

118TH CONGRESS
2D SESSION

S. 5454

To update the United States policy towards Hong Kong, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2024

Mr. CARDIN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To update the United States policy towards Hong Kong, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hong Kong Policy Act
5 of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ALIEN.—The term “alien” has the meaning
9 given that term in section 101(a) of the Immigration
10 and Nationality Act (8 U.S.C. 1101(a)).

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means the Committee on Foreign Relations
4 of the Senate and the Committee on Foreign Affairs
5 of the House of Representatives.

6 (3) ARTICLE 23.—The term “Article 23” means
7 Article 23 of the Basic Law.

8 (4) BASIC LAW.—The term “Basic Law” means
9 the Basic Law of the Hong Kong Special Adminis-
10 trative Region of the People’s Republic of China.

11 (5) FOREIGN PERSON.—The term “foreign per-
12 son” means an individual or entity that is not a
13 United States person.

14 (6) HONG KONG SAR.—The term “Hong Kong
15 SAR” means the Hong Kong Special Administrative
16 Region of the People’s Republic of China.

17 (7) HONG KONG ECONOMIC AND TRADE OF-
18 FICES.—The term “Hong Kong Economic and
19 Trade Offices” has the meaning given that term in
20 section 1(c) of the Act entitled “An Act to extend
21 certain privileges, exemptions, and immunities to
22 Hong Kong Economic and Trade Offices”, approved
23 June 27, 1997 (22 U.S.C. 288k).

24 (8) JOINT DECLARATION.—The term “Joint
25 Declaration” means the Joint Declaration of the

1 Government of the United Kingdom of Great Britain
2 and Northern Ireland and the Government of the
3 People's Republic of China on the question of Hong
4 Kong, done at Beijing December 19, 1984.

5 (9) NATIONAL SECURITY LAW.—The term
6 “Hong Kong National Security Law” means the
7 Law of the People's Republic of China on Safe-
8 guarding National Security in the Hong Kong Spe-
9 cial Administrative Region, signed on June 30,
10 2020.

11 (10) SAFEGUARDING NATIONAL SECURITY OR-
12 DINANCE.—The term “Safeguarding National Secu-
13 rity Ordinance” means the ordinance that imple-
14 mented Article 23 that was passed by the Legislative
15 Council of the Hong Kong Special Administrative
16 Region on March 19, 2024.

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

19 (A) a United States citizen or an alien law-
20 fully admitted for permanent residence to the
21 United States; or

22 (B) an entity organized under the laws of
23 the United States or any jurisdiction within the
24 United States, including a foreign branch of
25 such an entity.

1 **SEC. 3. FINDINGS.**

2 Section 101 of the United States-Hong Kong Policy
3 Act of 1992 (22 U.S.C. 5711) is amended to read as fol-
4 lows:

5 **“SEC. 101. FINDINGS.**

6 “Congress finds the following:

7 “(1) The passage and implementation of this
8 Act in 1992 reflected an expectation that the Peo-
9 ple’s Republic of China would faithfully adhere to
10 the conditions set forth between the Governments of
11 the United Kingdom and the People’s Republic of
12 China in the Joint Declaration, which declared that
13 Hong Kong would enjoy ‘a high degree of autonomy’
14 under the principle of ‘one country, two systems’ of
15 the People’s Republic of China, for 50 years after
16 the transfer of Hong Kong from the United King-
17 dom to the People’s Republic of China in 1997.

18 “(2) The Government of the People’s Republic
19 of China, in the lead-up to the 1997 transfer of
20 Hong Kong from the United Kingdom to the Peo-
21 ple’s Republic of China, did not consult Hong
22 Kongers on the conditions for the transfer of sov-
23 ereignty, did not provide Hong Kongers the ability
24 to decide the future of Hong Kong, and continues to
25 deny Hong Kongers the free exercise of human
26 rights as protected under international law.

1 “(3) Article 1 of the International Covenant on
 2 Civil and Political Rights and Article 1 of the Inter-
 3 national Covenant on Economic, Social and Cultural
 4 Rights provide, and Article 2 of the Declaration on
 5 the Granting of Independence to Colonial Countries
 6 and Peoples states, that ‘all peoples have the right
 7 of self-determination. By virtue of that right they
 8 freely determine their political status and freely pur-
 9 sue their economic, social and cultural development’.

10 “(4) Despite the rights and freedoms for Hong
 11 Kong delineated in the Joint Declaration and in the
 12 Basic Law, the Government of the People’s Republic
 13 of China has repeatedly undermined the autonomy
 14 of the Government of Hong Kong since the transfer
 15 of Hong Kong in 1997, including through actions
 16 that have resulted in widespread political protests in
 17 Hong Kong.

18 “(5) On June 30, 2020, the Standing Com-
 19 mittee of the National People’s Congress of the Peo-
 20 ple’s Republic of China enacted the National Secu-
 21 rity Law, which provided a legal pretext to dras-
 22 tically reduce the autonomy of Hong Kong and led
 23 to widespread repression by Hong Kong authorities.

24 “(6) The National Security Law has eroded the
 25 rights and freedoms promised to the people in Hong

1 Kong under the Joint Declaration and the Basic
2 Law, including freedoms of speech, assembly, and
3 the press.

4 “(7) Since the passage of the National Security
5 Law—

6 “(A) hundreds of pro-democracy activists,
7 lawmakers, and journalists have been arrested;

8 “(B) civil society organizations have been
9 disbanded;

10 “(C) independent media outlets have
11 closed; and

12 “(D) academic freedoms and an inde-
13 pendent judiciary in Hong Kong have been
14 eroded.

