



Murphy 1st Degree 2

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the preamble.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. Res. 98

Condemning Beijing's destruction of Hong Kong's democracy
and rule of law.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MURPHY

Viz:

1 Strike the preamble and insert the following:

Whereas, in 1997, Great Britain handed Hong Kong over to Chinese rule under guarantees that Hong Kong would become a Special Administrative Region under the “one country, two systems” principle, pursuant to which Hong Kong's Basic Law would apply and would enshrine “fundamental rights” of Hong Kong residents and a political structure, including an independent judiciary, the right to vote, and freedoms of assembly and speech, among others;

Whereas, in 1788, the United States Constitution was ratified, establishing the United States as a representative democracy with three branches of government: legislative, executive, and judicial, and in 1791, the Bill of Right was ratified to enshrine fundamental freedoms of United

States protecting the rights of all Americans, including the freedoms of assembly and speech, among others;

Whereas the Government of the People's Republic of China (PRC) has repeatedly undermined Hong Kong's autonomy since the 1997 handover, including actions which resulted in political protests in Hong Kong, including the 2014 Umbrella Movement protesting Beijing's attempt to reform Hong Kong's electoral system, and the 2019–2020 protests, which opposed the Hong Kong government's decision to implement an extradition law that would have subjected Hong Kongers to prosecution in mainland China;

Whereas the administration of Donald J. Trump has repeatedly undermined democracy and the rule of law in the United States, including threatening legal actions against independent media outlets, attempting to shut down law firms that represent the political opposition, demonizing the LGBTQ community, calling journalists the “enemy of the people”, targeting the Catholic Church, illegally withholding congressionally appropriated funding, illegally firing Federal employees, and pardoning criminals convicted of violence against the police on January 6, 2021;

Whereas the Hong Kong Police Force used excessive force to try to quell the 2019–2020 protestors, many of whom were under the age of 30;

Whereas the Trump administration endorsed the use of excessive force by its supporters to disrupt the counting of electoral votes on January 6, 2021, many of whom were under the age of 30;

Whereas the Government of the People's Republic of China responded to these protests by passing and implementing

the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (commonly referred to as the "Hong Kong National Security Law") a poorly defined criminal statute with extraterritorial reach that includes overly broad charges to punish people for exercising their fundamental rights and freedoms;

Whereas the Trump administration responded to these January 6th riots by granting pardons to the rioters, including the most hardened criminals who used flag poles and tasers to beat and maim law enforcement protecting the Capitol from invasion;

Whereas, since its enactment in June 2020, the Hong Kong National Security Law has been used by the Government of the People's Republic of China as a pretext to crack down on legitimate and peaceful expression, including the exercise of freedoms of assembly, speech, and religious belief guaranteed to Hong Kong under the Basic Law, to replace the Hong Kong legislature with individuals loyal to the Chinese Communist Party, and to pass new immigration laws that subject Hong Kong citizens and residents, as well as PRC nationals and foreign nationals, to exit bans in Hong Kong similar to those implemented in mainland China;

Whereas the Trump administration has threatened to halt all Federal funding for any college or school that allow "illegal protests" and vowed to imprison "agitators" as a pretext to crack down on legitimate and peaceful expression, including the exercise of freedoms of assembly, speech, and religious belief guaranteed to Americans under the United States Constitution;

Whereas, in March 2024, the Hong Kong government enacted national security legislation to implement Article 23 of the Basic Law, officially called the “Safeguarding National Security Ordinance” and also referred to as the “Article 23 Ordinance”, which expanded the number of broadly defined national security criminal offenses to include, among other things, “external interference” and “sabotage”, weakened legal protections for suspects accused of national security offenses, authorized new punitive measures targeting Hong Kong citizens and non-citizens overseas, and created risks for Hong Kong residents who interact with foreigners;

Whereas the Trump administration has issued executive orders requiring Federal employees and diplomats to cease communications on a range of issues, including “diversity, equity, and inclusion”, “environmental justice”, and “gender ideology”, as well as ordering Department of Defense officials to stop posting information on official social media accounts unless it is about the southern border, and health and other Federal experts to limit communications on critical public safety issues such as the spread of bird flu;

Whereas nearly 300 people have been arrested under the Hong Kong national security law and the Article 23 Ordinance;

Whereas nearly 1,500 people convicted of offenses related to the violent insurrection at the United States Capitol on January 6, 2021, were granted pardons and commutations of sentences by President Trump;

Whereas the Government of the People’s Republic of China uses the Hong Kong National Security Law and the Article 23 Ordinance to harass, target, and threaten non-

Hong Kong citizens and those outside of Hong Kong, and has become a significant perpetrator of transnational repression, including by posting cash bounties for democracy activists living in self-exile outside of Hong Kong;

