

116TH CONGRESS
1ST SESSION

H. R. 3289

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

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

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”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 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. Annual report on enforcement of United States export control and sanctions laws by Hong Kong.
 Sec. 6. Protecting United States citizens and others from rendition to mainland China.
 Sec. 7. Identification of persons responsible for abductions and for other actions to suppress basic freedoms in Hong Kong.
 Sec. 8. Inadmissibility of certain aliens and family members.
 Sec. 9. Financial measures.
 Sec. 10. Reports to Congress.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMITTED; ALIEN.—The terms “admitted”
 4 and “alien” have the meanings given those terms in
 5 section 101 of the Immigration and Nationality Act
 6 (8 U.S.C. 1101).

7 (2) APPROPRIATE CONGRESSIONAL COMMIT-
 8 TEES.—The term “appropriate congressional com-
 9 mittees” means—

10 (A) the Committee on Armed Services of
 11 the Senate;

12 (B) the Committee on Banking, Housing,
 13 and Urban Affairs of the Senate;

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

16 (D) the Committee on Homeland Security
 17 and Governmental Affairs of the Senate;

18 (E) the Committee on the Judiciary of the
 19 Senate;

1 (F) the Committee on Armed Services of
2 the House of Representatives;

3 (G) the Committee on Financial Services
4 of the House of Representatives;

5 (H) the Committee on Foreign Affairs of
6 the House of Representatives;

7 (I) the Committee on Homeland Security
8 of the House of Representatives; and

9 (J) the Committee on the Judiciary of the
10 House of Representatives.

11 (3) CHINA.—The term “China” means the Peo-
12 ple’s Republic of China.

13 (4) FINANCIAL INSTITUTION.—The term “fi-
14 nancial institution” has the meaning given that term
15 in section 5312 of title 31, United States Code.

16 (5) SOCIAL CREDIT SYSTEM.—The term “social
17 credit system” means a system proposed by the Gov-
18 ernment of China, scheduled to be implemented by
19 2020, that would aggregate data on every Chinese
20 citizen and business from existing financial credit
21 systems, mass surveillance, public records, online ac-
22 tivity, and artificial intelligence to expand the notion
23 of a financial credit score, potentially rewarding or
24 punishing certain financial, social, religious, or polit-
25 ical behaviors.

1 (6) UNITED STATES PERSON.—The term
2 “United States person” means—

3 (A) a United States citizen or an alien law-
4 fully admitted for permanent residence to the
5 United States; or

6 (B) an entity organized under the laws of
7 the United States or of any jurisdiction within
8 the United States, including a foreign branch of
9 such an entity.

10 **SEC. 3. STATEMENT OF POLICY.**

11 It is the policy of the United States—

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

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

18 (B) “[s]upport for democratization is a
19 fundamental principle of United States foreign
20 policy”;

21 (C) “the human rights of the people of
22 Hong Kong are of great importance to the
23 United States and are directly relevant to
24 United States interests in Hong Kong [and]

1 serve as a basis for Hong Kong’s continued eco-
2 nomic prosperity’; and

3 (D) Hong Kong must remain sufficiently
4 autonomous from the People’s Republic of
5 China to justify a different treatment under a
6 particular law of the United States, or any pro-
7 vision thereof, from that accorded the People’s
8 Republic of China;

9 (2) to support the democratic aspirations of the
10 people of Hong Kong, as guaranteed to them by the
11 Joint Declaration of the Government of the United
12 Kingdom of Great Britain and Northern Ireland and
13 the Government of the People’s Republic of China
14 on the Question of Hong Kong, done at Beijing De-
15 cember 19, 1984 (referred to in this Act as the
16 “Joint Declaration”), the International Covenant on
17 Civil and Political Rights, done at New York Decem-
18 ber 19, 1966, the Universal Declaration of Human
19 Rights, done at Paris December 10, 1948, and the
20 Basic Law of the Hong Kong Special Administrative
21 Region of the People’s Republic of China (referred
22 to in this Act as the “Basic Law”);

