate Federal law enforcement agency, and the Secretary of the Treasury, determines that such disclosure could reasonably be expected—

(A) to compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) to jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) to endanger the life or physical safety of any person; or

(D) to cause substantial harm to physical property.

(3) **NOTIFICATION REQUIRED.**—If the Director of National Intelligence makes a determination under paragraph (1) or the Attorney General makes a determination under paragraph (2), the Director or the Attorney General, as the case may be, shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(d) **EXCLUSION OR REMOVAL OF FOREIGN PERSONS AND FOREIGN FINANCIAL INSTITUTIONS.**—

(1) **FOREIGN PERSONS.**—The President may exclude a foreign person from the report under subsection (a), or an update under subsection (e), or remove a foreign person from the report or update prior to the imposition of sanctions under section 6(a) if the mate-

rial contribution (as described in subsection (g)) that merited inclusion in that report or update—

(A) does not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(B) is not likely to be repeated in the future; and

(C) has been reversed or otherwise mitigated through positive countermeasures taken by that foreign person.

(2) **FOREIGN FINANCIAL INSTITUTIONS.**—The President may exclude a foreign financial institution from the report under subsection (b), or an update under subsection (e), or remove a foreign financial institution from the report or update prior to the imposition of sanctions under section 7(a) if the significant transaction or significant transactions of the foreign financial institution that merited inclusion in that report or update—

(A) does not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(B) is not likely to be repeated in the future; and

(C) has been reversed or otherwise mitigated through positive countermeasures taken by that foreign financial institution.

(3) **NOTIFICATION REQUIRED.**—If the President makes a determination under paragraph (1) or (2) to exclude or remove a foreign person or foreign financial institution from a report under subsection (a) or (b), as the case may be, the President shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(e) **UPDATE OF REPORTS.**—

(1) **IN GENERAL.**—Each report submitted under subsections (a) and (b) shall be updated in an ongoing manner and, to the extent practicable, updated reports shall be re-submitted with the annual report under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to terminate the requirement to update the reports under subsections (a) and (b) upon the termination of the requirement to submit the annual report under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).

(f) **FORM OF REPORTS.**—

(1) **IN GENERAL.**—Each report under subsection (a) or (b) (including updates under subsection (e)) shall be submitted in unclassified form and made available to the public.

(2) **CLASSIFIED ANNEX.**—The explanations and descriptions included in the report under subsection (a)(2) (including updates under subsection (e)) may be expanded on in a classified annex.

(g) **MATERIAL CONTRIBUTIONS RELATED TO OBLIGATIONS OF CHINA DESCRIBED.**—For purposes of this section, a foreign person materially contributes to the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law if the person—

(1) took action that resulted in the inability of the people of Hong Kong—

(A) to enjoy freedom of assembly, speech, press, or independent rule of law; or

(B) to participate in democratic outcomes; or

(2) otherwise took action that reduces the high degree of autonomy of Hong Kong.

SEC. 6. SANCTIONS WITH RESPECT TO FOREIGN PERSONS THAT CONTRAVENE THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW.

(a) **IMPOSITION OF SANCTIONS.**—

(1) **IN GENERAL.**—On and after the date on which a foreign person is included in the report under section 5(a) or an update to that

report under section 5(e), the President may impose sanctions described in subsection (b) with respect to that foreign person.

(2) **MANDATORY SANCTIONS.**—Not later than one year after the date on which a foreign person is included in the report under section 5(a) or an update to that report under section 5(e), the President shall impose sanctions described in subsection (b) with respect to that foreign person.

(b) **SANCTIONS DESCRIBED.**—The sanctions described in this subsection with respect to a foreign person are the following:

(1) **PROPERTY TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(2) **EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.**—In the case of a foreign person who is an individual, the President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, the foreign person, subject to regulatory exceptions 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.

SEC. 7. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT SIGNIFICANT TRANSACTIONS WITH FOREIGN PERSONS THAT CONTRAVENE THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW.

(a) **IMPOSITION OF SANCTIONS.**—

(1) **INITIAL SANCTIONS.**—Not later than one year after the date on which a foreign financial institution is included in the report under section 5(b) or an update to that report under section 5(e), the President shall impose not fewer than 5 of the sanctions described in subsection (b) with respect to that foreign financial institution.