Whereas the Trump administration has blocked independent journalists from covering news events at the Oval Office, ousted journalists from their working spaces in the Department of Defense, and launched investigations into public media companies in an attempt to bend news coverage to his will;

Whereas, on November 19, 2024, the Hong Kong government sentenced a group of pro-democracy activists, journalists, and former lawmakers commonly known as the “Hong Kong 47” to jail terms ranging between 4 and 10 years as a demonstration of the Hong Kong government’s willingness to intimidate and persecute its political opponents;

Whereas the Trump administration blocked Associated Press (AP) reporters from covering President Trump at White House events after the AP continued to refer to the body of water south of the United States as the Gulf of Mexico instead of the Gulf of America, as a demonstration of the Trump administration’s willingness to intimidate the free press;

Whereas, Mr. Jimmy Lai, a 77-year-old Hong Kong pro-democracy advocate and media entrepreneur, has been targeted and persecuted for decades, most recently through multiple prosecutions, including related to exercising his rights to freedom of peaceful assembly and freedom of expression, his sentencing to over five years in prison under politically motivated fraud charges and the seizure

of his multimillion dollar independent media organization Apple Daily by the Hong Kong authorities;

Whereas the Department of Justice has launched a “Weaponization Working Group” to investigate prosecutions against President Trump, including his 34-count felony conviction and the \$486,000,000 civil fraud judgment against him in New York;

Whereas, Mr. Lai, one of the highest profile cases under the 2020 “National Security Law”, has been imprisoned in solitary confinement with inadequate medical treatment since December 31, 2020;

Whereas, the Department of Justice ordered the targeting and review of every FBI agent who ever investigated a January 6th case, in order to begin “a review process to determine whether any additional personnel actions are necessary”, and on February 4, 2025, identifying information for over 5,000 FBI officials who worked on these cases was turned over to Department of Justice leadership;

Whereas five Special Rapporteurs, as well as the United Nations Human Rights Council Working Group on Arbitrary Detention, have found that Mr. Lai is unlawfully and arbitrarily detained and have called for his immediate and unconditional release;

Whereas the Special Rapporteur on Torture appealed to President Trump on January 30, 2017, not to reinstate waterboarding as torture;

Whereas the trial of Mr. Lai, which began on December 18, 2023, has been delayed repeatedly;

Whereas the Trump administration has taken steps to suppress anti-corruption prosecutions and investigations, dis-

banded critical task forces at the Department of Justice and the Federal Bureau of Investigation, and halted the enforcement of anti-corruption laws;

Whereas international legal experts at the United Nations have expressed concerns regarding prosecutors' use of witness testimony against Mr. Lai that may have been obtained through torture, Hong Kong authorities' interference with the independence of the judiciary throughout the case, and harassment and intimidation of Mr. Lai's lawyers, undermining his right to a defense;

Whereas international legal experts at the United Nations have expressed concerns regarding the Trump administration's attacks on international law and institutions, comprehensive assault on United States civil rights commitments and the rule of law, and promotion of interests of authoritarians and demagogues worldwide;

Whereas the Government of the People's Republic of China's undermining of democracy in Hong Kong has ramifications for the international order, including with regard to the future of Taiwan;

Whereas the Trump administration's undermining of democracy in the United States has ramifications for the international order;

Whereas the Hong Kong government has conducted a public relations campaign to convince global business leaders that Hong Kong remains a critical and attractive international financial center, while simultaneously undermining the independence of institutions that encouraged its growth over the past several decades;

Whereas the Trump administration has conducted a public relations campaign to convince global business leaders

that the United States remains a critical and attractive international financial center, while simultaneously undermining the independence of institutions that encouraged its growth over the past several decades;

Whereas Hong Kong has increasingly become a hub for the transshipment of export-controlled goods and sanctions evasion relating to the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, and the Islamic Republic of Iran, directly supporting Russia's defense industrial base and enabling its continuing war of aggression against Ukraine;

Whereas the Trump administration's creation of a new United States strategic reserve of cryptocurrencies and decisions of the Security and Exchange Commissions to withdraw investigations into several cryptocurrency companies will ensure that the United States increasingly becomes a hub for fraud and money laundering;

Whereas Hong Kong still maintains a separate voting share from the People's Republic of China at many multilateral organizations—including the Asia Pacific Economic Cooperation forum, the Financial Action Task Force, the International Olympic Committee, and the World Trade Organization—effectively doubling the People's Republic of China's voting power at these critical institutions; and

Whereas the Hong Kong Human Rights and Democracy Act (Public Law 116–76; 22 U.S.C. 5701 note), signed into law in November 2019, requires the President to impose sanctions to promote accountability for those responsible for certain conduct that undermines fundamental freedoms and autonomy in Hong Kong: Now, therefore, be it