23 (3) to urge the Government of the People’s Re-
24 public of China to uphold its commitments to Hong
25 Kong, including allowing the people of Hong Kong

1 to rule Hong Kong with a high degree of autonomy
2 and without undue interference, and ensuring that
3 Hong Kong voters freely enjoy the right to elect the
4 Chief Executive and all members of the Hong Kong
5 Legislative Council by universal suffrage;

6 (4) to support the establishment of a genuine
7 democratic option to freely and fairly nominate and
8 elect the Chief Executive of Hong Kong, and the es-
9 tablishment by 2020 of open and direct democratic
10 elections for all members of the Hong Kong Legisla-
11 tive Council;

12 (5) to support the robust exercise by residents
13 of Hong Kong of the rights to free speech and the
14 press as guaranteed to them by the Basic Law and
15 the Joint Declaration;

16 (6) to ensure that all residents of Hong Kong
17 are afforded freedom from arbitrary or unlawful ar-
18 rest, detention, or imprisonment as guaranteed to
19 them by the Basic Law and the Joint Declaration;

20 (7) to draw international attention to any viola-
21 tions by the Government of the People's Republic of
22 China of the fundamental rights of residents of
23 Hong Kong and any encroachment upon the auton-
24 omy guaranteed to Hong Kong by the Basic Law
25 and the Joint Declaration;

1 (8) to protect United States citizens and long-
2 term permanent residents living in Hong Kong and
3 those visiting and transiting through Hong Kong;
4 and

5 (9) to maintain the economic and cultural ties
6 that provide significant benefits to the United States
7 and Hong Kong.

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

10 (a) REPORT.—Title II of the United States-Hong
11 Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.) is
12 amended—

13 (1) in section 201(b), by inserting “or after”
14 after “entered into before”; and

15 (2) adding at the end the following:

16 **“SEC. 205. SECRETARY OF STATE REPORT REGARDING THE**
17 **AUTONOMY OF HONG KONG.**

18 “(a) REPORT.—

19 “(1) IN GENERAL.—The Secretary of State
20 shall annually certify to Congress, in conjunction
21 with the report required under section 301, whether
22 Hong Kong is sufficiently autonomous to justify spe-
23 cial treatment by the United States for bilateral
24 agreements and programs, in accordance with this
25 Act, including the degree to which Hong Kong’s au-

1 tonomy has been eroded due to actions taken by the
2 Government of China that are inconsistent with its
3 commitments in the Basic Law and the Joint Dec-
4 laration and the impact of such erosion on specific
5 areas of cooperation with the United States, includ-
6 ing on political rights, civil liberties, rule of law,
7 freedom of information, religious freedom, and
8 democratic governance in Hong Kong.

9 “(2) FACTOR FOR CONSIDERATION.—In making
10 a certification under paragraph (1), the Secretary of
11 State should consider the terms, obligations, and ex-
12 pectations expressed in the Joint Declaration with
13 respect to Hong Kong.

14 “(b) WAIVER AUTHORITY.—The Secretary of State
15 may waive the application of subsection (a) if the Sec-
16 retary—

17 “(1) determines that such a waiver is in the na-
18 tional security interests of the United States; and

19 “(2) on or before the date on which the waiver
20 takes effect, notifies the Committee on Foreign Re-
21 lations of the Senate and the Committee on Foreign
22 Affairs of the House of Representatives of the intent
23 to waive such subsection.”.

24 (b) VISA APPLICANTS.—Title II of the United States-
25 Hong Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.),

1 as amended by subsection (a), is further amended by add-
2 ing at the end the following:

3 **“SEC. 206. TREATMENT OF HONG KONG APPLICANTS FOR**
4 **VISAS TO STUDY OR WORK IN THE UNITED**
5 **STATES.**

6 “(a) STATEMENT OF POLICY.—Notwithstanding any
7 other provision of law, applications for visas to enter,
8 study, or work in the United States, which are submitted
9 by otherwise qualified applicants who resided in Hong
10 Kong in 2014, shall not be denied on the basis of the ap-
11 plicant’s arrest, detention, or other adverse government
12 action taken as a result of the applicant’s participation
13 in nonviolent protest activities related to the electoral
14 process, internationally recognized human rights, pro-
15 tecting an independent judiciary, or the rule of law.