15 “(8) Forty-seven individuals (commonly known
16 as the ‘Hong Kong 47’), including Joshua Wong and
17 Gwyneth Ho, are facing politically motivated charges
18 of ‘conspiracy to commit subversion’ after holding an
19 unofficial primary election in 2020, less than 2
20 weeks after the National Security Law came into ef-
21 fect, and 14 of these individuals were found guilty
22 on May 30, 2024, in a judicial proceeding that
23 lacked independence, and now face prison terms
24 ranging from 3 years to life.

1 “(9) Jimmy Lai, a 76-year old Hong Kong pro-
 2 democracy advocate and media entrepreneur, has
 3 been subjected to multiple prosecutions for his
 4 peaceful activities, has spent approximately 4 years
 5 in prison, has been sentenced to more than 5 years
 6 of imprisonment under politically motivated fraud
 7 charges, and is awaiting a verdict on additional
 8 charges of ‘collusion with foreign forces’ and ‘sedi-
 9 tion’, which could carry a sentence of life in prison.

10 “(10) The Government of the People’s Republic
 11 of China and the Government of Hong Kong are—

12 “(A) using the National Security Law to
 13 pursue acts of transnational repression against
 14 members of Hong Kong diaspora communities
 15 outside of Hong Kong; and

16 “(B) harassing, threatening, and placing
 17 extraterritorial bounties on Hong Kong and
 18 non-Hong Kong residents, including a United
 19 States citizen, for their courageous advocacy for
 20 the rights and freedoms of people in Hong
 21 Kong.

22 “(11) On March 19, 2024, despite widespread
 23 opposition from the international community, civil
 24 society, and other stakeholders in Hong Kong, and
 25 after a limited period of ‘public consultation’ for the

1 legislation, the Legislative Council of the Hong Kong
 2 Special Administrative Region passed legislation to
 3 implement Article 23, the Safeguarding National Se-
 4 curity Ordinance, which grants authorities in Hong
 5 Kong additional powers to further curtail civil rights
 6 and freedoms, establishes severe penalties, including
 7 life imprisonment, for vaguely defined offenses, and
 8 creates risks for Hong Kong residents who interact
 9 with foreigners.

10 “(12) The Safeguarding National Security Or-
 11 dinance—

12 “(A) includes other offenses such as ‘exter-
 13 nal interference’ and ‘state secrets’, which could
 14 create risks for multinational companies and
 15 international groups operating in Hong Kong;

16 “(B) in combination with the ongoing im-
 17 plementation of the National Security Law,
 18 likely will have a further chilling effect on a
 19 wide range of individuals and organizations in
 20 Hong Kong, including civil society representa-
 21 tives, independent journalists, pro-democracy
 22 lawmakers, entrepreneurs, businesses, and oth-
 23 ers; and

24 “(C) has already been applied by Hong
 25 Kong authorities to target Hong Kongers for

1 peacefully expressing their views, including
2 Chow Hang-tung, who was arrested on May 28,
3 2024, for alleged seditious social media posts
4 related to the commemoration of the
5 Tiananmen Square massacre.

6 “(13) Annually since 2020, the Secretary of
7 State has certified that Hong Kong does not war-
8 rant treatment under United States law in the same
9 manner as United States laws were applied to Hong
10 Kong before July 1, 1997.

11 “(14) Despite the commitments made by the
12 People’s Republic of China in the Joint Declaration,
13 the People’s Republic of China has declared that the
14 ‘legal basis for the Chinese government’s governance
15 of Hong Kong is China’s constitution and the Basic
16 Law of the Hong Kong Special Administrative Re-
17 gion, not the Sino-British Joint Declaration’.

18 “(15) The People’s Republic of China and the
19 Government of Hong Kong continue to insist that
20 they are implementing the ‘one country, two sys-
21 tems’ framework and the Basic Law.

22 “(16) During a June 2017 press conference, a
23 spokesperson for the Ministry of Foreign Affairs of
24 the People’s Republic of China referred to the Joint

1 Declaration as a ‘historical document that no longer
2 has any realistic meaning’.

3 “(17) During a February 2024 press briefing,
4 in response to criticism from the United Kingdom
5 regarding the undermining of the autonomy of Hong
6 Kong by the People’s Republic of China, a spokes-
7 person for the Ministry of Foreign Affairs of the
8 People’s Republic of China stated that the Joint
9 Declaration ‘by no means put the UK in a position
10 or gave it any right to interfere in Hong Kong af-
11 fairs. Second, one of the principles that guide the
12 legislation on Article 23 of the Basic Law is to re-
13 spect and protect human rights’.”.

14 **SEC. 4. SENSE OF CONGRESS.**

15 Section 102 of the United States-Hong Kong Policy
16 Act of 1992 (22 U.S.C. 5712) is amended to read as fol-
17 lows:

18 **“SEC. 102. SENSE OF CONGRESS.**

19 “It is the sense of Congress that—

20 “(1) this Act, which has faithfully guided
21 United States policy toward Hong Kong for more
22 than 3 decades, was originally predicated on the
23 Government of the People’s Republic of China up-
24 holding its commitments with respect to Hong Kong,
25 such that the Government of Hong Kong—

1 “(A) maintained sufficient autonomy from
2 the Government of the People’s Republic of
3 China in managing affairs within Hong Kong;
4 and

5 “(B) safeguarded the democratic rights,
6 culture, and unique way of life of the people of
7 Hong Kong, including through adherence to the
8 rule of law and the maintenance of a credible,
9 independent judicial system;

10 “(2) the commitments made under the Joint
11 Declaration, and by extension ‘one country, two sys-
12 tems’ and the Basic Law, have been abrogated by
13 the Government of the People’s Republic of China to
14 the point that such commitments are no longer ad-
15 vancing autonomy, democratic institutions, or the
16 protection of human rights for the people in Hong
17 Kong;

