

**Suspend the Rules and Pass the Bill, H.R. 3289, with an Amendment**

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

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3289

To amend the Hong Kong Policy Act of 1992 and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2019

Mr. SMITH of New Jersey (for himself, Mr. MCGOVERN, Mr. PERRY, Mr. SUOZZI, Mr. FITZPATRICK, Mr. SHERMAN, and Mr. YOHO) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Financial Services, 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

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## A BILL

To amend the Hong Kong Policy Act of 1992 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Hong Kong Human Rights and Democracy Act of  
6 2019”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Statement of policy.
- Sec. 4. Amendments to the United States-Hong Kong Policy Act of 1992.
- Sec. 5. Report on enforcement of United States export control and sanctions laws by Hong Kong.
- Sec. 6. Protecting United States interests with respect to Hong Kong.
- Sec. 7. Sanctions relating to undermining fundamental freedoms and autonomy in Hong Kong.
- Sec. 8. Sanctions reports.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

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

8 (A) the Committee on Foreign Affairs of  
9 the House of Representatives;

10 (B) the Committee on Financial Services  
11 of the House of Representatives;

12 (C) the Committee on the Judiciary of the  
13 House of Representatives.

14 (D) the Committee on Foreign Relations of  
15 the Senate;

16 (E) the Committee on Banking, Housing,  
17 and Urban Affairs of the Senate; and

18 (F) the Committee on the Judiciary of the  
19 Senate.

1           (2) CHINA.—The term “China” means the Peo-  
2           ple’s Republic of China.

3           (3) SOCIAL CREDIT SYSTEM.—The term “social  
4           credit system” means a system proposed by the Gov-  
5           ernment of China and scheduled for implementation  
6           by 2020 that would use existing financial credit sys-  
7           tems, public records, online activity, and other tools  
8           of surveillance to aggregate data on every Chinese  
9           citizen and business and use that data to monitor,  
10          shape, and rate certain financial, social, religious, or  
11          political behaviors.

12 **SEC. 3. STATEMENT OF POLICY.**

13          It is the policy of the United States—

14               (1) to reaffirm the principles and objectives set  
15          forth in the United States-Hong Kong Policy Act of  
16          1992 (Public Law 102–383), namely that—

17                       (A) the United States has “a strong inter-  
18                       est in the continued vitality, prosperity, and  
19                       stability of Hong Kong”;

20                       (B) “[s]upport for democratization is a  
21                       fundamental principle of United States foreign  
22                       policy” and therefore “naturally applies to  
23                       United States policy toward Hong Kong”;

24                       (C) “the human rights of the people of  
25                       Hong Kong are of great importance to the

1 United States and are directly relevant to  
2 United States interests in Hong Kong [and]  
3 serve as a basis for Hong Kong’s continued eco-  
4 nomic prosperity’; and

5 (D) Hong Kong must remain sufficiently  
6 autonomous from the People’s Republic of  
7 China to “justify treatment under a particular  
8 law of the United States, or any provision  
9 thereof, different from that accorded the Peo-  
10 ple’s Republic of China”;

11 (2) to support the high degree of autonomy and  
12 fundamental rights and freedoms of the people of  
13 Hong Kong, as enumerated by—

14 (A) the Joint Declaration of the Govern-  
15 ment of the United Kingdom of Great Britain  
16 and Northern Ireland and the Government of  
17 the People’s Republic of China on the Question  
18 of Hong Kong, done at Beijing December 19,  
19 1984 (referred to in this Act as the “Joint Dec-  
20 laration”);

21 (B) the International Covenant on Civil  
22 and Political Rights, done at New York Decem-  
23 ber 19, 1966; and

24 (C) the Universal Declaration of Human  
25 Rights, done at Paris December 10, 1948.

