

118TH CONGRESS  
1ST SESSION

# 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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2023

Mr. RUBIO (for himself and Mr. MERKLEY) introduced the following bill;  
which was read twice and referred to the Committee on Foreign Relations

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## A BILL

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.

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 Economic  
5 and Trade Office (HKETO) Certification Act”.

1 **SEC. 2. CERTIFICATION ON WHETHER TO EXTEND CERTAIN**  
2 **PRIVILEGES, EXEMPTIONS, AND IMMUNITIES**  
3 **TO THE HONG KONG ECONOMIC AND TRADE**  
4 **OFFICES IN THE UNITED STATES.**

5 (a) CERTIFICATION 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 President shall submit to the appro-  
11 priate congressional committees a certification 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 certifi-  
21 cation.

22 (b) PRIVILEGES, EXEMPTIONS, AND IMMUNITIES  
23 SPECIFIED.—The privileges, exemptions, and immunities  
24 specified in this subsection are the privileges, exemptions,  
25 and immunities extended and applied to the Hong Kong  
26 Economic and Trade Offices under section 1 of the Act

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

4 (c) EFFECT OF CERTIFICATION.—

5 (1) TERMINATION.—If the President certifies  
6 under subsection (a)(1)(B) that the Hong Kong  
7 Economic and Trade Offices no longer merit exten-  
8 sion and application of the privileges, exemptions,  
9 and immunities specified in subsection (b), the Hong  
10 Kong Economic and Trade Offices shall terminate  
11 operations not later than 180 days after the date on  
12 which that certification is delivered to the appro-  
13 priate congressional committees.

14 (2) CONTINUED OPERATIONS.—If the President  
15 certifies under subsection (a)(1)(A) that the Hong  
16 Kong Economic and Trade Offices merit extension  
17 and application of the privileges, exemptions, and  
18 immunities specified in subsection (b), the Hong  
19 Kong Economic and Trade Offices may continue op-  
20 erations for the one-year period following the date of  
21 that certification or until the next certification re-  
22 quired under section 205(a)(1)(A) of the United  
23 States-Hong Kong Policy Act of 1992 (22 U.S.C.  
24 5725(a)(1)(A)) is submitted, whichever occurs first,

1 unless a disapproval resolution is enacted under sub-  
2 section (f).

3 (d) REVOCATION OF EXTENSION AND APPLICATION  
4 OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES.—The  
5 President may revoke the extension and application to the  
6 Hong Kong Economic and Trade Offices of the privileges,  
7 exceptions, and immunities specified in subsection (b).

8 (e) TERMINATION OF CERTIFICATION REQUIRE-  
9 MENT.—If the Hong Kong Economic and Trade Offices  
10 terminate operations in the United States, whether pursu-  
11 ant to subsection (c) or otherwise, the President shall not  
12 issue additional certifications under subsection (a)(1) after  
13 the date on which those operations terminated.

14 (f) CONGRESSIONAL REVIEW.—

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

18 (A) the title of which is the following: “A  
19 joint resolution disapproving the certification by  
20 the President that the Hong Kong Economic  
21 and Trade Offices continue to merit extension  
22 and application of certain privileges, exemp-  
23 tions, and immunities.”; and

24 (B) the sole matter after the resolving  
25 clause of which is the following: “Congress dis-

1 approves of the certification by the President  
2 under section 2(a)(1)(A) of the Hong Kong  
3 Economic and Trade Office (HKETO) Certifi-  
4 cation Act that the Hong Kong Economic and  
5 Trade Offices merit extension and application  
6 of certain privileges, exemptions, and immuni-  
7 ties, on \_\_\_\_\_.”, with the blank space being  
8 filled with the appropriate date.

9 (2) INTRODUCTION.—A disapproval resolution  
10 may be introduced—

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

13 (B) in the Senate, by the majority leader  
14 (or the majority leader’s designee) or the mi-  
15 nority leader (or the minority leader’s des-  
16 ignee).

17 (3) FLOOR CONSIDERATION IN HOUSE OF REP-  
18 REPRESENTATIVES.—If a committee of the House of  
19 Representatives to which a disapproval resolution  
20 has been referred has not reported the resolution  
21 within 10 legislative days after the date of referral,  
22 that committee shall be discharged from further con-  
23 sideration of the resolution.

24 (4) CONSIDERATION IN SENATE.—

1           (A) COMMITTEE REFERRAL.—A dis-  
2 approval resolution introduced in the Senate  
3 shall be referred to the Committee on Foreign  
4 Relations.

5           (B) REPORTING AND DISCHARGE.—If the  
6 Committee on Foreign Relations of the Senate  
7 has not reported the resolution within 10 legis-  
8 lative days after the date of referral of the reso-  
9 lution, that committee shall be discharged from  
10 further consideration of the resolution and the  
11 resolution shall be placed on the appropriate  
12 calendar.

