

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1103  
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

**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 IMMU-  
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—

1 (A) merit extension and application of the  
2 privileges, exemptions, and immunities specified  
3 in subsection (b); or

4 (B) no longer merit extension and applica-  
5 tion of the privileges, exemptions, and immuni-  
6 ties specified in subsection (b); and

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

10 (b) PRIVILEGES, EXEMPTIONS, AND IMMUNITIES  
11 SPECIFIED.—The privileges, exemptions, and immunities  
12 specified in this subsection are the privileges, exemptions,  
13 and immunities extended and applied to the Hong Kong  
14 Economic and Trade Offices under section 1 of the Act  
15 entitled “An Act to extend certain privileges, exemptions,  
16 and immunities to Hong Kong Economic and Trade Of-  
17 fices”, approved June 27, 1997 (22 U.S.C. 288k).

18 (c) EFFECT OF DETERMINATION.—

19 (1) TERMINATION.—If the Secretary of State  
20 determines under subsection (a)(1)(B) that the  
21 Hong Kong Economic and Trade Offices no longer  
22 merit extension and application of the privileges, ex-  
23 emptions, and immunities specified in subsection (b),  
24 the Hong Kong Economic and Trade Offices shall  
25 terminate operations not later than 180 days after

1 the date on which that determination is delivered to  
2 the appropriate congressional committees, as part of  
3 the certification required under section 205(a)(1)(A)  
4 of the United States-Hong Kong Policy Act of 1992  
5 (22 U.S.C. 5725(a)(1)(A)).

6 (2) CONTINUED OPERATIONS.—If the Secretary  
7 of State determines under subsection (a)(1)(A) that  
8 the Hong Kong Economic and Trade Offices merit  
9 extension and application of the privileges, exemp-  
10 tions, and immunities specified in subsection (b), the  
11 Hong Kong Economic and Trade Offices may con-  
12 tinue operations for the one-year period following  
13 the date of the certification that includes that deter-  
14 mination or until the next certification required  
15 under section 205(a)(1)(A) of the United States-  
16 Hong Kong Policy Act of 1992 (22 U.S.C.  
17 5725(a)(1)(A)) is submitted, whichever occurs first,  
18 unless a disapproval resolution is enacted under sub-  
19 section (d).

20 (d) CONGRESSIONAL REVIEW.—

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

24 (A) the title of which is the following: “A  
25 joint resolution disapproving the certification by

1 the President that the Hong Kong Economic  
2 and Trade Offices continue to merit extension  
3 and application of certain privileges, exemp-  
4 tions, and immunities.”; and

5 (B) the sole matter after the resolving  
6 clause of which is the following: “Congress dis-  
7 approves of the certification by the President  
8 under section 2(a)(1)(A) of the Hong Kong  
9 Economic and Trade Office (HKETO) Certifi-  
10 cation Act that the Hong Kong Economic and  
11 Trade Offices merit extension and application  
12 of certain privileges, exemptions, and immuni-  
13 ties, on \_\_\_\_\_.”, with the blank space being  
14 filled with the appropriate date.

15 (2) INTRODUCTION.—A disapproval resolution  
16 may be introduced—

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

19 (B) in the Senate, by the majority leader  
20 (or the majority leader’s designee) or the mi-  
21 nority leader (or the minority leader’s des-  
22 ignee).

23 (3) FLOOR CONSIDERATION IN HOUSE OF REP-  
24 RESENTATIVES.—If a committee of the House of  
25 Representatives to which a disapproval resolution

1 has been referred has not reported the resolution  
2 within 10 legislative days after the date of referral,  
3 that committee shall be discharged from further con-  
4 sideration of the resolution.

5 (4) CONSIDERATION IN SENATE.—

6 (A) COMMITTEE REFERRAL.—A dis-  
7 approval resolution introduced in the Senate  
8 shall be referred to the Committee on Foreign  
9 Relations.

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

18 (C) PROCEEDING TO CONSIDERATION.—  
19 Notwithstanding Rule XXII of the Standing  
20 Rules of the Senate, it is in order at any time  
21 after the Committee on Foreign Relations re-  
22 ports a disapproval resolution to the Senate or  
23 has been discharged from consideration of such  
24 a resolution (even though a previous motion to  
25 the same effect has been disagreed to) to move

1 to proceed to the consideration of the resolu-  
2 tion, and all points of order against the resolu-  
3 tion (and against consideration of the resolu-  
4 tion) are waived. The motion to proceed is not  
5 debatable. The motion is not subject to a mo-  
6 tion to postpone. A motion to reconsider the  
7 vote by which the motion is agreed to or dis-  
8 agreed to shall not be in order.

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

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

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

1 (A) TREATMENT OF SENATE RESOLUTION  
2 IN HOUSE.—In the House of Representatives,  
3 the following procedures shall apply to a dis-  
4 approval resolution received from the Senate  
5 (unless the House has already passed a resolu-  
6 tion relating to the same proposed action):

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

9 (ii) If a committee to which a resolu-  
10 tion has been referred has not reported the  
11 resolution within 10 legislative days after  
12 the date of referral, that committee shall  
13 be discharged from further consideration  
14 of the resolution.