(2) **EXPANDED SANCTIONS.**—Not later than two years after the date on which a foreign financial institution is included in the report under section 5(b) or an update to that report under section 5(e), the President shall impose each of the sanctions described in subsection (b).

(b) **SANCTIONS DESCRIBED.**—The sanctions described in this subsection with respect to a foreign financial institution are the following:

(1) **LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.**—The United States Government may prohibit any United States financial institution from making loans or providing credits to the foreign financial institution.

(2) **PROHIBITION ON DESIGNATION AS PRIMARY DEALER.**—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the foreign financial institution as a primary dealer in United States Government debt instruments.

(3) **PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.**—The foreign financial institution may not serve as agent of the United States Government or serve as re-

pository for United States Government funds.

(4) **FOREIGN EXCHANGE.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and involve the foreign financial institution.

(5) **BANKING TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve the foreign financial institution.

(6) **PROPERTY TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign financial institution has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(7) **RESTRICTION ON EXPORTS, REEXPORTS, AND TRANSFERS.**—The President, in consultation with the Secretary of Commerce, may restrict or prohibit exports, reexports, and transfers (in-country) of commodities, software, and technology subject to the jurisdiction of the United States directly or indirectly to the foreign financial institution.

(8) **BAN ON INVESTMENT IN EQUITY OR DEBT.**—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the foreign financial institution.

(9) **EXCLUSION OF CORPORATE OFFICERS.**—The President may direct the Secretary of State, in consultation with the Secretary of the Treasury and the Secretary of Homeland Security, to exclude from the United States any alien that is determined to be a corporate officer or principal of, or a shareholder with a controlling interest in, the foreign financial institution, subject to regulatory exceptions 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.

(10) **SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.**—The President may impose on the principal executive officer or officers of the foreign financial institution, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in paragraphs (1) through (8) that are applicable.

(c) **TIMING OF SANCTIONS.**—The President may impose sanctions required under subsection (a) with respect to a financial institution included in the report under section 5(b) or an update to that report under section 5(e) beginning on the day on which the financial institution is included in that report or update.

SEC. 8. WAIVER, TERMINATION, EXCEPTIONS, AND CONGRESSIONAL REVIEW PROCESS.

(a) **NATIONAL SECURITY WAIVER.**—Unless a disapproval resolution is enacted under subsection (e), the President may waive the application of sanctions under section 6 or 7

with respect to a foreign person or foreign financial institution if the President—

(1) determines that the waiver is in the national security interest of the United States; and

(2) submits to the appropriate congressional committees and leadership a report on the determination and the reasons for the determination.

(b) **TERMINATION OF SANCTIONS AND REMOVAL FROM REPORT.**—Unless a disapproval resolution is enacted under subsection (e), the President may terminate the application of sanctions under section 6 or 7 with respect to a foreign person or foreign financial institution and remove the foreign person from the report required under section 5(a) or the foreign financial institution from the report required under section 5(b), as the case may be, if the Secretary of State, in consultation with the Secretary of the Treasury, determines that the actions taken by the foreign person or foreign financial institution that led to the imposition of sanctions—

(1) do not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(2) are not likely to be repeated in the future; and

(3) have been reversed or otherwise mitigated through positive countermeasures taken by that foreign person or foreign financial institution.

(c) **TERMINATION OF ACT.**—

(1) **REPORT.**—

(A) **IN GENERAL.**—Not later than July 1, 2046, the President, in consultation with the Secretary of State, the Secretary of the Treasury, and the heads of such other Federal agencies as the President considers appropriate, shall submit to Congress a report evaluating the implementation of this Act and sanctions imposed pursuant to this Act.

(B) **ELEMENTS.**—The President shall include in the report submitted under subparagraph (A) an assessment of whether this Act and the sanctions imposed pursuant to this Act should be terminated.

(2) **TERMINATION.**—This Act and the sanctions imposed pursuant to this Act shall remain in effect unless a termination resolution is enacted under subsection (e) after July 1, 2047.