16 “(b) IMPLEMENTATION.—The Secretary of State
17 shall take such steps as may be necessary to ensure that
18 consular officers are aware of the policy described in sub-
19 section (a) and receive appropriate training and support
20 to ensure that the policy is carried out so that affected
21 individuals do not face discrimination or unnecessary
22 delay in the processing of their visa applications, includ-
23 ing—

1 “(1) providing specialized training for consular
2 officers posted to Hong Kong, Beijing, Guangzhou,
3 or Macau;

4 “(2) instructing the United States Consulate in
5 Hong Kong to maintain an active list of individuals
6 whom are known to have been detained, arrested, or
7 otherwise targeted by the Government of Hong
8 Kong or of China, or intermediaries of such govern-
9 ments, as a result of their participation in the 2014
10 protests, to facilitate the cross-checking of visa ap-
11 plications for Hong Kong residents;

12 “(3) amending the physical and online versions
13 of the visa application, as necessary, to notify rel-
14 evant applicants of such policy; and

15 “(4) instructing personnel at the United States
16 Consulate in Hong Kong to engage with relevant in-
17 dividuals in the Hong Kong community to
18 proactively inform them that they will not face dis-
19 crimination when applying for a visa to the United
20 States due to any adverse action taken against them
21 by the authorities as a result of their participation
22 in the 2014 protests or other peaceful pro-democracy
23 or human rights demonstrations.

24 “(c) COOPERATION WITH LIKE-MINDED COUN-
25 TRIES.—The Secretary of State, or his or her designee,

1 shall contact appropriate representatives of other demo-
2 cratic countries, particularly those who receive a large
3 number of applicants for student and employment visas
4 from Hong Kong—

5 “(1) to inform them of the United States policy
6 regarding arrests for participation in nonviolent pro-
7 tests in Hong Kong;

8 “(2) to encourage them to take similar steps to
9 ensure the rights of nonviolent protesters are pro-
10 tected from discrimination due to the actions of the
11 Government of Hong Kong and of China; and

12 “(3) to offer to share information, as appro-
13 priate, regarding the execution of such policy, in-
14 cluding information regarding persons eligible for re-
15 lief under such policy.”.

16 **SEC. 5. ANNUAL REPORT ON ENFORCEMENT OF UNITED**
17 **STATES EXPORT CONTROL AND SANCTIONS**
18 **LAWS BY HONG KONG.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act, and annually thereafter,
21 the Secretary of Commerce, in consultation with the Sec-
22 retary of the Treasury and the Secretary of State, shall
23 submit a report to the committees specified in subsection
24 (b) that includes—

1 (1) an assessment of whether the Government
2 of Hong Kong has adequately enforced the export
3 control laws of the United States with respect to
4 sensitive dual-use items;

5 (2) to the extent possible, an identification of—

6 (A) any items that were reexported from
7 Hong Kong in violation of such laws;

8 (B) the countries and persons to which
9 such items were reexported; and

10 (C) how such items were used;

11 (3) an assessment of whether sensitive dual-use
12 items subject to the export control laws of the
13 United States are being—

14 (A) transshipped through Hong Kong; and

15 (B) used to develop—

16 (i) the Sharp Eyes, Skynet, Inte-
17 grated Joint Operations Platform, or other
18 systems of mass surveillance and predictive
19 policing; or

20 (ii) the “social credit” system of
21 China;

22 (4) an assessment of the efforts by the Govern-
23 ment of China to use the status of Hong Kong as
24 a separate customs territory to import items into
25 China in violation of the export control laws of the

1 United States, whether as part of the Greater Bay
2 Area plan, the assignment of Hong Kong by Beijing
3 as a national technology and innovation center, or
4 through other programs that may exploit Hong
5 Kong as a conduit for controlled sensitive tech-
6 nology;