15 (iii) Beginning on the third legislative  
16 day after each committee to which a reso-  
17 lution has been referred reports the resolu-  
18 tion to the House or has been discharged  
19 from further consideration thereof, it shall  
20 be in order to move to proceed to consider  
21 the resolution in the House. All points of  
22 order against the motion are waived. Such  
23 a motion shall not be in order after the  
24 House has disposed of a motion to proceed  
25 on the resolution. The previous question

1 shall be considered as ordered on the mo-  
2 tion to its adoption without intervening  
3 motion. The motion shall not be debatable.  
4 A motion to reconsider the vote by which  
5 the motion is disposed of shall not be in  
6 order.

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

19 (B) TREATMENT OF HOUSE RESOLUTION  
20 IN SENATE.—

21 (i) RECEIVED BEFORE PASSAGE OF  
22 SENATE RESOLUTION.—If, before the pas-  
23 sage by the Senate of a disapproval resolu-  
24 tion, the Senate receives an identical reso-



1 lution from the House of Representatives,  
2 the following procedures shall apply:

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

5 (II) With respect to that resolu-  
6 tion—

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

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

15 (ii) RECEIVED AFTER PASSAGE OF  
16 SENATE RESOLUTION.—If, following pas-  
17 sage of a disapproval resolution in the Sen-  
18 ate, the Senate receives an identical resolu-  
19 tion from the House of Representatives,  
20 that resolution shall be placed on the ap-  
21 propriate Senate calendar.

22 (iii) NO SENATE COMPANION.—If a  
23 disapproval resolution is received from the  
24 House of Representatives, and no com-  
25 panion resolution has been introduced in

1           the Senate, the Senate procedures under  
2           this subsection shall apply to the resolution  
3           from the House of Representatives.

4           (C) APPLICATION TO REVENUE MEAS-  
5           URES.—The provisions of this subparagraph  
6           shall not apply in the House of Representatives  
7           to a disapproval resolution that is a revenue  
8           measure.

9           (6) RULES OF HOUSE OF REPRESENTATIVES  
10          AND SENATE.—This paragraph is enacted by Con-  
11          gress—

12           (A) as an exercise of the rulemaking power  
13           of the Senate and the House of Representa-  
14           tives, respectively, and as such is deemed a part  
15           of the rules of each House, respectively, and su-  
16           persedes other rules only to the extent that it  
17           is inconsistent with such rules; and

18           (B) with full recognition of the constitu-  
19           tional right of either House to change the rules  
20           (so far as relating to the procedure of that  
21           House) at any time, in the same manner, and  
22           to the same extent as in the case of any other  
23           rule of that House.

24          (e) DEFINITIONS.—In this section:

1           (1) 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           (2) HONG KONG ECONOMIC AND TRADE OF-  
7           FICES.—The term “Hong Kong Economic and  
8           Trade Offices” has the meaning given that term in  
9           section 1(c) of the Act entitled “An Act to extend  
10          certain privileges, exemptions, and immunities to  
11          Hong Kong Economic and Trade Offices”, approved  
12          June 27, 1997 (22 U.S.C. 288k).

13 **SEC. 3. LIMITATION ON CONTRACTING RELATING TO HONG**  
14 **KONG ECONOMIC AND TRADE OFFICES.**

15          (a) IN GENERAL.—On and after the date of the en-  
16          actment of this Act, an entity of the United States Gov-  
17          ernment may enter into an agreement or partnership with  
18          the Hong Kong Economic and Trade Offices to promote  
19          tourism, culture, business, or other matters relating to  
20          Hong Kong only if—

21                (1) the Secretary of State has submitted to the  
22                Committee on Foreign Relations of the Senate and  
23                the Committee on Foreign Affairs of the House of  
24                Representatives a determination under section  
25                2(a)(1)(A) that the Hong Kong Economic and

1 Trade Offices merit extension and application of cer-  
2 tain privileges, exemptions, and immunities;

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

6 (3) the agreement or partnership does not pro-  
7 mote efforts by the Government of the Hong Kong  
8 Special Administrative Region and the Government  
9 of the People’s Republic of China—

10 (A) to justify the dismantling of the auton-  
11 omy of Hong Kong and the freedoms and rule  
12 of law guaranteed by the Sino-British Joint  
13 Declaration of 1984; and

14 (B) to portray within the United States  
15 the Government of the Hong Kong Special Ad-  
16 ministrative Region or the Government of the  
17 People’s Republic of China as protecting the  
18 rule of law or the human rights and civil lib-  
19 erties of the people of Hong Kong.

20 (b) HONG KONG ECONOMIC AND TRADE OFFICES  
21 DEFINED.—In this section, the term “Hong Kong Eco-  
22 nomic and Trade Offices” has the meaning given that  
23 term in section 1(c) of the Act entitled “An Act to extend  
24 certain privileges, exemptions, and immunities to Hong

1 Kong Economic and Trade Offices”, approved June 27,  
2 1997 (22 U.S.C. 288k).

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

6 It is the policy of the United States—

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

23 (2) to recognize that promotion of Hong Kong  
24 as described in paragraph (1) should be considered  
25 propaganda for the efforts of the People’s Republic

1 of China to dismantle rights and freedom guaran-  
2 teed to the residents of Hong Kong by the Inter-  
3 national Covenant on Civil and Political Rights and  
4 the Sino-British Joint Declaration of 1984;

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

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

