

## Substitute Amendment

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.****S. 490**

To require the President to remove the extension of certain privileges, exemptions, and immunities to the Hong Kong Economic and Trade Offices if Hong Kong no longer enjoys a high degree of autonomy from the People's Republic of China, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. RUBIO

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the “Hong Kong Economic
- 5 and Trade Office (HKETO) Certification Act”.

1 **SEC. 2. DETERMINATION ON WHETHER TO EXTEND CER-**  
2 **TAIN PRIVILEGES, EXEMPTIONS, AND IMMU-**  
3 **NITIES TO THE HONG KONG ECONOMIC AND**  
4 **TRADE OFFICES IN THE UNITED STATES.**

5 (a) DETERMINATION REQUIRED.—Not later than 30  
6 days after the date of the enactment of this Act, and  
7 thereafter as part of each certification required by the Sec-  
8 retary of State under section 205(a)(1)(A) of the United  
9 States-Hong Kong Policy Act of 1992 (22 U.S.C.  
10 5725(a)(1)(A)), the Secretary of State shall, as part of  
11 such certification, include a separate determination that—

12 (1) the Hong Kong Economic and Trade Of-  
13 fices—

14 (A) merit extension and application of the  
15 privileges, exemptions, and immunities specified  
16 in subsection (b); or

17 (B) no longer merit extension and applica-  
18 tion of the privileges, exemptions, and immuni-  
19 ties specified in subsection (b); and

20 (2) a detailed report justifying that determina-  
21 tion, which may include considerations related to  
22 United States national security interests.

23 (b) PRIVILEGES, EXEMPTIONS, AND IMMUNITIES  
24 SPECIFIED.—The privileges, exemptions, and immunities  
25 specified in this subsection are the privileges, exemptions,  
26 and immunities extended and applied to the Hong Kong

1 Economic and Trade Offices under section 1 of the Act  
2 entitled “An Act to extend certain privileges, exemptions,  
3 and immunities to Hong Kong Economic and Trade Of-  
4 fices”, approved June 27, 1997 (22 U.S.C. 288k).

5 (c) EFFECT OF DETERMINATION.—

6 (1) TERMINATION.—If the Secretary of State  
7 determines under subsection (a)(1)(B) that the  
8 Hong Kong Economic and Trade Offices no longer  
9 merit extension and application of the privileges, ex-  
10 emptions, and immunities specified in subsection (b),  
11 the Hong Kong Economic and Trade Offices shall  
12 terminate operations not later than 180 days after  
13 the date on which that determination is delivered to  
14 the appropriate congressional committees, as part of  
15 the certification required under section 205(a)(1)(A)  
16 of the United States-Hong Kong Policy Act of 1992  
17 (22 U.S.C. 5725(a)(1)(A)).

18 (2) CONTINUED OPERATIONS.—If the Secretary  
19 of State determines under subsection (a)(1)(A) that  
20 the Hong Kong Economic and Trade Offices merit  
21 extension and application of the privileges, exemp-  
22 tions, and immunities specified in subsection (b), the  
23 Hong Kong Economic and Trade Offices may con-  
24 tinue operations for the one-year period following  
25 the date of the certification that includes that deter-

1       mination or until the next certification required  
2       under section 205(a)(1)(A) of the United States-  
3       Hong Kong Policy Act of 1992 (22 U.S.C.  
4       5725(a)(1)(A)) is submitted, whichever occurs first,  
5       unless a disapproval resolution is enacted under sub-  
6       section (f).

7       (d) CONGRESSIONAL REVIEW.—

8               (1) DISAPPROVAL RESOLUTION.—In this sub-  
9       section, the term “disapproval resolution” means  
10      only a joint resolution of either House of Congress—

11               (A) the title of which is the following: “A  
12      joint resolution disapproving the determination  
13      by the President that the Hong Kong Economic  
14      and Trade Offices continue to merit extension  
15      and application of certain privileges, exemp-  
16      tions, and immunities.”; and

17               (B) the sole matter after the resolving  
18      clause of which is the following: “Congress dis-  
19      approves of the determination by the Secretary  
20      of State under section 2(a)(1)(A) of the Hong  
21      Kong Economic and Trade Office (HKETO)  
22      Certification Act that the Hong Kong Economic  
23      and Trade Offices merit extension and applica-  
24      tion of certain privileges, exemptions, and im-

1           munities, on \_\_\_\_\_.”, with the blank space  
2           being filled with the appropriate date.