1           (3) to support the democratic aspirations of the  
2           people of Hong Kong, including the “ultimate aim”  
3           of the selection of the Chief Executive and all mem-  
4           bers of the Legislative Council by universal suffrage,  
5           as articulated in the Basic Law of the Hong Kong  
6           Special Administrative Region of the People’s Re-  
7           public of China (referred to in this Act as the  
8           “Basic Law”);

9           (4) to urge the Government of the People’s Re-  
10          public of China and the Government of the Hong  
11          Kong Special Autonomous Region to uphold their  
12          commitment to the people of Hong Kong, including  
13          providing a high degree of autonomy for Hong Kong  
14          as articulated in the Joint Declaration and the Basic  
15          Law;

16          (5) to support the robust exercise by residents  
17          of Hong Kong of the rights to free speech, the press,  
18          and other fundamental freedoms as provided by the  
19          Basic Law and the Joint Declaration;

20          (6) to support freedom from arbitrary or unlaw-  
21          ful arrest, detention, or imprisonment for all Hong  
22          Kong residents, as provided to them by the Basic  
23          Law and the Joint Declaration;

24          (7) to draw international attention to any viola-  
25          tions by the Government of the People’s Republic of

1 China of the fundamental rights of the people of  
2 Hong Kong and any encroachment upon the auton-  
3 omy guaranteed to Hong Kong by the Basic Law  
4 and the Joint Declaration;

5 (8) to protect United States citizens and legal  
6 permanent residents living in Hong Kong as well as  
7 people visiting and transiting through Hong Kong;  
8 and

9 (9) to maintain the economic and cultural ties  
10 that provide significant benefits to both the United  
11 States and Hong Kong.

12 **SEC. 4. AMENDMENTS TO THE UNITED STATES-HONG KONG**  
13 **POLICY ACT OF 1992.**

14 (a) CERTIFICATIONS.—Title II of the United States-  
15 Hong Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.)  
16 is amended by adding at the end the following new section:

17 **“SEC. 205. SECRETARY OF STATE CERTIFICATION REGARD-**  
18 **ING THE AUTONOMY OF HONG KONG.**

19 “(a) CERTIFICATION.—

20 “(1) IN GENERAL.—The Secretary of State  
21 shall annually submit to the Committee on Foreign  
22 Affairs of the House of Representatives and the  
23 Committee on Foreign Relations of the Senate a cer-  
24 tification, in conjunction with, and taking into con-  
25 sideration the contents of, the report required in sec-

1       tion 301, regarding whether Hong Kong continues  
2       to warrant treatment under particular treaties,  
3       international agreements, and United States laws, or  
4       any provisions thereof, specified in paragraph (2) in  
5       the same manner as such treaties, international  
6       agreements, and laws were applied to Hong Kong as  
7       of the date of enactment of this section.

8               “(2) PROVISIONS SPECIFIED.—The treaties,  
9       international agreements, and United States laws  
10       specified in this paragraph are the following:

11               “(A) Commercial agreements.

12               “(B) Law enforcement cooperation, includ-  
13       ing extradition matters.

14               “(C) Nonproliferation commitments.

15               “(D) Sanctions enforcement.

16               “(E) Export control agreements, including  
17       enforcement of export controls with respect to  
18       dual use technologies.

19               “(F) Formal treaties and agreements be-  
20       tween the United States and Hong Kong, in-  
21       cluding agreements related to taxation and cur-  
22       rency exchange.

23               “(G) Other particular laws of the United  
24       States, or any provisions thereof, that accord to

1 Hong Kong treatment different to that ac-  
2 corded to the People's Republic of China.

3 “(H) Other bilateral or multilateral agree-  
4 ments determined relevant by the Secretary.

5 “(3) CONTENTS.—Each assessment under para-  
6 graph (1) shall include an evaluation of the Govern-  
7 ment of Hong Kong's autonomous decision-making  
8 within the executive, legislative, and judicial  
9 branches, with respect to—

10 “(A) upholding the rule of law; and

11 “(B) protecting the rights enumerated  
12 in—

13 “(i) the Joint Declaration of the Gov-  
14 ernment of the United Kingdom of Great  
15 Britain and Northern Ireland and the Gov-  
16 ernment of the People's Republic of China  
17 on the Question of Hong Kong, done at  
18 Beijing December 19, 1984 (the ‘Joint  
19 Declaration’);

20 “(ii) the Basic Law of the Hong Kong  
21 Special Administrative Region of the Peo-  
22 ple's Republic of China (the ‘Basic Law’);

23 “(iii) the Universal Declaration of  
24 Human Rights, done at Paris December  
25 10, 1948; and



1                   “(iv) the International Covenant on  
2                   Civil and Political Rights, done at New  
3                   York December 19, 1966.