13           (C) PROCEEDING TO CONSIDERATION.—  
14 Notwithstanding Rule XXII of the Standing  
15 Rules of the Senate, it is in order at any time  
16 after the Committee on Foreign Relations re-  
17 ports a disapproval resolution to the Senate or  
18 has been discharged from consideration of such  
19 a resolution (even though a previous motion to  
20 the same effect has been disagreed to) to move  
21 to proceed to the consideration of the resolu-  
22 tion, and all points of order against the resolu-  
23 tion (and against consideration of the resolu-  
24 tion) are waived. The motion to proceed is not  
25 debatable. The motion is not subject to a mo-

1           tion to postpone. A motion to reconsider the  
2           vote by which the motion is agreed to or dis-  
3           agreed to shall not be in order.

4           (D) RULINGS OF THE CHAIR ON PROCE-  
5           DURE.—Appeals from the decisions of the Chair  
6           relating to the application of the rules of the  
7           Senate, as the case may be, to the procedure re-  
8           lating to a disapproval resolution shall be de-  
9           cided without debate.

10          (E) CONSIDERATION OF VETO MES-  
11          SAGES.—Debate in the Senate of any veto mes-  
12          sage with respect to a disapproval resolution,  
13          including all debatable motions and appeals in  
14          connection with the resolution, shall be limited  
15          to 10 hours, to be equally divided between, and  
16          controlled by, the majority leader and the mi-  
17          nority leader or their designees.

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

20          (A) TREATMENT OF SENATE RESOLUTION  
21          IN HOUSE.—In the House of Representatives,  
22          the following procedures shall apply to a dis-  
23          approval resolution received from the Senate  
24          (unless the House has already passed a resolu-  
25          tion relating to the same proposed action):

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

3 (ii) If a committee to which a resolu-  
4 tion has been referred has not reported the  
5 resolution within 10 legislative days after  
6 the date of referral, that committee shall  
7 be discharged from further consideration  
8 of the resolution.

9 (iii) Beginning on the third legislative  
10 day after each committee to which a reso-  
11 lution has been referred reports the resolu-  
12 tion to the House or has been discharged  
13 from further consideration thereof, it shall  
14 be in order to move to proceed to consider  
15 the resolution in the House. All points of  
16 order against the motion are waived. Such  
17 a motion shall not be in order after the  
18 House has disposed of a motion to proceed  
19 on the resolution. The previous question  
20 shall be considered as ordered on the mo-  
21 tion to its adoption without intervening  
22 motion. The motion shall not be debatable.  
23 A motion to reconsider the vote by which  
24 the motion is disposed of shall not be in  
25 order.



1           (iv) The resolution shall be considered  
 2           as read. All points of order against the res-  
 3           olution and against its consideration are  
 4           waived. The previous question shall be con-  
 5           sidered as ordered on the resolution to  
 6           final passage without intervening motion  
 7           except 2 hours of debate equally divided  
 8           and controlled by the offeror of the motion  
 9           to proceed (or a designee) and an oppo-  
 10          nent. A motion to reconsider the vote on  
 11          passage of the resolution shall not be in  
 12          order.

13           (B) TREATMENT OF HOUSE RESOLUTION  
 14          IN SENATE.—

15           (i) RECEIVED BEFORE PASSAGE OF  
 16          SENATE RESOLUTION.—If, before the pas-  
 17          sage by the Senate of a disapproval resolu-  
 18          tion, the Senate receives an identical reso-  
 19          lution from the House of Representatives,  
 20          the following procedures shall apply:

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

23                   (II) With respect to that resolu-  
 24                   tion—

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

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

9 (ii) RECEIVED AFTER PASSAGE OF  
10 SENATE RESOLUTION.—If, following pas-  
11 sage of a disapproval resolution in the Sen-  
12 ate, the Senate receives an identical resolu-  
13 tion from the House of Representatives,  
14 that resolution shall be placed on the ap-  
15 propriate Senate calendar.

16 (iii) NO SENATE COMPANION.—If a  
17 disapproval resolution is received from the  
18 House of Representatives, and no com-  
19 panion resolution has been introduced in  
20 the Senate, the Senate procedures under  
21 this subsection shall apply to the resolution  
22 from the House of Representatives.

23 (C) APPLICATION TO REVENUE MEAS-  
24 URES.—The provisions of this subparagraph  
25 shall not apply in the House of Representatives

1 to a disapproval resolution that is a revenue  
2 measure.

3 (6) RULES OF HOUSE OF REPRESENTATIVES  
4 AND SENATE.—This paragraph is enacted by Con-  
5 gress—

6 (A) as an exercise of the rulemaking power  
7 of the Senate and the House of Representa-  
8 tives, respectively, and as such is deemed a part  
9 of the rules of each House, respectively, and su-  
10 persedes other rules only to the extent that it  
11 is inconsistent with such rules; and

12 (B) with full recognition of the constitu-  
13 tional right of either House to change the rules  
14 (so far as relating to the procedure of that  
15 House) at any time, in the same manner, and  
16 to the same extent as in the case of any other  
17 rule of that House.

18 (g) DEFINITIONS.—In this section:

19 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
20 TEES.—The term “appropriate congressional com-  
21 mittees” means the Committee on Foreign Relations  
22 of the Senate and the Committee on Foreign Affairs  
23 of the House of Representatives.