7 (5) an assessment of whether the Government
8 of Hong Kong has adequately enforced sanctions im-
9 posed by the United States and the United Nations;
10 and

11 (6) a description of the types of goods and serv-
12 ices transshipped or reexported through Hong Kong
13 in violation of such sanctions to—

14 (A) North Korea or Iran; or

15 (B) other countries, regimes, or persons
16 subject to such sanctions for engaging in activi-
17 ties—

18 (i) relating to international terrorism,
19 international narcotics trafficking, or the
20 proliferation of weapons of mass destruc-
21 tion; 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—

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 Commerce, Science, and
8 Transportation of the Senate;

9 (4) the Committee on Foreign Affairs of the
10 House of Representatives; and

11 (5) the Committee on Energy and Commerce of
12 the House of Representatives.

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

16 **SEC. 6. PROTECTING UNITED STATES CITIZENS AND OTH-**
17 **ERS FROM RENDITION TO MAINLAND CHINA.**

18 (a) FINDINGS.—Congress makes the following find-
19 ings:

20 (1) The proposed amendments to Hong Kong's
21 Fugitive Ordinance, if enacted—

22 (A) would allow rendition from Hong Kong
23 of residents or foreign nationals to countries—

1 (i) with criminal procedure systems
2 that lack strong protections for the rights
3 of defendants; or

4 (ii) in which the law is used as to re-
5 press internationally recognized human
6 rights, including to mainland China;

7 (B) would remove independent legislative
8 oversight and appropriate judicial review of ex-
9 tradition requests;

10 (C) may increase the influence of the Gov-
11 ernment of China in Hong Kong and further
12 erode the autonomy guaranteed Hong Kong by
13 the Joint Declaration; and

14 (D) would erode Hong Kong's reputation
15 as a center of commerce and freedom governed
16 by the rule of law.

17 (2) The Government of China has subjected
18 Chinese and foreign nationals, including citizens of
19 the United States, Canada, Australia, Sweden, and
20 Taiwan, to arbitrary detention, televised confessions,
21 denial of legal representation and medical treatment,
22 and other types of mistreatment.

23 (b) POLICY STATEMENTS.—It is the policy to the
24 United States—

1 (1) to ensure that United States citizens are
2 protected from rendition to mainland China;

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

9 (3) pursuant to section 201(b) of such Act (22
10 U.S.C. 5721(b)), to decide whether the Government
11 of Hong Kong is “legally competent to carry out its
12 obligations” under treaties and international agree-
13 ments established between the United States and
14 Hong Kong.

15 (c) RESPONSE TO THREAT OF RENDITION.—If the
16 proposed amendments to Hong Kong’s Fugitive Offenders
17 Ordinance are enacted, and the amended law allows ren-
18 ditions to countries that lack protection for the rights of
19 defendants—

20 (1) not later than 30 days after the date of the
21 enactment of such amendments, the President shall
22 submit a report to the appropriate congressional
23 committees that—

24 (A) assesses whether the Government of
25 Hong Kong is “legally competent” to admin-

1 ister the United States-Hong Kong Agreement
2 for the Surrender of Fugitive Offenders;

3 (B) determines whether any additional au-
4 thorities are needed to revise or withdraw from
5 that treaty to protect United States citizens
6 and national security and to support the guar-
7 anteed protections of the Joint Declaration; and

8 (C) includes a strategy for protecting
9 United States citizens from rendition to main-
10 land China from Hong Kong, including an as-
11 sessment of—

12 (i) whether additional resources are
13 needed for American Citizen Services at
14 the United States Consulate in Hong
15 Kong; and

16 (ii) whether the Department of State
17 will revise the travel advisory for Hong
18 Kong to reflect the potential impact of the
19 revised Fugitive Offenders Ordinance on
20 United States residents and individuals
21 traveling to, or transiting through, Hong
22 Kong; and

23 (2) if the Government of Hong Kong enacts a
24 new law regarding national security, pursuant to Ar-
25 ticle 23 of the Basic Law, the President and the

1 Secretary of State shall take the actions required
2 under paragraph (1) and any additional actions re-
3 quired under section 202 of the United States-Hong
4 Kong Policy Act of 1992 (U.S.C. 5722) unless Sec-
5 retary of State certifies that—

6 (A) the new law does not violate the guar-
7 antees of the Joint Declaration; and

8 (B) the internationally recognized human
9 rights of Hong Kong citizens and foreign resi-
10 dents will not be restricted as a result of the
11 new law's implementation.