4                   “(4) FACTORS FOR CONSIDERATION.—In mak-  
5                   ing a certification under paragraph (1), the Sec-  
6                   retary of State should consider the terms, obliga-  
7                   tions, and expectations expressed in the Joint Dec-  
8                   laration and the Basic Law.

9                   “(5) ADDITIONAL CERTIFICATIONS.—Notwith-  
10                  standing the annual requirement for certifications  
11                  under paragraph (1), the Secretary of State may  
12                  issue additional certifications at any time if the Sec-  
13                  retary determines that circumstances in Hong Kong  
14                  warrant such.

15                  “(6) FORM.—Each certification under para-  
16                  graph (1) and any additional certifications under  
17                  paragraph (5) shall be submitted in unclassified  
18                  from but may include a classified annex if the Sec-  
19                  retary of State determines such is necessary.

20                  “(b) WAIVER.—The Secretary of State may waive the  
21                  application of subsection (a), in whole or in part, if—

22                  “(1) the Secretary determines that such a waiv-  
23                  er—

24                  “(A) is in the national security interests of  
25                  the United States; or

1                   “(B) would protect the autonomy of Hong  
2                   Kong; and

3                   “(2) on or before the date on which such a  
4                   waiver takes effect, the Secretary notifies the Com-  
5                   mittee on Foreign Relations of the Senate and the  
6                   Committee on Foreign Affairs of the House of Rep-  
7                   resentatives of the intent to waive such subsection.

8                   “(c) **PUBLIC AVAILABILITY.**—The unclassified por-  
9                   tion of the certifications required under subsection (a)  
10                  shall be made available to the public, including through  
11                  publication on the Department of State website.”.

12                  (b) **VISA APPLICANTS.**—Title II of the United States-  
13                  Hong Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.),  
14                  as amended by subsection (a), is further amended by add-  
15                  ing at the end the following new section:

16                  **“SEC. 206. TREATMENT OF HONG KONG APPLICANTS FOR**  
17                  **VISAS TO ENTER THE UNITED STATES.**

18                  “‘It is the sense of Congress that applications for  
19                  visas to enter the United States, including for work or  
20                  study, which are submitted by otherwise qualified appli-  
21                  cants from Hong Kong should not be denied solely on the  
22                  basis of politically-motivated arrest, detention, or other  
23                  adverse government action taken against such applicants  
24                  as a result of the participation by such applicants in pro-  
25                  test activities, and that the Secretary of State should

1 make efforts to implement such policy, ensure consular of-  
2 ficers make determinations in accordance with such policy,  
3 and coordinate with representatives of other countries to  
4 encourage the adoption of compatible policies.”.

5 (c) REPORTING REQUIREMENTS.—Subsection (a) of  
6 section 301 of the United States-Hong Kong Policy Act  
7 of 1992 (22 U.S.C. 5731) is amended—

8 (1) in the matter preceding paragraph (1), in  
9 the first sentence, by striking “2024” and inserting  
10 “2027”;

11 (2) in paragraph (7), by striking “and” after  
12 the semicolon at the end;

13 (3) in paragraph (8), by striking the period and  
14 inserting “; and”; and

15 (4) by adding at the end the following new  
16 paragraphs:

17 “(9) China’s ability to limit Hong Kong’s au-  
18 tonomy with respect to the treaties, international  
19 agreements, and United States laws specified in sec-  
20 tion 205(a)(2) as result of actions by the Govern-  
21 ment of the People’s Republic of China that are in-  
22 consistent with its commitments under the Basic  
23 Law or the Joint Declaration;