24 (2) HONG KONG ECONOMIC AND TRADE OF-  
25 FICES.—The term “Hong Kong Economic and

1 Trade Offices” has the meaning given that term in  
2 section 1(c) of the Act entitled “An Act to extend  
3 certain privileges, exemptions, and immunities to  
4 Hong Kong Economic and Trade Offices”, approved  
5 June 27, 1997 (22 U.S.C. 288k).

6 **SEC. 3. LIMITATION ON CONTRACTING RELATING TO HONG**  
7 **KONG ECONOMIC AND TRADE OFFICES.**

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

14 (1) the President has submitted to the Com-  
15 mittee on Foreign Relations of the Senate and the  
16 Committee on Foreign Affairs of the House of Rep-  
17 resentatives a certification under section 2(a)(1)(A)  
18 that the Hong Kong Economic and Trade Offices  
19 merit extension and application of certain privileges,  
20 exemptions, and immunities; and

21 (2) a disapproval resolution under section 2(f)  
22 is not enacted during the 90-day period following the  
23 submission of that certification.

24 (b) CERTIFICATION.—

1           (1) EXISTING AGREEMENTS AND PARTNER-  
2 SHIPS.—Not later than 100 days after the date of  
3 the enactment of this Act, any entity of the United  
4 States Government or any entity that holds a cur-  
5 rent Federal contract with the United States Gov-  
6 ernment that has in effect an agreement or partner-  
7 ship with the Hong Kong Economic and Trade Of-  
8 fices, shall submit to the Secretary of State and the  
9 Administrator of the General Services Administra-  
10 tion a certification described in paragraph (3) with  
11 respect to each such agreement or partnership.

12           (2) NEW AGREEMENTS AND PARTNERSHIPS.—  
13 Not later than 15 days after entering into an agree-  
14 ment or partnership with the Hong Kong Economic  
15 and Trade Offices, an entity of the United States  
16 Government or an entity that holds a current Fed-  
17 eral contract with the United States Government  
18 shall submit to the Secretary of State and the Ad-  
19 ministrator of the General Services Administration a  
20 certification described in paragraph (3) with respect  
21 to that agreement or partnership.

22           (3) CERTIFICATION DESCRIBED.—With respect  
23 to an agreement or partnership with the Hong Kong  
24 Economic and Trade Offices, a certification de-  
25 scribed in this paragraph is a certification that the

1 agreement or partnership does not promote efforts  
 2 by the Government of the Hong Kong Special Ad-  
 3 ministrative Region and the Government of the Peo-  
 4 ple’s Republic of China—

5 (A) to justify the dismantling of the auton-  
 6 omy of Hong Kong and the freedoms and rule  
 7 of law guaranteed by the Sino-British Joint  
 8 Declaration of 1984; or

9 (B) to portray within the United States  
 10 the Government of the Hong Kong Special Ad-  
 11 ministrative Region or the Government of the  
 12 People’s Republic of China as protecting the  
 13 rule of law or the human rights and civil lib-  
 14 erties of the people of Hong Kong.

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

22 **SEC. 4. POLICY OF UNITED STATES ON PROMOTION OF AU-**  
 23 **TONOMY OF GOVERNMENT OF THE HONG**  
 24 **KONG SPECIAL ADMINISTRATIVE REGION.**

25 It is the policy of the United States—

1           (1) to ensure that entities of the United States  
2           Government do not knowingly assist in the pro-  
3           motion of Hong Kong as a free and autonomous city  
4           or the Government of the Hong Kong Special Ad-  
5           ministrative Region as committed to protecting the  
6           human rights of the people of Hong Kong or fully  
7           maintaining the rule of law required for human  
8           rights and economic prosperity as long as the Sec-  
9           retary of State continues to certify under section  
10          205(a)(1) of the United States-Hong Kong Policy  
11          Act of 1992 (22 U.S.C. 5725(a)(1)) that Hong  
12          Kong does not enjoy a high degree of autonomy  
13          from the People's Republic of China and does not  
14          warrant treatment under the laws of the United  
15          States in the same manner as those laws were ap-  
16          plied to Hong Kong before July 1, 1997;

17          (2) to recognize that promotion of Hong Kong  
18          as described in paragraph (1) should be considered  
19          propaganda for the efforts of the People's Republic  
20          of China to dismantle rights and freedom guaran-  
21          teed to the residents of Hong Kong by the Inter-  
22          national Covenant on Civil and Political Rights and  
23          the Sino-British Joint Declaration of 1984;

24          (3) to ensure that entities of the United States  
25          Government do not engage in or assist with propa-

1       ganda of the People's Republic of China regarding  
2       Hong Kong; and

3               (4) to engage with the Government of the Hong  
4       Kong Special Administrative Region, through all rel-  
5       evant entities of the United States Government,  
6       seeking the release of political prisoners, the end of  
7       arbitrary detentions, the resumption of a free press  
8       and fair and free elections open to all candidates,  
9       and the restoration of an independent judiciary.

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