

**Suspend the Rules and Pass the Bill, H. R. 1103, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
complete new text)**

118TH CONGRESS
2^D SESSION

H. R. 1103

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2023

Mr. SMITH of New Jersey (for himself and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hong Kong Economic
3 and Trade Office (HKETO) Certification Act”.

4 **SEC. 2. DETERMINATION ON WHETHER TO EXTEND CER-**
5 **TAIN PRIVILEGES, EXEMPTIONS, AND IMMUN-**
6 **NITIES TO THE HONG KONG ECONOMIC AND**
7 **TRADE OFFICES IN THE UNITED STATES.**

8 (a) DETERMINATION REQUIRED.—Not later than 30
9 days after the date of the enactment of this Act, and
10 thereafter as part of each certification required by the Sec-
11 retary of State under section 205(a)(1)(A) of the United
12 States-Hong Kong Policy Act of 1992 (22 U.S.C.
13 5725(a)(1)(A)), the Secretary of State shall, as part of
14 such certification, include a separate determination that—

15 (1) the Hong Kong Economic and Trade Of-
16 fices—

17 (A) merit extension and application of the
18 privileges, exemptions, and immunities specified
19 in subsection (b); or

20 (B) no longer merit extension and applica-
21 tion of the privileges, exemptions, and immuni-
22 ties specified in subsection (b); and

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

1 (b) PRIVILEGES, EXEMPTIONS, AND IMMUNITIES
2 SPECIFIED.—The privileges, exemptions, and immunities
3 specified in this subsection are the privileges, exemptions,
4 and immunities extended and applied to the Hong Kong
5 Economic and Trade Offices under section 1 of the Act
6 entitled “An Act to extend certain privileges, exemptions,
7 and immunities to Hong Kong Economic and Trade Of-
8 fices”, approved June 27, 1997 (22 U.S.C. 288k).

9 (c) EFFECT OF DETERMINATION.—

10 (1) TERMINATION.—If the Secretary of State
11 determines under subsection (a)(1)(B) that the
12 Hong Kong Economic and Trade Offices no longer
13 merit extension and application of the privileges, ex-
14 emptions, and immunities specified in subsection (b),
15 the Hong Kong Economic and Trade Offices shall
16 terminate operations not later than 180 days after
17 the date on which that determination is delivered to
18 the appropriate congressional committees, as part of
19 the certification required under section 205(a)(1)(A)
20 of the United States-Hong Kong Policy Act of 1992
21 (22 U.S.C. 5725(a)(1)(A)).

22 (2) CONTINUED OPERATIONS.—If the Secretary
23 of State determines under subsection (a)(1)(A) that
24 the Hong Kong Economic and Trade Offices merit
25 extension and application of the privileges, exemp-

1 tions, and immunities specified in subsection (b), the
2 Hong Kong Economic and Trade Offices may con-
3 tinue operations for the one-year period following
4 the date of the certification that includes that deter-
5 mination or until the next certification required
6 under section 205(a)(1)(A) of the United States-
7 Hong Kong Policy Act of 1992 (22 U.S.C.
8 5725(a)(1)(A)) is submitted, whichever occurs first,
9 unless a disapproval resolution is enacted under sub-
10 section (d).

11 (d) CONGRESSIONAL REVIEW.—

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

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

21 (B) the sole matter after the resolving
22 clause of which is the following: “Congress dis-
23 approves of the certification by the President
24 under section 2(a)(1)(A) of the Hong Kong
25 Economic and Trade Office (HKETO) Certifi-

1 cation Act that the Hong Kong Economic and
2 Trade Offices merit extension and application
3 of certain privileges, exemptions, and immuni-
4 ties, on _____.”, with the blank space being
5 filled with the appropriate date.

6 (2) INTRODUCTION.—A disapproval resolution
7 may be introduced—

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

10 (B) in the Senate, by the majority leader
11 (or the majority leader’s designee) or the mi-
12 nority leader (or the minority leader’s des-
13 ignee).

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

21 (4) CONSIDERATION IN SENATE.—

22 (A) COMMITTEE REFERRAL.—A dis-
23 approval resolution introduced in the Senate
24 shall be referred to the Committee on Foreign
25 Relations.

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

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

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

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

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

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

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

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

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

24 (iv) The resolution shall be considered
25 as read. All points of order against the res-

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

11 (B) TREATMENT OF HOUSE RESOLUTION
12 IN SENATE.—

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

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

21 (II) With respect to that resolu-
22 tion—

23 (aa) the procedure in the
24 Senate shall be the same as if no
25 resolution had been received from

1 the House of Representatives;

2 but

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

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

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

20 (C) APPLICATION TO REVENUE MEAS-
21 URES.—The provisions of this subparagraph
22 shall not apply in the House of Representatives
23 to a disapproval resolution that is a revenue
24 measure.

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

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

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

16 (e) DEFINITIONS.—In this section:

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

22 (2) HONG KONG ECONOMIC AND TRADE OF-
23 FICES.—The term “Hong Kong Economic and
24 Trade Offices” has the meaning given that term in
25 section 1(c) of the Act entitled “An Act to extend

1 certain privileges, exemptions, and immunities to
2 Hong Kong Economic and Trade Offices”, approved
3 June 27, 1997 (22 U.S.C. 288k).

4 **SEC. 3. LIMITATION ON CONTRACTING RELATING TO HONG**
5 **KONG ECONOMIC AND TRADE OFFICES.**

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

12 (1) the Secretary of State has submitted to the
13 Committee on Foreign Relations of the Senate and
14 the Committee on Foreign Affairs of the House of
15 Representatives a determination under section
16 2(a)(1)(A) that the Hong Kong Economic and
17 Trade Offices merit extension and application of cer-
18 tain privileges, exemptions, and immunities;

19 (2) a disapproval resolution under section 2(d)
20 is not enacted during the 90-day period following the
21 submission of that determination; and

22 (3) the agreement or partnership does not pro-
23 mote efforts by the Government of the Hong Kong
24 Special Administrative Region and the Government
25 of the People’s Republic of China—

1 (A) to justify the dismantling of the auton-
2 omy of Hong Kong and the freedoms and rule
3 of law guaranteed by the Sino-British Joint
4 Declaration of 1984; and

5 (B) to portray within the United States
6 the Government of the Hong Kong Special Ad-
7 ministrative Region or the Government of the
8 People's Republic of China as protecting the
9 rule of law or the human rights and civil lib-
10 erties of the people of Hong Kong.

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

18 **SEC. 4. POLICY OF UNITED STATES ON PROMOTION OF AU-**
19 **TONOMY OF GOVERNMENT OF THE HONG**
20 **KONG SPECIAL ADMINISTRATIVE REGION.**

21 It is the policy of the United States—

22 (1) to ensure that entities of the United States
23 Government do not knowingly assist in the pro-
24 motion of Hong Kong as a free and autonomous city
25 or the Government of the Hong Kong Special Ad-

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

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

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

24 (4) to engage with the Government of the Hong
25 Kong Special Administrative Region, through all rel-

1 evant entities of the United States Government,
2 seeking the release of political prisoners, the end of
3 arbitrary detentions, the resumption of a free press
4 and fair and free elections open to all candidates,
5 and the restoration of an independent judiciary.