18 “(3) United States policy towards Hong Kong
19 should be updated with a new policy framework that
20 protects United States national security interests
21 and is centered on the people in Hong Kong, includ-
22 ing their aspirations, their human rights and well-
23 being, and their desire for autonomy and a demo-
24 cratic system of government in Hong Kong;

1 “(4) with the undermining of the autonomy of
2 Hong Kong, and widespread repression and viola-
3 tions of the human rights of Hong Kongers, the
4 Government of the People’s Republic of China has
5 demonstrated that it will blatantly violate or mis-
6 construe its own constitution and laws, and inter-
7 national law, to justify its human rights abuses and
8 ‘rule by law’ approach and seek to exercise absolute
9 control over the population of Hong Kong, as it does
10 within mainland China;

11 “(5) the United States and the international
12 community should develop policies towards Hong
13 Kong that offer unwavering support for people in
14 Hong Kong, including support for the human rights
15 of Hong Kongers and the autonomy of Hong Kong;

16 “(6) United States policy toward Hong Kong
17 should include support to prisoners of conscience,
18 activists fighting for freedom and democracy in
19 Hong Kong, Hong Kong residents wishing to emi-
20 grate from the repressive environment in Hong
21 Kong, and Hong Kong diaspora communities;

22 “(7) United States policy toward Hong Kong
23 should recognize that the actions of the People’s Re-
24 public of China in Hong Kong are emblematic of the
25 larger efforts of the People’s Republic of China to

1 reshape international institutions and norms, espe-
 2 cially institutions and norms related to human
 3 rights, and to advance a new global order that has
 4 at its foundation the authoritarian model of ‘non-in-
 5 terference’ of the People’s Republic of China, which
 6 authoritarian states use to justify violating the
 7 human rights of their citizens and, when advan-
 8 tageous for the strategic interests of the state, the
 9 citizens of other states, with impunity; and

10 “(8) the United States should intensify efforts
 11 to collaborate with partners and allies to highlight
 12 the violations of the human rights of Hong Kongers
 13 and the autonomy of Hong Kong by the Govern-
 14 ments of the People’s Republic of China and Hong
 15 Kong, and empower the voices of Hong Kongers
 16 seeking to advance their fundamental freedoms and
 17 aspirations, democratic institutions in Hong Kong,
 18 and the ability of Hong Kongers to have a say in the
 19 Government of Hong Kong.”.

20 **SEC. 5. STATEMENT OF POLICY.**

21 (a) IN GENERAL.—Section 103 of the United States-
 22 Hong Kong Policy Act of 1992 (22 U.S.C. 5713) is
 23 amended to read as follows:

24 **“SEC. 103. STATEMENT OF POLICY.**

25 “‘It is the policy of the United States—

1 “(1) that Hong Kong should no longer be af-
2 forded special privileges separate from the People’s
3 Republic of China under United States law;

4 “(2) that the people of Hong Kong should have
5 the ability to nominate and elect the leaders of their
6 choice and should be empowered to advance the
7 human rights and democratic ambitions of Hong
8 Kongers;

9 “(3) to encourage the immediate and uncondi-
10 tional release of the Hong Kong 47, Jimmy Lai,
11 Chow Hang-tung, and all other prisoners of con-
12 science in Hong Kong;

13 “(4) to promote accountability using all avail-
14 able diplomatic and economic tools, including sanc-
15 tions, for human rights violations by the Govern-
16 ment of the People’s Republic of China against peo-
17 ple in Hong Kong;

18 “(5) to work with United States partners and
19 allies to apply multilateral pressure on the People’s
20 Republic of China to protect the human rights of
21 people in Hong Kong and the autonomy of Hong
22 Kong, and to ensure the ability of Hong Kongers to
23 have a say in the Government of Hong Kong;

24 “(6) to support people in Hong Kong and Hong
25 Kong diaspora communities with initiatives that pro-

1 mote human rights and democracy in Hong Kong
 2 and by providing humanitarian relief for Hong
 3 Kongers fleeing repression; and

4 “(7) to provide timely, accurate, and easily ac-
 5 cessible guidance regarding the risks to United
 6 States citizens, businesses, and other organizations
 7 working or operating in Hong Kong.”.

8 (b) REPEAL.—Sections 104 and 105 of the United
 9 States-Hong Kong Policy Act of 1992 (22 U.S.C. 5714
 10 and 5715) are repealed.

11 **SEC. 6. APPLICATION OF UNITED STATES LAW TO HONG**
 12 **KONG.**

13 (a) IN GENERAL.—The United States-Hong Kong
 14 Policy Act of 1992 (22 U.S.C. 5701 et seq.) is amended—

15 (1) in section 201 (22 U.S.C. 5721)—

16 (A) by striking the section heading and in-
 17 serting the following: “**APPLICATION OF**
 18 **UNITED STATES LAW TO HONG KONG**”; and

19 (B) by striking subsection (a) and insert-
 20 ing the following:

21 “(a) IN GENERAL.—The laws of the United States
 22 shall apply with respect to Hong Kong in the same manner
 23 as the laws of the United States are applied to the Peo-
 24 ple’s Republic of China, including with respect to the fol-
 25 lowing statutes:

1 “(1) the Arms Export Control Act (22 U.S.C.
2 2751 et seq.);

3 “(2) section 721(m) of the Defense Production
4 Act of 1950, as amended (50 U.S.C. 4565(m));

5 “(3) the Export Control Reform Act of 2018
6 (50 U.S.C. 4801 et seq.); and

7 “(4) section 1304 of title 19, United States
8 Code.”; and

9 (2) in section 202 (22 U.S.C. 5722)—

10 (A) by striking subsection (a) and insert-
11 ing the following:

12 “(a) DIFFERENTIAL TREATMENT.—Notwithstanding
13 section 201, the President may, on a case-by-case basis
14 and after submitting to the appropriate congressional
15 committees a certification that such action is in the na-
16 tional security interest of the United States, extend dif-
17 ferential treatment to Hong Kong than that which is given
18 to the People’s Republic of China under the laws of the
19 United States”; and

20 (B) by striking subsections (c) and (d).