(d) **EXCEPTION RELATING TO IMPORTATION OF GOODS.**—

(1) **IN GENERAL.**—The authorities and requirements to impose sanctions under sections 6 and 7 shall not include the authority or requirement to impose sanctions on the importation of goods.

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

(e) **CONGRESSIONAL REVIEW.**—

(1) **RESOLUTIONS.**—

(A) **DISAPPROVAL RESOLUTION.**—In this section, the term “disapproval resolution” means only a joint resolution of either House of Congress—

(i) the title of which is as follows: “A joint resolution disapproving the waiver or termination of sanctions with respect to a foreign person that contravenes the obligations of China with respect to Hong Kong or a foreign financial institution that conducts a significant transaction with that person.”; and

(ii) the sole matter after the resolving clause of which is the following: “Congress disapproves of the action under section 8 of the Hong Kong Autonomy Act relating to the application of sanctions imposed with respect to a foreign person that contravenes the obligations of China with respect to Hong Kong, or a foreign financial institution

that conducts a significant transaction with that person, on _____ relating to _____,” with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

(B) **TERMINATION RESOLUTION.**—In this section, the term “termination resolution” means only a joint resolution of either House of Congress—

(i) the title of which is as follows: “A joint resolution terminating sanctions with respect to foreign persons that contravene the obligations of China with respect to Hong Kong and foreign financial institutions that conduct significant transactions with those persons.”; and

(ii) the sole matter after the resolving clause of which is the following: “The Hong Kong Autonomy Act and any sanctions imposed pursuant to that Act shall terminate on _____,” with the blank space being filled with the termination date.

(C) **COVERED RESOLUTION.**—In this subsection, the term “covered resolution” means a disapproval resolution or a termination resolution.

(2) **INTRODUCTION.**—A covered resolution may be introduced—

(A) in the House of Representatives, by the majority leader or the minority leader; and

(B) in the Senate, by the majority leader (or the majority leader’s designee) or the minority leader (or the minority leader’s designee).

(3) **FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.**—If a committee of the House of Representatives to which a covered resolution has been referred has not reported the resolution within 10 calendar days after the date of referral, that committee shall be discharged from further consideration of the resolution.

(4) **CONSIDERATION IN THE SENATE.**—

(A) **COMMITTEE REFERRAL.**—

(i) **DISAPPROVAL RESOLUTION.**—A disapproval resolution introduced in the Senate shall be—

(I) referred to the Committee on Banking, Housing, and Urban Affairs if the resolution relates to an action that is not intended to significantly alter United States foreign policy with regard to China; and

(II) referred to the Committee on Foreign Relations if the resolution relates to an action that is intended to significantly alter United States foreign policy with regard to China.

(ii) **TERMINATION RESOLUTION.**—A termination resolution introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations.

(B) **REPORTING AND DISCHARGE.**—If a committee to which a covered resolution was referred has not reported the resolution within 10 calendar days after the date of referral of the resolution, that committee shall be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar.

(C) **PROCEEDING TO CONSIDERATION.**—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Banking, Housing, and Urban Affairs or the Committee on Foreign Relations, as the case may be, reports a covered resolution to the Senate or has been discharged from consideration of such a resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the mo-

tion is agreed to or disagreed to shall not be in order.

(D) **RULINGS OF THE CHAIR ON PROCEDURE.**—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a covered resolution shall be decided without debate.

(E) **CONSIDERATION OF VETO MESSAGES.**—Debate in the Senate of any veto message with respect to a covered resolution, including all debatable motions and appeals in connection with the resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(5) **RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.**—

(A) **TREATMENT OF SENATE RESOLUTION IN HOUSE.**—In the House of Representatives, the following procedures shall apply to a covered resolution received from the Senate (unless the House has already passed a resolution relating to the same proposed action):

(i) The resolution shall be referred to the appropriate committees.

(ii) If a committee to which a resolution has been referred has not reported the resolution within 2 calendar days after the date of referral, that committee shall be discharged from further consideration of the resolution.

(iii) Beginning on the third legislative day after each committee to which a resolution has been referred reports the resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(iv) The resolution shall be considered as read. All points of order against the resolution and against its consideration are waived. The previous question shall be considered as ordered on the resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the resolution shall not be in order.