12 **SEC. 7. IDENTIFICATION OF PERSONS RESPONSIBLE FOR**
13 **ABDUCTIONS AND FOR OTHER ACTIONS TO**
14 **SUPPRESS BASIC FREEDOMS IN HONG KONG.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, and annually thereafter
17 in conjunction with the publication of the report required
18 under section 301 of the Hong Kong Policy Act of 1992
19 (22 U.S.C. 5731) the President shall submit, to the appro-
20 priate congressional committees, a list containing the
21 name of each person who the President determines, based
22 on credible information, is responsible for—

23 (1) the surveillance, abduction, detention,
24 abuse, or forced confession of Gui Minhui, Lee Bo,
25 Lam Wing-kee, Lui Bo, or Cheung Chi-ping, all of

1 whom are involved in the operation of the Mighty
2 Current Publishing House based in Hong Kong;

3 (2) the surveillance, abduction, detention,
4 abuse, or forced confession of Guo Zhongxiao or
5 Wang Jianmin, both of whom are involved in the op-
6 eration of magazine publications based in Hong
7 Kong; or

8 (3) the rendition to the mainland of the Peo-
9 ple's Republic of China of any individual, or the ar-
10 bitrary detention, torture, or forced confession of
11 any individual after rendition, in connection with the
12 exercise by that individual of internationally recog-
13 nized human rights in Hong Kong, including such
14 individuals extradited to the mainland of the Peo-
15 ple's Republic of China under any amended fugitive
16 offenders ordinance in Hong Kong.

17 (b) CONSIDERATION OF CERTAIN INFORMATION.—In
18 preparing the list required under subsection (a), the Presi-
19 dent shall consider—

20 (1) information provided by the chairperson and
21 ranking member of each of the appropriate congress-
22 sional committees; and

23 (2) credible information obtained by other coun-
24 tries or nongovernmental organizations, including or-
25 ganizations inside China or Hong Kong, that mon-

1 itor the human rights abuses of the Government of
2 the China or its agents.

3 (c) REQUESTS BY CHAIRPERSON AND RANKING
4 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—

6 (1) IN GENERAL.—Not later than 120 days
7 after receiving a written request from the chair-
8 person and ranking member of 1 of the appropriate
9 congressional committees with respect to whether a
10 person meets the criteria for being added to the list
11 required under subsection (a), the President shall
12 submit a response to the chairperson and ranking
13 member of the committee that made the request
14 with respect to the status of the person.

15 (2) INFORMATION ABOUT REMOVAL DECI-
16 SIONS.—If the President removes from the list re-
17 quired under subsection (a) a person that was placed
18 on the list at the request of the chairperson and
19 ranking member of 1 of the appropriate congress-
20 sional committees, the President shall provide the
21 chairperson and ranking member with any informa-
22 tion that contributed to the decision to remove the
23 person.

24 (3) FORM.—The President may submit a re-
25 sponse required under paragraph (1) in classified

1 form if the President determines that such classi-
2 fication is vital to the national security interests of
3 the United States.

4 **SEC. 8. INADMISSIBILITY OF CERTAIN ALIENS AND FAMILY**
5 **MEMBERS.**

6 (a) IN GENERAL.—Section 212(a)(2) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1182(a)(2)) is
8 amended by adding at the end the following:

9 “(J) CERTAIN ALIENS RESPONSIBLE FOR
10 ABDUCTIONS OR EXTRADITIONS FROM HONG
11 KONG.—Any alien included in the list submitted
12 by the President under section 7(a) of the
13 Hong Kong Human Rights and Democracy Act
14 of 2019 is inadmissible.”.