21 (b) EFFECTIVE DATE.—This section, and the amend-
22 ments made by this section, shall take effect on the date
23 that is 270 days after the date of the enactment of this
24 Act.

1 **SEC. 7. SUPPORTING HUMAN RIGHTS AND CIVILIAN SECU-**
2 **RITY IN HONG KONG.**

3 (a) IN GENERAL.—The United States Government
4 shall, to the maximum extent possible, leverage all existing
5 and appropriate authorities to continue to support democ-
6 racy, human rights, and civilian security in Hong Kong.

7 (b) CONTINUATION OF PROGRAMS.—

8 (1) IN GENERAL.—The Secretary of State, in
9 coordination with the United States Agency for
10 International Development and other Federal agen-
11 cies, as appropriate, shall continue to carry out pro-
12 grams, including through nongovernmental organiza-
13 tions, that prioritize the protection and advancement
14 of the freedoms of association, assembly, religion,
15 and expression for democracy and human rights ac-
16 tivists, women, and ethnic and religious minorities in
17 Hong Kong.

18 (2) SECURITY PROGRAMS.—The Secretary of
19 State, in coordination with other Federal agencies as
20 appropriate, shall carry out programs focused on ci-
21 vilian security in Hong Kong, including through law
22 enforcement and counter-narcotics collaboration with
23 relevant Hong Kong government and civil society
24 representatives.

1 (c) CONSULTATION REQUIREMENT.—In carrying out
 2 this section, the Secretary of State shall consult with the
 3 appropriate congressional committees.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There is authorized to be
 6 appropriated to the Secretary of State for the pro-
 7 motion of democracy, human rights, and civilian se-
 8 curity in Hong Kong \$5,000,000 for each of fiscal
 9 years 2026 through 2030 to carry out this section.

10 (2) ADMINISTRATION.—The Secretary of State
 11 shall designate an office or offices within the De-
 12 partment of State to administer and coordinate the
 13 distribution of the funds appropriated under para-
 14 graph (1) within the Department of State and
 15 across the United States Government.

16 **SEC. 8. SUPPORTING INTERNET FREEDOM IN HONG KONG.**

17 (a) HONG KONG INTERNET FREEDOM PROGRAM.—

18 (1) DEPARTMENT OF STATE.—The Secretary of
 19 State shall establish within the Bureau of Democ-
 20 racy, Human Rights, and Labor a program to be
 21 known as the “Hong Kong Internet Freedom Pro-
 22 gram”.

23 (2) GRANTS AUTHORIZED.—The Secretary of
 24 State, working through the Hong Kong Internet
 25 Freedom Program, is authorized to award grants to

1 private organizations to support and develop pro-
2 grams in Hong Kong that promote or expand—

3 (A) online information access;

4 (B) freedom of the press;

5 (C) disruptive technologies that bypass
6 internet blocking, filtering, and other censorship
7 techniques;

8 (D) virtual private networks;

9 (E) firewall circumvention tools;

10 (F) distributed denial of service mitigation
11 techniques;

12 (G) digital security capacity building for
13 internet users; or

14 (H) digital resiliency for international or-
15 ganizations, pro-democracy activists, and other
16 civil society actors in Hong Kong, including
17 emergency support.

18 (3) SECURITY AUDITS.—Any new technologies
19 developed using grants authorized under this sub-
20 section shall undergo comprehensive security audits
21 to ensure that such technologies are secure and have
22 not been compromised in a manner detrimental to
23 the interests of the United States or to individuals
24 or organizations benefitting from programs sup-

1 ported by the Bureau of Democracy, Human Rights,
2 and Labor or the Open Technology Fund.

3 (b) INDEPENDENCE.—During the period beginning
4 on the effective date of this Act and ending on September
5 30, 2030, the program established pursuant to subsection
6 (a) shall be carried out independently from the internet
7 freedom portfolios relating to mainland China in order to
8 focus on internet freedom in Hong Kong.

9 (c) CONSOLIDATION OF DEPARTMENT OF STATE
10 PROGRAM.—Beginning on October 1, 2030, the Secretary
11 of State may—

12 (1) consolidate the Hong Kong Internet Free-
13 dom Program with the initiatives relating to main-
14 land China in the Bureau of Democracy, Human
15 Rights, and Labor; or

16 (2) continue to carry out the Hong Kong Inter-
17 net Freedom Program in accordance with subsection
18 (b).

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Office of Internet
21 Freedom Programs of the Bureau of Democracy, Human
22 Rights, and Labor of the Department of State \$5,000,000
23 for each of fiscal years 2026 through 2030 to carry out
24 this section.

1 **SEC. 9. REPORT ON REQUESTS FROM THE GOVERNMENT**
2 **OF HONG KONG TO UNITED STATES ENTITIES**
3 **FOR CONTENT TAKEDOWNS OR LAW EN-**
4 **FORCEMENT ASSISTANCE.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of the enactment of this Act, and annually thereafter,
7 the Secretary of Commerce, in consultation with the heads
8 of other appropriate Federal departments and agencies,
9 shall submit to the appropriate congressional committees
10 and make available to the public a report on requests
11 issued by the Government of Hong Kong to United States
12 entities operating in Hong Kong for content takedowns
13 or law enforcement assistance.

