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Debate on the Hong Kong Human Rights and Democracy Act

*Remarks by Rep. Chris Smith (R-NJ)
During debate on the Hong Kong Human Rights
and Democracy Act of 2019
in the U.S. House of Representatives
November 20, 2019*

Since the 1989 Tiananmen Square massacre thirty years ago, I've had the privilege of working with colleagues on both sides of the aisle—including and especially Speaker Pelosi and Congressman Frank Wolf—on human rights, the rule of law and democracy for the people of China.

We have always believed that every person in China deserves better than the brutality so many endure and the systematic violations of their universally recognized human rights. China's ruthless dictators do not agree, and they are driven to tighten their control.

Today, Hong Kong is burning. The status quo is no longer—the brutal government crackdown on democracy activists has escalated.

Tragically, under President Xi Jinping, human rights abuse throughout China has significantly worsened including the pervasive use of torture, [religious persecution](#), [human trafficking](#) and genocide against Muslim Uighurs.

Last month President Xi ominously warned of even more brutal violence to come in Hong Kong, threatening “crushed bodies and shattered bones.”

And the Hong Kong government prefers bullets and batons over peaceful and political dialogue that would address the Hong Kong people's rightful grievances.

That is the sad and disgusting reality. And it is what the Chinese Communist government does best—suppress, repress, torture and censor.

With passage of the Hong Kong Human Rights and Democracy Act, the United States Congress is making it clear that beating, torturing and jailing democracy activists is wrong. We stand in solidarity with the people of Hong Kong. There will be strong sanctions, other ramifications, for this crackdown and abuse of power.

The people of Hong Kong have feared for their freedom for a long time. In 2014, I met with Martin Lee and Anson Chan, two titans of Hong Kong's democracy movement. They—and Scott Flipse of the China Commission—met in my office as we discussed the Chinese Communist Party's growing influence in Hong Kong.

That is the genesis of this bill and our five-year effort to push back on Beijing's pernicious interference in Hong Kong.

In the midst of the 2014 Umbrella Movement, I first introduced—joined by Speaker Pelosi, the first Hong Kong Human Rights and Democracy Act. My CECC Cochair Senator Sherrod Brown introduced the same bill in the Senate.

Over the years, in 2015 and 2017, Senator Rubio and I upgraded the bill to reflect the kidnapping of booksellers, the disqualification of elected lawmakers, and the political prosecutions of Joshua Wong, Nathan Law, Benny Tai and others.

However, every time we pushed for passage there was opposition--from diplomats, experts, committee Chairs, and U.S. business interests in Hong Kong.

Passage of this legislation is long overdue.

[My House bill cosponsored by my good friend Jim McGovern and 46 other bipartisan cosponsors, passed last month on October 15.](#)

Today we consider a final bill derived from working with our colleagues in the Senate.

Specifically, the Act:

Directs the Secretary of State to report and certify to Congress annually whether Hong Kong continues to deserve special treatment under U.S. law different from mainland China in such matters as trade, customs, sanctions enforcement, law enforcement cooperation, and protection of human rights and the rule of law.

Directs the State Department not to deny entry visas based primarily on the applicants' arrest or detention for participating in nonviolent protest activities in Hong Kong.

Requires, for the next seven years, an annual report from the Commerce Department on whether the Hong Kong government adequately enforces U.S. export controls and sanctions laws including those goods and services transshipped to North Korea, Iran or other countries relating to the proliferation of weapons of mass destruction, narcotics trafficking and more.

Requires an assessment of whether U.S. origin items including software, technology and services have been transferred from Hong Kong to China in violation of U.S. law and have been used by China for mass surveillance, predictive policing, or for the social credit system.

What's the social credit system, you ask? A ubiquitous, panopticon totalitarian "brave new world" system scheduled for implementation by 2020 that will use public records, online activity and other tools of surveillance

to aggregate data on every Chinese citizen and business and use that data to monitor, shape and rate financial, social, religious or political behaviors.

Requires the President to submit a strategy to Congress to protect U.S. citizens and businesses in Hong Kong from the erosion of autonomy and the rule of law because of actions taken by the Chinese Communist governments.

Requires the President to identify and sanction persons in Hong Kong or in mainland China responsible for the extrajudicial rendition and gross violations of internationally recognized human rights.

The Chinese Communist government warns us repeatedly not to interfere in China's internal affairs. But the only interference I see is Beijing's meddling in the democratic freedoms of Hong Kong. All I see is Beijing's failures to honor the promises made in the 1984 Sino-British Declaration, an international treaty. All I see is Beijing's failure to honor the promises of Hong Kong's Basic Law.

We cannot avert our eyes to what is happening in Hong Kong. We cannot not silence our voices when the rule of law, democracy, human rights, free speech and autonomy are being threatened in Hong Kong. We must remain steadfast in support of the people of Hong Kong.

The whole world has a stake in a peaceful and just resolution in Hong Kong. The passage of the Hong Kong Human Rights and Democracy Act is an important signal that this Congress considers Hong Kong's freedoms and autonomy a critical interest of the United States and the international community.

In Hong Kong they encourage each other to keep pressing forward with the phrase *Jiā yóu*—or “step on it”.

So today, I want to say *Jiā yóu* to the Hong Kong people. Your cause is a noble one. You will not be forgotten.

This bill is the work of so many who care deeply about freedom and democracy in Hong Kong. I want to thank my House colleagues, Mr. McGovern, Speaker Pelosi, and House Foreign Affairs Chairman Mr. Engel and the Ranking Member Mr. McCaul for working to get this bill to the floor today.

I also want to mention some of the staff members who were instrumental in working on this legislation over the past five years, they have kept this issue in front of this Congress, and they deserve our thanks. I want to thank the former staff directors of the CECC, Paul Protic and Elyse Anderson for their important work on Hong Kong and China. I also want to thank Piero Tozzi on my staff for his focus on human rights in China and around the world.

I want to particularly mention the contribution made to this legislation by Scott Flipse of the CECC. In 2014, Dr. Flipse first convinced me that U.S. policy toward Hong Kong had to change. Beijing had a long-term plan to undermine Hong Kong's autonomy and the U.S. needed to focus its efforts on countering that plan. He has been a stalwart advocate for the people of Hong Kong ever since and I want to thank him again for his critical contributions to this legislation.