(B) **TREATMENT OF HOUSE RESOLUTION IN SENATE.**—

(i) **RECEIVED BEFORE PASSAGE OF SENATE RESOLUTION.**—If, before the passage by the Senate of a covered resolution, the Senate receives an identical resolution from the House of Representatives, the following procedures shall apply:

(I) That resolution shall not be referred to a committee.

(II) With respect to that resolution—

(aa) the procedure in the Senate shall be the same as if no resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the resolution from the House of Representatives.

(ii) **RECEIVED AFTER PASSAGE OF SENATE RESOLUTION.**—If, following passage of a covered resolution in the Senate, the Senate receives an identical resolution from the House of Representatives, that resolution shall be placed on the appropriate Senate calendar.

(iii) **NO SENATE COMPANION.**—If a covered resolution is received from the House of Representatives, and no companion resolution has been introduced in the Senate, the Sen-

ate procedures under this subsection shall apply to the resolution from the House of Representatives.

(C) **APPLICATION TO REVENUE MEASURES.**—The provisions of this paragraph shall not apply in the House of Representatives to a covered resolution that is a revenue measure.

(6) **RULES OF HOUSE OF REPRESENTATIVES AND SENATE.**—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 9. IMPLEMENTATION; PENALTIES.

(a) **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 the extent necessary to carry out this Act.

(b) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of section 6 or 7 or any regulation, license, or order issued to carry out that section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as an authorization of military force against China.

The bill was ordered to be engrossed for a third reading and was read the third time.

The question is on adoption of the resolution and passage of the bill, as amended, en bloc.

The bill (S. 3798), as amended, was passed.

The resolution (S. Res. 596), as amended, was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 21, 2020, under “Submitted Resolutions.”)

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Madam President, this is a good moment for the Senate. I think this is a moment when we have been able to come together to speak with one voice and to send a clear message to Beijing that its attempts to steamroll and destroy the liberties of the people of Hong Kong will not go unnoticed and will not go unaddressed.

I thank the Senator from Maryland and the Senator from Pennsylvania for their work with their bill, which will give the administration important new tools to address and to counter the actions of Beijing.

I just want to say to the people of Hong Kong, whom I have had the privilege to meet and to be with on the streets as they protest, as they stand up to this violent and authoritarian regime, I hope that today’s actions will give you an added measure of hope that

the free people of this Nation and the free people of the world are with you and that we will not sit idly by; that we will stand up; that we will take action; and that your cause for your basic rights, your cause for your basic liberties, is our cause as well.

It is a privilege to stand with you as an American and as a Missourian, and it is a privilege to see this work accomplished today on the floor of the Senate.

I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, I want to thank the Senator from Missouri for bringing us to the floor last week, for bringing us to the floor this week, and for working with us to make sure that we could make important changes to an important resolution that he brought before us today.

I agree it is a good day for the Senate. Again, I thank the Senator from Pennsylvania, Mr. TOOMEY, for his bipartisan work on this. Hopefully we get it to the President's desk as soon as possible and send a strong message to the Government of China and send a message to the people of Hong Kong that we stand with them.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Continued

The PRESIDING OFFICER. The Senator from Virginia.

UNANIMOUS CONSENT REQUEST

Mr. KAINE. Madam President, before I get to the motion I am going to make, I am going to take just a few minutes to discuss the importance of why the Senate must pass the Coronavirus Relief Flexibility for Students and Institutions Act, which is S. 3947.

This has to do with an action that we took as bipartisan colleagues—a most important action—in March, passing the CARES Act. The CARES Act included \$13.9 billion for higher education emergency relief for institutions to directly support students facing urgent needs related to this pandemic and also to support the institutions as they cope with the effects of COVID-19.

From this amount, about \$12.5 billion was provided to all institutions of higher ed, and they had to use half their dollars to award emergency aid to students and half the funds to cover the institutional expenses and needs.

Congress was very careful in crafting this bipartisan provision to provide flexibility so that the institutions could make their own decisions about how to use and reward those funds—both for students and how to use them for institutions. Unfortunately, the Department of Education is not following congressional intent and is including additional restrictions and conditions that Congress did not include that are making these funds more difficult to access by students and by the institutions.