14 (b) MATTERS TO BE INCLUDED.—The report re-
15 quired by subsection (a) shall, with respect to the 1-year
16 period preceding the date of submission of the report, in-
17 clude the following:

18 (1) The number of requests issued by the Gov-
19 ernment of Hong Kong to United States entities op-
20 erating in Hong Kong for content takedowns or law
21 enforcement assistance that were fulfilled and by
22 which United States entities.

23 (2) An identification of the Hong Kong laws
24 under which such requests were issued.

1 (c) FORM OF REPORT.—The report required by sub-
2 section (a) shall be submitted in unclassified form, but
3 may include a classified index.

4 (d) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Commerce, Science,
9 and Transportation, the Committee on Foreign
10 Relations, the Committee on Banking, Housing,
11 and Urban Affairs, the Committee on Finance,
12 and the Select Committee on Intelligence of the
13 Senate; and

14 (B) the Committee on Energy and Com-
15 merce, the Committee on Foreign Affairs, the
16 Committee on Financial Services, the Com-
17 mittee on Ways and Means, and the Permanent
18 Select Committee on Intelligence of the House
19 of Representatives.

20 (2) CONTENT TAKEDOWN.—The term “content
21 takedown” means the removal of, disabling of access
22 to, or restriction of access to any material, includ-
23 ing—

24 (A) material on a website or online service;

25 (B) a software application; and

1 (C) any feature of a software application.

2 (3) UNITED STATES ENTITY.—The term
3 “United States entity” means a corporation, non-
4 governmental organization, media organization, or
5 other similar entity that is organized under the laws
6 of the United States or any jurisdiction within the
7 United States.

8 **SEC. 10. STRATEGY FOR UNITED STATES ENGAGEMENT**
9 **WITH HONG KONG.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, the President shall de-
12 velop and submit to the appropriate congressional commit-
13 tees an interagency strategy for United States policy to-
14 wards Hong Kong, which may include a classified annex.

15 (b) ELEMENTS.—The strategy required by subsection
16 (a) shall include the following elements:

17 (1) An interagency assessment of existing
18 United States laws, regulations, formal and informal
19 government policies, and procedures towards Hong
20 Kong that can be reasonably anticipated to be im-
21 pacted by any amendment to the United States-
22 Hong Kong Policy Act of 1992 (22 U.S.C. 5701 et
23 seq.) made under this Act.

24 (2) A strategy to mitigate negative impacts
25 on—

1 (A) United States-Hong Kong bilateral
2 trade;

3 (B) the international financial system;

4 (C) immigration and the treatment of visa
5 applicants from Hong Kong; and

6 (D) academic and cultural exchanges for
7 citizens of Hong Kong.

8 (3) An interagency plan to carry out the re-
9 quirements in subsections (a) and (b) of section 7,
10 including—

11 (A) to support freedom from arbitrary or
12 unlawful arrest, detention, or imprisonment for
13 all Hong Kong residents;

14 (B) to support the robust exercise by resi-
15 dents of Hong Kong of the rights to free
16 speech, the press, and other fundamental free-
17 doms; and

18 (C) coordination with allies, including the
19 United Kingdom, Australia, Canada, Japan,
20 and the Republic of Korea, to promote democ-
21 racy and human rights in Hong Kong.

22 (c) CONSULTATION REQUIREMENT.—In developing
23 the strategy required by this section, the President shall
24 consult with the appropriate congressional committees.

1 **SEC. 11. SEPARATE PART OF COUNTRY REPORTS.**

2 Whenever a report is transmitted to Congress on a
3 country-by-country basis, there shall be included in such
4 report, where applicable, a separate section on Hong Kong
5 under the heading of the state that exercises sovereignty
6 over Hong Kong. The reports to which this section applies
7 include the reports transmitted under—

8 (1) sections 116(d) and 502B(b) of the Foreign
9 Assistance Act of 1961 (22 U.S.C. 2151n(d) and
10 2304(b)), relating to human rights; and

11 (2) section 181 of the Trade Act of 1974 (19
12 U.S.C. 2241), relating to trade barriers.

13 **SEC. 12. SECRETARY OF STATE CERTIFICATION REPORT**
14 **REGARDING THE STATUS OF HONG KONG.**

15 Section 205 of the United States-Hong Kong Policy
16 Act of 1992 (22 U.S.C. 5725) is amended to read as fol-
17 lows:

18 **“SEC. 205. SECRETARY OF STATE REPORT REGARDING THE**
19 **STATUS OF HONG KONG.**

20 **“(a) REPORT.—**

21 **“(1) IN GENERAL.—**The Secretary of State, not
22 later than one year after the effective date of section
23 12 of the Hong Kong Policy Act of 2024 and annu-
24 ally thereafter, in consultation with the Secretary of
25 the Treasury, the Secretary of Commerce, and the
26 heads of such other Federal agencies as the Sec-

1 retary of State considers appropriate, shall submit to
2 the appropriate congressional committees a report
3 that addresses the status of—

4 “(A) sanctions and export control viola-
5 tions within the Hong Kong SAR;

6 “(B) official and unofficial United States-
7 Hong Kong cultural, education, scientific, and
8 academic exchanges;

9 “(C) human rights in Hong Kong, includ-
10 ing freedom of assembly, freedom of speech,
11 freedom of expression, freedom of the press, in-
12 cluding the internet, and other rights enumer-
13 ated in the Universal Declaration of Human
14 Rights, done at Paris December 10, 1948, and
15 the International Covenant on Civil and Polit-
16 ical Rights, done at New York December 19,
17 1966;

