

Statement of Senator Sherrod Brown
“Crisis in Hong Kong: A Review of U.S. Policy Tools”

June 4, 2020

WASHINGTON, D.C. — U.S. Sen. Sherrod Brown (D-OH) – ranking member of the U.S. Senate Committee on Banking, Housing, and Urban Affairs – delivered the following opening statement at today’s hearing entitled “Crisis in Hong Kong: A Review of U.S. Policy Tools.”

Sen. Brown’s remarks, as prepared for delivery, follow:

Thank you Mr. Chairman. At our hearing earlier this week, a number of us said that this committee must show Americans that we are on their side – that we see our black and brown fellow citizens, that we hear them, that their lives matter. And that we’re going to fight for change.

Today’s hearing can’t be an immediate return to old habits.

We are going to hear a whole lot of rightful condemnations of China’s repression today – God knows they deserve it. But Monday night, the President of the United States ordered tear gas and rubber bullets to be used on peaceful protesters.

He didn’t use the arm of the state to stop violence – again, these were peaceful protesters demanding justice. No, he used it to stage a photo op.

All of us on this committee stand with protesters in Hong Kong, who just want a voice in their own government, to exercise fundamental democratic rights. I hope my colleagues will also stand with the millions of our black and brown fellow Americans, who want the same thing.

That will also allow us to set a better example for the world. I think everyone on this committee wants the U.S. to be a global leader – a beacon of democracy to oppressed people everywhere who long for freedom. The president is making that harder.

You can bet authoritarian governments around the world, especially in Moscow and Beijing, hear loud and clear the president's messages stoking doubts about our elections, suppressing voters, and inciting violence. And they will use his words and his actions to justify their own brutality.

Today's hearing falls on the 31st anniversary of Tiananmen Square. It's a good opportunity for us to recommit ourselves to human rights everywhere – in Tiananmen Square and in Lafayette Square alike.

When the UK handed Hong Kong back to China in 1997, China promised the people of Hong Kong that they would enjoy certain freedoms, including the right to elect their leaders. Those guarantees have ensured Hong Kong's stability and prosperity.

China's new security law reneges on that promise and on its international obligations. Beijing's overstep is an assault on the city's autonomy, the rule of law, and fundamental freedoms guaranteed by the Basic Law and the 1977 Sino-British

Declaration. China's leaders seem determined to impose this draconian law. An assault on Hong Kong's democratic activists, human rights advocates, journalists and others on trumped-up charges of sedition and national security violations will follow. The U.S. must stand with the people of Hong Kong.

If China allows the new security law to go into effect, the U.S. and its allies must respond by making clear the long-term costs to China of encroaching on Hong Kong's sovereignty, and that Beijing's Kafkaesque definitions of "secession," "sedition," and "foreign interference" are too vague and malleable to be useful legal tools in a modern state.

China's authoritarianism and repression have mounted against its own people – in Hong Kong and Tibet, against the Uighurs, and others. And President Trump leads China's leaders to believe they can tighten their grip on their own people, and our president will continue to look the other way.

His opposition to the Hong Kong Human Rights and Democracy Act; his silence on human rights violations; his persistent praise for President Xi Jinping; his reluctance to challenge Chinese leaders for fear of putting his trade deal at risk – it all sends a pretty clear message: China, you're free to do whatever you want to repress your own people, so long as I get my photo-ops.

I'm sensing a pattern.

Six years ago, Rep. Chris Smith and I, then co-chairs of the Congressional-Executive China Commission, introduced legislation to require the certification Secretary Pompeo made

last week: that if Hong Kong was no longer sufficiently autonomous, it should no longer enjoy its special status under U.S. law.

This decertification, and the President's follow-on announcement last week to begin a process to limit Hong Kong's special status, were a start -- even though tentative, partial and long overdue. They at least begin to acknowledge that the Hong Kong security law puts the "one-country, two-systems" framework -- and the people of Hong Kong -- at serious risk.

We need a broad new long-term bipartisan strategy on China. But there are also steps we must take in the urgent short term. And while I would support effective, calibrated additions to our present sanctions arsenal, an approach that narrowly focuses on unilateral U.S. sanctions, including new mandatory secondary sanctions on large foreign banks, may be ineffective and have unintended consequences harmful to our strategic interests.

We also know that the time necessary to craft targeted new legislation could delay the administration from taking forceful action now, using powerful tools Congress has already provided. Those include the 2019 Hong Kong Human Rights Act, the Global Magnitsky law, and most important, broad authorities contained in the International Emergency Economic Powers Act.

President Trump could use these authorities tomorrow. He should have made clear months ago that he would use them to respond to action against Hong Kong. Congress should press the

White House to do its job, with a comprehensive and multilateral approach.

At a time when the president has turned his back on the world – the withdrawal from the WHO being just the latest example – we must step in, and fill that leadership void.

We must draw our British, European and Asian allies into a long-term strategy, using robust economic, financial, diplomatic, trade, and other tools to make clear to China's leaders that violating their agreements on Hong Kong will implicate China's strategic relationships not just with the U.S., but with other world powers. And we should incorporate robust aid to democracy and human rights advocates, journalists, civil society organizations and others there committed to preserving Hong Kong's freedoms.

Finally, we have to make clear that China will pay a real economic price for enforcing this repressive new law. That could include changes in tariff treatment, export controls, trade finance, immigration – the entire range of benefits China now enjoys through Hong Kong's unique position as a financial center and gateway to the West.

China makes it clear – through its economic espionage, its aggressive military posture, its abuse of our export controls, and its cheating on international trade rules that puts American workers out of jobs – that it sees itself more as an adversary than a partner of the West.

Well, an adversary of workers in the West – we know they have no problem with western CEOs.

We must confront China's abuses, and its breach of its commitments to maintain Hong Kong's autonomy, directly on this committee.

I welcome our witnesses, and look forward to hearing their ideas on how best to do that.

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