24 “(10) the limitations to Hong Kong’s autonomy  
25 with respect to the treaties, international agree-

1       ments, and United States laws specified in section  
2       205(a)(2) resulting from actions by the Government  
3       of the Hong Kong Special Autonomous Region that  
4       are inconsistent with its commitments under the  
5       Basic Law or the Joint Declaration;

6               “(11) the specific impacts to any areas of co-  
7       operation between the United States and Hong  
8       Kong as a result of limits, whether self-imposed or  
9       otherwise, to Hong Kong’s autonomy, including any  
10      failures of the Hong Kong Government to fulfill obli-  
11      gations with the United States under the treaties,  
12      international agreements, and United States laws  
13      specified in section 205(a)(2);

14              “(12) the specific actions taken by the United  
15      States Government to mitigate the negative impact  
16      to United States interests of limitations, whether  
17      self-imposed or otherwise, to Hong Kong’s autonomy  
18      or any failures to fulfill obligations with the United  
19      States under the treaties, international agreements,  
20      and United States laws specified in section  
21      205(a)(2); and

22              “(13) whether the rescission of special treat-  
23      ment under any particular treaties, international  
24      agreements, or particular laws of the United States,

1 or any provisions thereof would contribute to further  
2 erosion of Hong Kong's autonomy.”.

3 **SEC. 5. REPORT ON ENFORCEMENT OF UNITED STATES EX-**  
4 **PORT CONTROL AND SANCTIONS LAWS BY**  
5 **HONG KONG.**

6 (a) IN GENERAL.—Not later than 180 days after the  
7 date of the enactment of this Act, the President shall  
8 transmit to the committees specified in subsection (b) a  
9 report that includes the following:

10 (1) An assessment of the policies and actions of  
11 the Government of the Hong Kong Special Autono-  
12 mous Region to enforce the Export Control Reform  
13 Act of 2018 (subtitle B of title XVII of Public Law  
14 115–232) and other relevant provisions of United  
15 States law related to export controls.

16 (2) To the extent possible, an identification of  
17 the following:

18 (A) Any items that were transferred from  
19 Hong Kong in violation of such laws.

20 (B) The countries and persons to which  
21 such items were transferred.

22 (C) How such items were used.

23 (3) An assessment of whether United States or-  
24 igin items (including software, technology, and serv-  
25 ices) have been transferred from Hong Kong to

1 China in violation of United States law and have  
2 been used by China for mass surveillance, predictive  
3 policing, or for the social credit system.

4 (4) An assessment of the policies and actions of  
5 the Government of the Hong Kong Special Autono-  
6 mous Region to enforce sanctions imposed by the  
7 United States and the United Nations.

8 (5) A description of the types of goods and  
9 services transshipped or reexported through Hong  
10 Kong in violation of such sanctions to—

11 (A) North Korea or Iran; or

12 (B) other countries, regimes, or persons  
13 subject to such sanctions for engaging in activi-  
14 ties—

15 (i) relating to—

16 (I) international terrorism, inter-  
17 national narcotics trafficking, or the  
18 proliferation of weapons of mass de-  
19 struction; or

20 (II) corruption and violations of  
21 human rights; or

22 (ii) that otherwise present a threat to  
23 the national security, foreign policy, or  
24 economy of the United States.

1 (b) COMMITTEES SPECIFIED.—The committees spec-  
2 ified in this subsection are the following:

3 (1) The Committee on Foreign Relations of the  
4 Senate.

5 (2) The Committee on Banking, Housing, and  
6 Urban Affairs of the Senate.

7 (3) The Committee on Foreign Affairs of the  
8 House of Representatives.

9 (4) The Committee on Financial Services of the  
10 House of Representatives.

11 (c) FORM OF REPORT.—The report required under  
12 subsection (a) shall be transmitted in unclassified form,  
13 but may include a classified annex.