3           (2) INTRODUCTION.—A disapproval resolution  
4           may be introduced—

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

7                   (B) in the Senate, by the majority leader  
8           (or the majority leader’s designee) or the mi-  
9           nority leader (or the minority leader’s des-  
10          ignee).

11          (e) DEFINITIONS.—In this section:

12                   (1) APPROPRIATE CONGRESSIONAL COMMIT-  
13          TEES.—The term “appropriate congressional com-  
14          mittees” means the Committee on Foreign Relations  
15          of the Senate and the Committee on Foreign Affairs  
16          of the House of Representatives.

17                   (2) 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).

1 **SEC. 3. LIMITATION ON CONTRACTING RELATING TO HONG**  
2 **KONG ECONOMIC AND TRADE OFFICES.**

3 (a) IN GENERAL.—On and after the date of the en-  
4 actment of this Act, an entity of the United States Gov-  
5 ernment may enter into an agreement or partnership with  
6 the Hong Kong Economic and Trade Offices to promote  
7 tourism, culture, business, or other matters relating to  
8 Hong Kong only if—

9 (1) the Secretary of State has submitted to the  
10 Committee on Foreign Relations of the Senate and  
11 the Committee on Foreign Affairs of the House of  
12 Representatives a determination under section  
13 2(a)(1)(A) that the Hong Kong Economic and  
14 Trade Offices merit extension and application of cer-  
15 tain privileges, exemptions, and immunities;

16 (2) a disapproval resolution under section 2(f)  
17 is not enacted during the 90-day period following the  
18 submission of that determination; and

19 (3) the agreement or partnership does not pro-  
20 mote efforts by the Government of the Hong Kong  
21 Special Administrative Region and the Government  
22 of the People's Republic of China—

23 (A) to justify the dismantling of the auton-  
24 omy of Hong Kong and the freedoms and rule  
25 of law guaranteed by the Sino-British Joint  
26 Declaration of 1984; and

1 (B) to portray within the United States  
2 the Government of the Hong Kong Special Ad-  
3 ministrative Region or the Government of the  
4 People’s Republic of China as protecting the  
5 rule of law or the human rights and civil lib-  
6 erties of the people of Hong Kong.

7 (b) HONG KONG ECONOMIC AND TRADE OFFICES  
8 DEFINED.—In this section, the term “Hong Kong Eco-  
9 nomic and Trade Offices” has the meaning given that  
10 term in section 1(c) of the Act entitled “An Act to extend  
11 certain privileges, exemptions, and immunities to Hong  
12 Kong Economic and Trade Offices”, approved June 27,  
13 1997 (22 U.S.C. 288k).

14 **SEC. 4. POLICY OF UNITED STATES ON PROMOTION OF AU-**  
15 **TONOMY OF GOVERNMENT OF THE HONG**  
16 **KONG SPECIAL ADMINISTRATIVE REGION.**

17 It is the policy of the United States—

18 (1) to ensure that entities of the United States  
19 Government do not knowingly assist in the pro-  
20 motion of Hong Kong as a free and autonomous city  
21 or the Government of the Hong Kong Special Ad-  
22 ministrative Region as committed to protecting the  
23 human rights of the people of Hong Kong or fully  
24 maintaining the rule of law required for human  
25 rights and economic prosperity as long as the Sec-

1       retary of State continues to determine under section  
2       205(a)(1) of the United States-Hong Kong Policy  
3       Act of 1992 (22 U.S.C. 5725(a)(1)) that Hong  
4       Kong does not enjoy a high degree of autonomy  
5       from the People's Republic of China and does not  
6       warrant treatment under the laws of the United  
7       States in the same manner as those laws were ap-  
8       plied to Hong Kong before July 1, 1997;

9               (2) to recognize that promotion of Hong Kong  
10       as described in paragraph (1) should be considered  
11       propaganda for the efforts of the People's Republic  
12       of China to dismantle rights and freedom guaran-  
13       teed to the residents of Hong Kong by the Inter-  
14       national Covenant on Civil and Political Rights and  
15       the Sino-British Joint Declaration of 1984;

16              (3) to ensure that entities of the United States  
17       Government do not engage in or assist with propa-  
18       ganda of the People's Republic of China regarding  
19       Hong Kong; and

20              (4) to engage with the Government of the Hong  
21       Kong Special Administrative Region, through all rel-  
22       evant entities of the United States Government,  
23       seeking the release of political prisoners, the end of  
24       arbitrary detentions, the resumption of a free press



- 1 and fair and free elections open to all candidates,
- 2 and the restoration of an independent judiciary.