15 (b) CURRENT VISAS REVOKED.—

16 (1) IN GENERAL.—The issuing consular officer,
17 the Secretary of State, or the Secretary of Home-
18 land Security (or a designee of either Secretary)
19 shall revoke any visa or other entry documentation
20 issued to any alien who is included on the list re-
21 quired under section 7(a), regardless of when such
22 visa or entry documentation was issued.

23 (2) EFFECTIVE DATE.—Revocations under
24 paragraph (1) shall take effect on the date such ac-
25 tion is taken and shall automatically cancel any

1 other valid visa or entry documentation that is in
2 the alien's possession.

3 (c) WAIVER FOR NATIONAL SECURITY INTERESTS.—

4 (1) IN GENERAL.—The Secretary of State may
5 waive, with respect to an alien, the application of
6 section 212(a)(2) of the Immigration and Nation-
7 ality Act, as amended by subsection (a), or the ap-
8 plication of subsection (b) if the Secretary—

9 (A) determines that such waiver—

10 (i) is necessary to permit the United
11 States to comply with the Agreement be-
12 tween the United Nations and the United
13 States of America regarding the Head-
14 quarters of the United Nations, signed
15 June 26, 1947, and entered into force No-
16 vember 21, 1947, or other applicable inter-
17 national obligations of the United States;
18 or

19 (ii) is vital to the national security in-
20 terests of the United States; and

21 (B) before granting such waiver, provides
22 to the appropriate congressional committees no-
23 tice of, and a justification for, the waiver.

24 (2) TIMING FOR CERTAIN WAIVERS.—Notifica-
25 tion under subparagraph (B) of paragraph (1) shall

1 be made not later than 15 days before granting a
2 waiver under such paragraph if the Secretary grants
3 such waiver under subparagraph (A)(ii) of such
4 paragraph.

5 (d) REGULATORY AUTHORITY.—The Secretary of
6 State shall prescribe such regulations as may be necessary
7 to carry out this section.

8 **SEC. 9. FINANCIAL MEASURES.**

9 (a) BLOCKING OF PROPERTY.—The President shall
10 exercise all powers granted by the International Emer-
11 gency Economic Powers Act (50 U.S.C. 1701 et seq.) (ex-
12 cept that the requirements of section 202 of such Act (50
13 U.S.C. 1701) shall not apply) to the extent necessary to
14 block and prohibit all transactions in all property and in-
15 terests in property of a person on the list required under
16 section 7(a) if such property and interests in property—

17 (1) are in the United States;

18 (2) come within the United States; or

19 (3) are or come within the possession or control
20 of a United States person.

21 (b) EXCEPTION FOR IMPORTATION OF GOODS.—

22 (1) IN GENERAL.—The requirement to impose
23 sanctions under subsection (a) shall not include the
24 authority to impose sanctions with respect to the im-
25 portation of goods.

1 (2) GOOD DEFINED.—In this subsection, the
2 term “good” means any article, natural or manmade
3 substance, material, supply or manufactured prod-
4 uct, including inspection and test equipment, and ex-
5 cluding technical data.

6 (c) WAIVER FOR NATIONAL SECURITY INTERESTS.—
7 The President may waive the application of subsection (a)
8 if the President—

9 (1) determines that such waiver is vital for the
10 national security interests of the United States; and

11 (2) not later than 15 days before granting the
12 waiver, submits to the appropriate congressional
13 committees notice of, and a justification for, the
14 waiver.

15 (d) ENFORCEMENT.—

16 (1) PENALTIES.—Any person that violates, at-
17 tempts to violate, conspires to violate, or causes a
18 violation of subsection (a) or any regulation, license,
19 or order issued to carry out that subsection shall be
20 subject to the penalties set forth in subsections (b)
21 and (c) of section 206 of the International Emer-
22 gency Economic Powers Act (50 U.S.C. 1705) to the
23 same extent as a person that commits an unlawful
24 act described in subsection (a) of such section.