14 **SEC. 6. PROTECTING UNITED STATES INTERESTS WITH RE-**  
15 **SPECT TO HONG KONG.**

16 (a) POLICY STATEMENTS.—It is the policy to the  
17 United States—

18 (1) to safeguard United States citizens and law-  
19 ful permanent residents from extradition, rendition,  
20 or abduction to China from Hong Kong for trial, de-  
21 tention, or any other purpose;

22 (2) to safeguard United States businesses in  
23 Hong Kong from economic coercion and intellectual  
24 property theft;

1           (3) pursuant to section 103(7) of the United  
2 States-Hong Kong Policy Act of 1992 (22 U.S.C.  
3 5713(7)), to encourage United States businesses “to  
4 continue to operate in Hong Kong in accordance  
5 with applicable United States and Hong Kong law”;  
6 and

7           (4) pursuant to section 201(b) of such Act (22  
8 U.S.C. 5721(b)), to evaluate as circumstances re-  
9 quire the Government of Hong Kong is “legally com-  
10 petent to carry out its obligations” under treaties  
11 and international agreements established between  
12 the United States and Hong Kong.

13 (b) NOTIFICATION TO CONGRESS.—

14           (1) DETERMINATION.—The Secretary of State  
15 shall, with respect to any legislation proposed or en-  
16 acted by the Government of Hong Kong, determine,  
17 not later than 30 days after such legislation is pro-  
18 posed or enacted, if such proposed or enacted legis-  
19 lation would—

20           (A) put United States citizens or lawful  
21 permanent residents at risk for rendition to  
22 China or other countries with which the United  
23 States Government does not have an extradition  
24 agreement; or



1 (B) otherwise have a significant negative  
2 impact on United States interests with respect  
3 to Hong Kong.

4 (2) NOTIFICATION.—If the Secretary of State  
5 makes a determination in the affirmative under  
6 paragraph (1), the Secretary shall submit to the ap-  
7 propriate congressional committees a notification re-  
8 lating thereto that includes the following:

9 (A) An assessment of the potential risks of  
10 the proposed or enacted legislation described in  
11 such paragraph to United States national inter-  
12 ests, including risks to United States citizens or  
13 lawful permanent residents residing in, trav-  
14 eling to, or transiting through Hong Kong.

15 (B) A strategy for protecting United  
16 States interests in Hong Kong with respect to  
17 the proposed or enacted legislation described in  
18 such paragraph.

19 **SEC. 7. SANCTIONS RELATING TO UNDERMINING FUNDA-**  
20 **MENTAL FREEDOMS AND AUTONOMY IN**  
21 **HONG KONG.**

22 (a) IDENTIFICATION OF PERSONS RESPONSIBLE FOR  
23 UNDERMINING FUNDAMENTAL FREEDOMS AND AUTON-  
24 OMY IN HONG KONG.—

1           (1) IN GENERAL.—The President shall transmit  
2           to the appropriate congressional committees a re-  
3           port, in accordance with paragraph (2), that identi-  
4           fies each foreign person that the President deter-  
5           mines, based on credible information, is knowingly  
6           responsible for any of the following:

7                   (A) The actual or threatened rendition, ar-  
8                   bitrary detention, torture, or forced confession  
9                   of any individual in Hong Kong.

10                   (B) Repeated acts or decisions which con-  
11                   travene the shared obligations of China and  
12                   Hong Kong under the Joint Declaration and  
13                   Basic Law and undermine the national interests  
14                   of the United States in Hong Kong's autonomy  
15                   and the rule of law.

16                   (C) Other gross violations of internation-  
17                   ally recognized human rights human rights in  
18                   Hong Kong.

19           (2) TIMING OF REPORTS.—The President shall  
20           transmit—

21                   (A) the report required under paragraph

22                   (1)—

23                           (i) not later than 180 days after the  
24                           date of the enactment of this Act; and

1 (ii) not less frequently than annually  
2 thereafter in conjunction with the publica-  
3 tion of the report required under section  
4 301 of the United States-Hong Kong Pol-  
5 icy Act of 1992 (22 U.S.C. 5731); and

6 (B) an update to the report required under  
7 paragraph (1) not later than 15 days after any  
8 new credible information described in such  
9 paragraph becomes available.