On the institution side, colleges had to quickly transition their programs online, many doing so on a widespread scale for the first time, without the technology capacity and staff training to conduct those classes.

Colleges have also had to quickly send students living on campus home, bring students home who were studying abroad, clean and sanitize their facilities, and provide refunds to students for room and board charges. They have had to meet greater financial needs and basic need challenges from their students, including housing, food, and childcare costs.

This has resulted in higher costs for colleges at the same time as COVID-19 has led to a sharp reduction in normal revenue streams: fundraising, housing, dining, event space, athletic, bookstore, conferences, and much more—including State funding that has been hurt. These revenue losses are likely to continue as students drop out and tuition revenue decreases in the fall.

This would come as schools implement costly safety measures for re-opening, like testing and PPE distribution. Many institutions have already cut pay and benefits, laid off full-time staff and student employees, and slashed to reorganize academic and athletic programs. This is all in addition to the potential cuts colleges will likely see from State budgets.

I got a letter from the president of one of my community colleges, Dr. John Downey, president of Blue Ridge Community College in Weyers Cave. Here is what he said: “We anticipate devastating lost revenue and state budget reductions, and we have no way, with the possible exception of the CARES Act institutional funds, to offset those losses. The current CARES Act restrictions mean that community college will likely only be able to offset \$100,000–\$300,000 of [additional PPE expenses while we] open up. . . . Without the ability to offset revenue losses looming for FY21, we are concerned that we will be forced to close vital programs and layoff hard-working personnel.”

Moody's Investors Service has changed their outlook for higher ed to negative, indicating that 5 to 10 percent of institutions—particularly regional public schools and small private colleges—could face significantly intensified financial challenges.

In Virginia, one such institution, Sweet Briar College, a small, rural, private college, says the impact is likely to be \$10 million. VCU, a large, public university, said it is likely to be \$50 million in the next fiscal year.

This is why we acted together as Congress to provide CARES Act funding that could be used for revenue losses experienced by colleges. We didn't specifically exclude using these dollars for revenue losses, as we did in the State and local government aid; we allowed such a use, as we did with the PPP program and the aid to hospitals. But the Department of Education is

using a very narrow interpretation of the law and refusing to allow colleges to use money for revenue losses.

On to the student side of the equation, 50 percent of the money was to be used for student aid. This is even more concerning. The unauthorized guidance that the DOE has issued outlines that the financial aid for students can only be provided to students who qualify for aid under title IV of the Higher Education Act, which would exclude any student who hadn't filled out a FAFSA, who has a minor drug conviction, or who is not meeting academic progress requirements. Again, these were not conditions that Congress put on the aid to students. Nowhere in the CARES Act are these restrictions mentioned.

The financial aid director at the University of Virginia wrote my office as follows:

When the CARES Act was signed into law, we, along with many others in the financial aid community, believed that the funding source would be available to provide assistance to our students using school discretion. Schools have long operated in this manner. Because of COVID-19, the parents of many students who suddenly lost their jobs or have reduced employment realized that their income had changed dramatically and wished to appeal.

In other words, students who never had to fill out a FAFSA or who never did one because their parents were employed are now facing parents who are not employed.

It is not right for the DOE to put new requirements on the students and bar them from receiving aid.

Some students have written. Here is a third-year undergraduate student from Fairfax: I was studying abroad this past semester but had to return home in March. My study-abroad program is unsure whether they are going to be able to refund any of the semester's worth that I paid for fees, including housing, meals, tuition. Due to the travel ban, I had to book a ticket home on 1-day's notice, initially costing me \$1,800, but I was able to receive a partial refund of \$900. My father has been the primary source of income for my family, but he loses his job this month. Since we don't know when he will be reemployed, this has resulted in significant financial challenge to my family.

There are similar stories from other students—graduate students in engineering in Henrico, undergraduates from Halifax.

Again, Congress intended these dollars to be used flexibly. The DOE is getting in our way.

What the act would do that I am about to call up—it would ensure that the Secretary in the Department of Education just follow congressional intent by providing institutions of higher ed and students with the increased flexibility they need during this time. The bill would allow colleges to use their revenue from the CARES Act for lost revenue—the higher ed funds for lost revenue. The bill would ensure that emergency financial aid to students is made available to all students