

Congress of the United States
Washington, DC 20515

June 30, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President,

We write on the first anniversary of the promulgation of the intentionally vague national security law in Hong Kong to express our continued concern over the ceaseless assault on Hong Kong's democracy by the Governments of the People's Republic of China (PRC) and Hong Kong Special Administrative Region (HKSAR).

Since its enactment, the national security legislation has been weaponized to severely undermine the rights and high-degree of autonomy guaranteed to the people of Hong Kong under the 1984 Sino-British Joint Declaration and the Hong Kong Basic Law.

The PRC and HKSAR Governments are working together to undermine the Hong Kong people's freedoms and to silence political opposition, including through sweeping arrests and imprisonments for alleged crimes committed during the 2019 protests. Pro-democracy advocates and former lawmakers have been subject to mass arrest for exercising political rights and attempting to take part in a primary election, being accused of "conspiracy to commit subversion" under the law.¹

The national security law has been used to arrest pro-democracy activists such as Jimmy Lai Chee-Ying and to crack down on press freedoms. Just two weeks ago, the Hong Kong police raided the offices of Lai's pro-democracy paper Apple Daily and arrested five executives and editors on suspicion of "collusion with a foreign country or with external elements to endanger national security."² The HKSAR government also froze Apple Daily's assets, forcing the newspaper to shutter after 26 years.

This crackdown on media freedom has been accompanied by concerning educational reforms that stifle freedom of expression on school campuses. After the passage of the national security

¹ Matthew S. Schwartz, *Hong Kong Democracy Advocates Charged Under National Security Law*, NPR (Feb. 28, 2021), <https://www.npr.org/2021/02/28/972341741/hong-kong-democracy-advocates-charged-under-national-security-law>.

² Austin Ramzy & Tiffany May, *Hong Kong Cracks Down on a Pro-Democracy Newspaper*, N.Y. Times (Jun. 6, 2021), <https://www.nytimes.com/2021/06/16/world/asia/hong-kong-apple-daily.html>.

law, school textbooks were reviewed to ensure they were in accordance with the legislation, and under a newly established National Security Education Day students as young as three years old participated in parades, quizzes, and exhibitions in effort to popularize the law with Hong Kong's youth.³

The U.S. support for the people of Hong Kong has been bipartisan and unequivocal. As the situation in Hong Kong continues to deteriorate, however, we respectfully request answers to the following questions:

1. We appreciate your Administration's efforts in working with allies and partners to impose multilateral sanctions on the PRC over the abuse of Uyghurs and other ethnic minorities in Xinjiang, but many of those allies and partners have been reticent to hold PRC and HKSAR officials accountable for undermining fundamental freedoms and autonomy in Hong Kong. What additional steps is the Administration taking to encourage international partners, particularly our European allies, to hold these officials to account? Are there targeted areas where Congress can lend support to these efforts?
2. In April, Hong Kong's legislature passed a controversial immigration bill that many are worried will give authorities unlimited powers to prevent residents and others from entering or leaving Hong Kong.⁴ What steps are the Executive Branch taking to help those seeking to leave Hong Kong for fear of retribution or persecution for their pro-democracy activities?
3. Does the Administration plan to count Hong Kong refugees toward the numerical ceiling on refugee admissions in the President's 2022 Determination?
4. What is the Administration doing to coordinate with allies and partners to ensure that the private sector, particularly U.S. companies with economic interests in Hong Kong, is aware of risks the national security legislation poses to the security of U.S. citizens and to the medium and long-term interests of U.S. businesses in Hong Kong?
5. Given the crackdown in the media and education sector, what is the Executive Branch doing to support civil society, journalists, and academics to help preserve some level of free speech in Hong Kong? What is the Executive Branch doing to expand support for those in the Hong Kong media establishment who are fleeing Hong Kong, but wish to continue to elevate what is going on inside their country?

³ Helen Davidson, *Hong Kong children schooled in national security as city 'celebrates' new laws*, The Guardian (Apr. 15, 2021), <https://www.theguardian.com/world/2021/apr/15/hong-kong-national-security-children-new-laws>.

⁴ Marius Zaharia, *Hong Kong passes immigration bill, raising alarm over 'exit bans'*, Reuters (Apr. 27, 2021), <https://www.reuters.com/world/asia-pacific/hong-kong-passes-immigration-bill-raising-alarm-over-exit-bans-2021-04-28/>.

6. Does the Administration perceive any gaps in its authorities to effectively hold the PRC and HKSAR Governments accountable for this crackdown?
7. What is the Administration doing to challenge impunity for leadership of the Hong Kong police in cases where there have been credible allegations the police used excessive force in the 2019 protests?

We thank you for your attention to this urgent matter and look forward to working with you to continue supporting the people of Hong Kong in their struggle for their rights, freedoms, and autonomy.

Sincerely,



Ami Bera, M.D.
Chairman
Subcommittee on Asia, the Pacific,
Central Asia, and Nonproliferation



Edward J. Markey
Chairman
Subcommittee on East Asia, The Pacific,
and International Cybersecurity Policy



Steve Chabot
Ranking Member
Subcommittee on Asia, the Pacific,
Central Asia, and Nonproliferation



Mitt Romney
Ranking Member
Subcommittee on East Asia, The Pacific,
and International Cybersecurity Policy