18 “(D) judicial and prosecutorial independ-
19 ence;

20 “(E) police and security functions, includ-
21 ing the role of security agencies from mainland
22 China and the extent of coordination between
23 the Hong Kong Police and security agencies
24 from mainland China;

1 “(F) the implementation of the National
2 Security Law and Article 23 of the Basic Law,
3 and any other laws or regulations regarding
4 treason, secession, sedition, collusion with ‘for-
5 eign forces’, theft of state secrets, or subversion
6 against the People’s Republic of China;

7 “(G) laws or regulations regarding foreign
8 non-governmental, civil society, or media orga-
9 nizations;

10 “(H) Hong Kong’s participation in multi-
11 lateral forums and bodies; and

12 “(I) specific actions taken by the United
13 States Government within the reporting year in
14 relation to—

15 “(i) the People’s Republic of China
16 and Hong Kong government’s human
17 rights abuses in Hong Kong and
18 transnational repression against Hong
19 Kongers globally;

20 “(ii) support and advocacy on behalf
21 of political prisoners in Hong Kong;

22 “(iii) humanitarian and other support,
23 including immigration pathways, for Hong
24 Kongers fleeing repression in Hong Kong
25 or otherwise emigrating from Hong Kong;

1 “(iv) sanctions and export control vio-
2 lations within the Hong Kong SAR; and

3 “(v) any failure to fulfill obligations to
4 the United States under international
5 agreements identified in this report.

6 “(2) JUSTIFICATION AND RECOMMENDATION
7 REQUIRED.—If the Secretary of State determines
8 that Hong Kong has regained sufficient autonomy to
9 warrant consideration for treatment under United
10 States law distinct from that applied to mainland
11 China, then the report required by paragraph (1)
12 shall include—

13 “(A) a detailed justification for such deter-
14 mination; and

15 “(B) a recommendation to Congress to re-
16 consider the treatment of Hong Kong under
17 United States law, including a recommendation
18 regarding reinstatement of some or all of the
19 differential treatment or status that had been
20 afforded to Hong Kong under this Act (as in
21 effect on the day before the date of the enact-
22 ment of the Hong Kong Policy Act of 2024).”.

1 **SEC. 13. REPORTING ON RISKS TO UNITED STATES CITI-**
2 **ZENS AND BUSINESSES IN HONG KONG.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the Secretary of State should update the travel
5 advisory applicable to Hong Kong, within the China travel
6 advisory of the Department of State, not less than every
7 24 months.

8 (b) BUSINESS ADVISORY.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the effective date of this Act, the Secretary of
11 State shall issue an updated Hong Kong Business
12 Advisory assessing the risks faced by United States
13 businesses in Hong Kong given the ongoing imple-
14 mentation of the National Security Law and the
15 Safeguarding National Security Ordinance.

16 (2) EXCEPTION.—Paragraph (1) shall not
17 apply if the Secretary of State determines that busi-
18 ness conditions in Hong Kong did not warrant an
19 update to the Hong Kong Business Advisory and
20 provides a certification of such determination to the
21 appropriate congressional committees.

1 **SEC. 14. EXTENSION OF AUTHORITIES TO IMPOSE SANC-**
 2 **TIONS UNDER THE HONG KONG HUMAN**
 3 **RIGHTS AND DEMOCRACY ACT.**

4 Section 7(h) of the Hong Kong Human Rights and
 5 Democracy Act of 2019 (22 U.S.C. 5701 note) is amended
 6 by striking “5 years” and inserting “10 years”.

7 **SEC. 15. TREATMENT OF HONG KONG APPLICATIONS FOR**
 8 **VISAS TO STUDY OR WORK IN THE UNITED**
 9 **STATES.**

10 Section 206 of the United States-Hong Kong Policy
 11 Act of 1992 (22 U.S.C. 5725) is amended—

- 12 (1) by striking subsections (a) and (c);
 13 (2) by redesignating subsection (b) as sub-
 14 section (d);
 15 (3) by inserting before subsection (d), as so re-
 16 designated, the following:

17 “(a) IN GENERAL.—The laws of the United States
 18 pertaining to the issuance of visas, immigration, and ap-
 19 plication for entry to the United States shall continue to
 20 apply to Hong Kong, and to natives and residents of Hong
 21 Kong, in the same manner as such laws were applied to
 22 Hong Kong, and to natives and residents of Hong Kong,
 23 prior to the date of the enactment of the Hong Kong Pol-
 24 icy Act of 2024.

25 “(b) CONSISTENCY WITH IMMIGRATION AND NA-
 26 TIONALITY ACT.—Hong Kong residents shall be treated

1 as a separate foreign state from the People’s Republic of
 2 China for the purposes of visas to visit or reside perma-
 3 nently in the United States, so long as such treatment
 4 is consistent with the Immigration and Nationality Act (8
 5 U.S.C. 1101 et seq.).

6 “(c) VISA ELIGIBILITY FOR CERTAIN HONG KONG
 7 STUDENTS.—Notwithstanding any other provision of
 8 law—

9 “(1) applications for visas to enter, study, or
 10 work in the United States, which are submitted by
 11 otherwise qualified applicants who resided in Hong
 12 Kong in 2014 and later, may not be denied pri-
 13 marily on the basis of the applicant’s subjection to
 14 politically motivated arrest, detention, or other ad-
 15 verse government action; and

16 “(2) an applicant’s prior subjection to politi-
 17 cally motivated arrest, detention, or other adverse
 18 government action may not be considered as a pri-
 19 mary factor in evaluating the applicant’s immigrant
 20 intent.”; and

21 (4) in subsection (d)(2), as so redesignated, by
 22 inserting “irrespective of whether any such indi-
 23 vidual was charged, detained, or convicted for a na-
 24 tional security offense or under a non-national secu-
 25 rity offense for which there are reasonable grounds

1 to believe the non-national security offense was used
 2 as a pretext for politically motivated action,” after
 3 “December 19, 1966,”.