1 (2) REQUIREMENTS FOR FINANCIAL INSTITU-
2 TIONS.—Not later than 120 days after the date of
3 the enactment of this Act, the Secretary of the
4 Treasury shall prescribe or amend regulations to the
5 extent necessary to require each financial institution
6 that is a United States person and has within its
7 possession or control assets that are property or in-
8 terests in property of a person on the list required
9 under section 7(a) to certify to the Secretary that,
10 to the best of the knowledge of the financial institu-
11 tion, the financial institution has blocked all assets
12 within the possession or control of the financial in-
13 stitution in accordance with subsection (a).

14 (3) NOTIFICATION TO CONGRESS.—Not later
15 than 10 days before prescribing or revising regula-
16 tions under paragraph (2), the President shall notify
17 the appropriate congressional committees of the pro-
18 posed regulations and the provisions of this Act or
19 amendments made by this Act that the regulations
20 are implementing.

21 (e) RULEMAKING.—The Secretary of the Treasury
22 shall issue such regulations, licenses, and orders as may
23 be necessary to carry out this section.

1 **SEC. 10. REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—The President shall submit a re-
3 port to the appropriate congressional committees that in-
4 cludes—

5 (1) a list of each foreign person with respect to
6 which the President imposed sanctions pursuant to
7 section 8 or 9 during the 1-year period preceding the
8 submission of the 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—

13 (A) imposed sanctions under section 8 or
14 9 during that year; and

15 (B) terminated sanctions under section 8
16 or 9 during that year;

17 (4) the dates on which such sanctions were im-
18 posed or terminated; and

19 (5) the reasons for imposing or terminating
20 such sanctions.

21 (b) DATES FOR SUBMISSION.—

22 (1) INITIAL REPORT.—The President shall sub-
23 mit the initial report under subsection (a) not later
24 than 1 year after the date of the enactment of this
25 Act.

26 (2) SUBSEQUENT REPORTS.—

1 (A) IN GENERAL.—The President shall
2 submit a report under subsection (a) on Decem-
3 ber 10, or the first day thereafter on which
4 both Houses of Congress are in session, of—

5 (i) the calendar year in which the ini-
6 tial report is submitted if the initial report
7 is submitted before December 10 of that
8 calendar year; and

9 (ii) each calendar year thereafter.

10 (c) FORM OF REPORT.—

11 (1) IN GENERAL.—Each report required under
12 subsection (a) shall be submitted in unclassified
13 form, but may include a classified annex.

14 (2) EXCEPTION.—The name of a foreign person
15 to be included in the list required under subsection
16 (a)(1) may not be included in the classified annex
17 authorized under paragraph (1) unless the Presi-
18 dent—

19 (A) determines that such inclusion is vital
20 to the national security interests of the United
21 States;

22 (B) uses the annex in a manner consistent
23 with congressional intent and the purposes of
24 this Act; and

1 (C) not later than 15 days before including
2 such name in the classified annex, provides to
3 the appropriate congressional committees notice
4 of, and a justification for, including the name
5 in the classified annex despite any publicly
6 available credible information indicating that
7 the person engaged in an activity described in
8 section 8 or 9.

9 (d) PUBLIC AVAILABILITY.—

10 (1) IN GENERAL.—The unclassified portion of
11 the report required under subsection (a) shall be
12 made available to the public, including through pub-
13 lication in the Federal Register.

14 (2) NONAPPLICABILITY OF CONFIDENTIALITY
15 REQUIREMENT WITH RESPECT TO VISA RECORDS.—

16 The President shall publish the list required under
17 subsection (a)(1) without regard to the requirements
18 under section 222(f) of the Immigration and Nation-
19 ality Act (8 U.S.C. 1202(f)) with respect to con-
20 fidentiality of records pertaining to the issuance or
21 refusal of visas or permits to enter the United
22 States.

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