10 (3) CONSIDERATION OF CERTAIN INFORMA-  
11 TION.—In preparing the report required under para-  
12 graph (1), the President shall consider the following:

13 (A) Information provided jointly by the  
14 chairperson and ranking member of each of the  
15 appropriate congressional committees.

16 (B) Credible information obtained by other  
17 countries or nongovernmental organizations  
18 that monitor violations of human rights abuses.

19 (4) FORM.—The report required under para-  
20 graph (1) shall be submitted in unclassified form but  
21 may include a classified annex.

22 (b) IMPOSITION OF SANCTIONS.—The President shall  
23 impose the sanctions described in subsection (c) with re-  
24 spect to each foreign person identified in the report re-  
25 quired under subsection (a)(1).

1 (c) SANCTIONS DESCRIBED.—The sanctions de-  
2 scribed in this subsection are the following:

3 (1) ASSET BLOCKING.—The President shall ex-  
4 ercise all of the powers granted to the President  
5 under the International Emergency Economic Pow-  
6 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-  
7 essary to block and prohibit all transactions in prop-  
8 erty and interests in property of a foreign person  
9 identified in the report required under subsection  
10 (a)(1) if such property and interests in property are  
11 in the United States, come within the United States,  
12 or come within the possession or control of a United  
13 States person.

14 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR  
15 PAROLE.—

16 (A) VISAS, ADMISSION, OR PAROLE.—A  
17 foreign person described in subsection (a)(1)  
18 and his or her immediate family members is—

19 (i) inadmissible to the United States;

20 (ii) ineligible to receive a visa or other  
21 documentation to enter the United States;

22 and

23 (iii) otherwise ineligible to be admitted  
24 or paroled into the United States or to re-  
25 ceive any other benefit under the Immigra-

1                   tion and Nationality Act (8 U.S.C. 1101 et  
2                   seq.).

3                   (B) CURRENT VISAS REVOKED.—

4                   (i) IN GENERAL.—A foreign person  
5                   described in subsection (a)(1) is subject to  
6                   revocation of any visa or other entry docu-  
7                   mentation regardless of when the visa or  
8                   other entry documentation is or was  
9                   issued.

10                  (ii) IMMEDIATE EFFECT.—A revoca-  
11                  tion under clause (i) shall—

12                               (I) take effect immediately; and

13                               (II) automatically cancel any  
14                               other valid visa or entry documenta-  
15                               tion that is in the alien's possession.

16                  (C) EXCEPTION TO COMPLY WITH INTER-  
17                  NATIONAL OBLIGATIONS.—Sanctions under this  
18                  paragraph shall not apply with respect to a for-  
19                  eign person if admitting or paroling such per-  
20                  son into the United States is necessary to per-  
21                  mit the United States to comply with the  
22                  Agreement regarding the Headquarters of the  
23                  United Nations, signed at Lake Success June  
24                  26, 1947, and entered into force November 21,  
25                  1947, between the United Nations and the

1 United States, or other applicable international  
2 obligations.

3 (3) PENALTIES.—The penalties provided for in  
4 subsections (b) and (c) of section 206 of the Inter-  
5 national Emergency Economic Powers Act (50  
6 U.S.C. 1705) shall apply to a foreign person that  
7 violates, attempts to violate, conspires to violate, or  
8 causes a violation of paragraph (1) to the same ex-  
9 tent that such penalties apply to a person that com-  
10 mits an unlawful act described in subsection (a) of  
11 such section 206.

12 (d) IMPLEMENTATION.—The President may exercise  
13 all authorities provided under sections 203 and 205 of the  
14 International Emergency Economic Powers Act (50  
15 U.S.C. 1702 and 1704) to carry out this section.

16 (e) WAIVER.—The President may waive the applica-  
17 tion of sanctions under this section with respect to a for-  
18 eign person identified in the report required under sub-  
19 section (a)(1) if the President determines and certifies to  
20 the appropriate congressional committees that such a  
21 waiver is in the national interest of the United States.