4 **SEC. 16. TEMPORARY PROTECTED STATUS FOR HONG**
 5 **KONG RESIDENTS IN THE UNITED STATES.**

6 (a) DESIGNATION.—

7 (1) IN GENERAL.—For purposes of section 244
 8 of the Immigration and Nationality Act (8 U.S.C.
 9 1254a), Hong Kong shall be treated as if it has been
 10 designated under subsection (b)(1)(C) of that sec-
 11 tion, subject to the provisions of this section.

12 (2) PERIOD OF DESIGNATION.—The initial pe-
 13 riod of the designation referred to in paragraph (1)
 14 shall be for the 5-year period beginning on the date
 15 of enactment of this Act.

16 (b) ALIENS ELIGIBLE.—As a result of the designa-
 17 tion made under subsection (a), an alien is deemed to sat-
 18 isfy the requirements under paragraph (1) of section
 19 244(c) of the Immigration and Nationality Act (8 U.S.C.
 20 1254a(c)), subject to paragraph (3) of such section, if the
 21 alien—

22 (1) was a permanent resident of Hong Kong at
 23 the time such individual arrived into the United
 24 States and is a national of the People’s Republic of
 25 China (or in the case of an individual having no na-

1 tionality, is a person who last habitually resided in
2 Hong Kong);

3 (2) has been continuously physically present in
4 the United States since the date of the enactment of
5 this Act;

6 (3) is admissible as an immigrant, except as
7 otherwise provided in paragraph (2)(A) of such sec-
8 tion, and is not ineligible for temporary protected
9 status under paragraph (2)(B) of such section; and

10 (4) registers for temporary protected status in
11 a manner established by the Secretary of Homeland
12 Security.

13 (c) CONSENT TO TRAVEL ABROAD.—

14 (1) IN GENERAL.—The Secretary of Homeland
15 Security shall give prior consent to travel abroad, in
16 accordance with section 244(f)(3) of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1254a(f)(3)), to
18 an alien who is granted temporary protected status
19 pursuant to the designation made under subsection
20 (a) if the alien establishes to the satisfaction of the
21 Secretary of Homeland Security that emergency and
22 extenuating circumstances beyond the control of the
23 alien require the alien to depart for a brief, tem-
24 porary trip abroad.

1 (2) TREATMENT UPON RETURN.—An alien re-
 2 turning to the United States in accordance with an
 3 authorization described in paragraph (1) shall be
 4 treated as any other returning alien provided tem-
 5 porary protected status under section 244 of the Im-
 6 migration and Nationality Act (8 U.S.C. 1254a).

7 **SEC. 17. ADMISSION FOR CERTAIN HIGHLY SKILLED HONG**
 8 **KONG RESIDENTS.**

9 (a) IN GENERAL.—Subject to subsection (c), the Sec-
 10 retary of Homeland Security, or, notwithstanding any
 11 other provision of law, the Secretary of State, in consulta-
 12 tion with the Secretary of Homeland Security, may pro-
 13 vide an alien described in subsection (b) with the status
 14 of a special immigrant (as that term is defined in section
 15 101(a) of the Immigration and Nationality Act (8 U.S.C.
 16 1101(a))), if—

17 (1) the alien, or an agent acting on behalf of
 18 the alien, submits a petition for classification under
 19 section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

20 (2) the alien is otherwise eligible to receive an
 21 immigrant visa;

22 (3) the alien is otherwise admissible to the
 23 United States for permanent residence (excluding
 24 the grounds for inadmissibility specified in section
 25 212(a)(4) of such Act (8 U.S.C. (a)(4))); and

1 (4) the alien clears a background check and ap-
2 propriate screening, as determined by the Secretary
3 of Homeland Security.

4 (b) ALIENS DESCRIBED.—

5 (1) PRINCIPAL ALIENS.—An alien is described
6 in this subsection if the alien—

7 (A) holds no right to citizenship in any
8 country or jurisdiction other than the People’s
9 Republic of China, Hong Kong, or the Macau
10 Special Administrative Region as of the date of
11 enactment of this Act;

12 (B) has resided in Hong Kong for not less
13 than the 10 years immediately prior to the date
14 of enactment of this Act;

15 (C) has been designated by the Secretary
16 of State or Secretary of Homeland Security as
17 having met the requirements of subparagraphs
18 (A) and (B) through a credible verification
19 process; and

20 (D) has earned a bachelor’s or higher de-
21 gree from an institution of higher education.

22 (2) SPOUSES AND CHILDREN.—An alien is de-
23 scribed in this subsection if the alien is the spouse
24 or child of a principal alien described in paragraph
25 (1).

1 (c) NUMERICAL LIMITATIONS.—

2 (1) IN GENERAL.—The total number of prin-
3 cipal aliens who may be provided special immigrant
4 status under this section may not exceed 5,000 per
5 year for each of the 5 fiscal years beginning after
6 the date of the enactment of this Act.

7 (2) PRIORITIZATION.—The Secretary of Home-
8 land Security may, in consultation with the Sec-
9 retary of State, prioritize the issuance of visas to in-
10 dividuals with a bachelor's or higher degree in
11 science, technology, engineering, mathematics, health
12 care, or medicine.

13 (3) EXCLUSION FROM NUMERICAL LIMITA-
14 TIONS.—Aliens provided immigrant status under
15 this section shall not be counted against any numer-
16 ical limitation under section 201, 202, 203, or 207
17 of the Immigration and Nationality Act (8 U.S.C.
18 1151, 1152, 1153, and 1157).

19 (d) ELIGIBILITY FOR ADMISSION UNDER OTHER
20 CLASSIFICATION.—No alien shall be denied the oppor-
21 tunity to apply for admission under this section solely be-
22 cause such alien qualifies as an immediate relative or is
23 eligible for any other immigrant classification.

24 (e) TIMELINE FOR PROCESSING APPLICATIONS.—

1 (1) IN GENERAL.—The Secretary of State and
2 the Secretary of Homeland Security shall ensure
3 that all steps under the control of the United States
4 Government incidental to the approval of an applica-
5 tion under subsection (a), including required
6 screenings and background checks, are completed
7 not later than 1 year after the date on which an eli-
8 gible applicant submits such an application.

9 (2) EXCEPTION.—Notwithstanding paragraph
10 (1), the relevant Federal agencies may take addi-
11 tional time to process applications described in para-
12 graph (1) if satisfaction of national security con-
13 cerns requires such additional time, provided that
14 the Secretary of Homeland Security, or a designee
15 of the Secretary, has determined that the applicant
16 meets the requirements for status as a special immi-
17 grant under this section and has so notified the ap-
18 plicant.

19 **SEC. 18. DESIGNATION OF CERTAIN RESIDENTS OF HONG**
20 **KONG AS PRIORITY 2 REFUGEES.**

21 (a) IN GENERAL.—The Secretary of State, in con-
22 sultation with the Secretary of Homeland Security, shall
23 designate, as Priority 2 refugees of special humanitarian
24 concern, the following categories of aliens:

1 (1) Individuals who are residents of the Hong
 2 Kong SAR who have suffered persecution, or have a
 3 well-founded fear of persecution, on account of their
 4 peaceful expression of political opinions or peaceful
 5 participation in political activities or associations.

6 (2) Individuals who have been formally charged,
 7 detained, or convicted on account of their peaceful
 8 actions or advocacy.

9 (3) The spouses, children, and parents (as such
 10 terms are defined in subsections (a) and (b) of sec-
 11 tion 101 of the Immigration and Nationality Act (8
 12 U.S.C. 1101)) of individuals described in paragraph
 13 (1) or (2), except such parents who are citizens of
 14 a country other than the People's Republic of China.

15 (b) PROCESSING OF HONG KONG REFUGEES.—The
 16 processing of individuals described in subsection (a) for
 17 classification as refugees may occur in Hong Kong or in
 18 a third country.

19 (c) ELIGIBILITY FOR ADMISSION AS REFUGEES.—An
 20 alien may not be denied the opportunity to apply for ad-
 21 mission as a refugee under this section primarily because
 22 such alien—

23 (1) qualifies as an immediate relative of a
 24 United States citizen; or

1 (2) is eligible for admission to the United
2 States under any other immigrant classification.

3 (d) FACILITATION OF ADMISSIONS.—An applicant
4 for admission to the United States from the Hong Kong
5 SAR may not be denied primarily on the basis of a politi-
6 cally motivated arrest, detention, or other adverse govern-
7 ment action taken against such applicant as a result of
8 the participation by such applicant in protest activities.

9 (e) EXCLUSION FROM NUMERICAL LIMITATIONS.—
10 Aliens provided refugee status under this section shall not
11 be counted against any numerical limitation under section
12 201, 202, 203, or 207 of the Immigration and Nationality
13 Act (8 U.S.C. 1151, 1152, 1153, and 1157).

14 (f) REPORTING REQUIREMENTS.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of the enactment of this Act, and annually
17 thereafter, the Secretary of State and the Secretary
18 of Homeland Security shall submit a report regard-
19 ing the matters described in paragraph (2) to—

20 (A) the Committee on the Judiciary and
21 the Committee on Foreign Relations of the Sen-
22 ate; and

23 (B) the Committee on the Judiciary and
24 the Committee on Foreign Affairs of the House
25 of Representatives.

(2) MATTERS TO BE INCLUDED.—Each report required under paragraph (1) shall include—

(A) the total number of applications that are pending at the end of the reporting period;

(B) the average wait times for all applicants who are currently pending—

(i) employment verification;

(ii) a prescreening interview with a resettlement support center;

(iii) an interview with U.S. Citizenship and Immigration Services; or

(iv) the completion of security checks;

and

(C) the number of denials of applications for refugee status, disaggregated by the reason for each such denial.

(3) FORM.—Each report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) PUBLIC REPORTS.—The Secretary of State shall make each report submitted under this subsection available to the public on the internet website of the Department of State.

(g) SATISFACTION OF OTHER REQUIREMENTS.—

Aliens granted status under this section as Priority 2 refu-

1 gees of special humanitarian concern under the refugee
2 resettlement priority system shall be considered to satisfy
3 the requirements under section 207 of the Immigration
4 and Nationality Act (8 U.S.C. 1157) for admission to the
5 United States.

6 **SEC. 19. EXTENSION OF PROHIBITION ON COMMERCIAL EX-**
7 **PORT OF COVERED MUNITIONS ITEMS TO**
8 **THE HONG KONG POLICE FORCE.**

9 Section 3 of the Act entitled “An Act to prohibit the
10 commercial export of covered munitions items to the Hong
11 Kong Police Force”, approved November 27, 2019 (Public
12 Law 116–77; 133 Stat. 1173), is amended by striking
13 “shall expire” and all that follows and inserting “shall ex-
14 pire on December 31, 2034.”.

○