22 (f) TERMINATION OF SANCTIONS.—The President  
23 may terminate the application of sanctions under this sec-  
24 tion with respect to a foreign person if the President deter-  
25 mines and reports to the appropriate congressional com-

1 mittees not less than 15 days before such termination  
2 takes effect that—

3 (1) credible information exists that such person  
4 did not engage in the activity for which sanctions  
5 were imposed;

6 (2) such person has been prosecuted appro-  
7 priately for the activity for which sanctions were im-  
8 posed;

9 (3) such person has credibly demonstrated a  
10 significant change in behavior, has paid an appro-  
11 priate consequence for the activity for which sanc-  
12 tions were imposed, and has credibly committed to  
13 not engage in an activity described in subsection  
14 (a)(1) in the future; or

15 (4) the termination of the sanctions is in the  
16 national security interests of the United States.

17 (g) EXCEPTION RELATING TO THE IMPORTATION OF  
18 GOODS.—

19 (1) IN GENERAL.—The authorities and require-  
20 ments to impose sanctions under this section shall  
21 not include the authority or requirement to impose  
22 sanctions on the importation of goods.

23 (2) GOOD DEFINED.—In this subsection, the  
24 term “good” means any article, natural or man-  
25 made substance, material, supply or manufactured

1 product, including inspection and test equipment,  
2 and excluding technical data.

3 (h) DEFINITIONS.—In this section:

4 (1) ADMITTED.—The term “admitted” has the  
5 meanings given such term in section 101 of the Im-  
6 migration and Nationality Act (8 U.S.C. 1101).

7 (2) FOREIGN PERSON.—The term “foreign per-  
8 son” means a person that is not a United States  
9 person.

10 (3) KNOWINGLY.—The term “knowingly”  
11 means, with respect to conduct, a circumstance, or  
12 a result, means that a person has actual knowledge,  
13 or should have known, of the conduct, the cir-  
14 cumstance, or the result.

15 (4) PERSON.—The term “person” means an in-  
16 dividual or entity.

17 (5) 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. 8. SANCTIONS REPORTS.**

2 (a) IN GENERAL.—The President shall transmit to  
3 the appropriate congressional committees a report that in-  
4 cludes the following:

5 (1) A list of each foreign person with respect to  
6 which the President imposed sanctions under section  
7 7 during the year preceding the transmission of such  
8 report.

9 (2) A description of the type of sanctions im-  
10 posed with respect to each such person.

11 (3) The number of foreign persons with respect  
12 to which the President terminated such sanctions  
13 during such year.

14 (4) The dates on which such sanctions were im-  
15 posed or terminated, as applicable.

16 (5) The reasons for imposing or terminating  
17 such sanctions.

18 (6) A description of the efforts of the President  
19 to encourage the governments of other countries to  
20 impose sanctions that are similar to such sanctions.

21 (b) FORM.—The report required under subsection (a)  
22 shall be transmitted in unclassified form but may contain  
23 a classified annex.

24 (c) PUBLIC AVAILABILITY.—The unclassified portion  
25 of the report required under subsection (a) shall be made

1 available to the public, including through publication in  
2 the Federal Register.

3 (d) NONAPPLICABILITY OF CONFIDENTIALITY RE-  
4 QUIREMENT WITH RESPECT TO VISA RECORDS.—The  
5 President shall publish the report required under sub-  
6 section (a) without regard to the requirements of section  
7 222(f) of the Immigration and Nationality Act (8 U.S.C.  
8 1202(f)) with respect to confidentiality of records per-  
9 taining to the issuance or refusal of visas or permits to  
10 enter the United States.

11 **SEC. 9. DETERMINATION OF BUDGETARY EFFECTS.**

12 The budgetary effects of this Act, for the purpose of  
13 complying with the Statutory Pay-As-You-Go Act of 2010,  
14 shall be determined by reference to the latest statement  
15 titled “Budgetary Effects of PAYGO Legislation” for this  
16 Act, submitted for printing in the Congressional Record  
17 by the Chairman of the House Budget Committee, pro-  
18 vided that such statement has been submitted prior to the  
19 vote on passage.