

amended, which is classified principally to chapter 32 (§2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (a)(2)(A), (3), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

Sections 4604(c)(1) and 4605 of title 50, referred to in subsecs. (a)(5), (b)(2)(C), and (e)(1)(B), were repealed by Pub. L. 115-232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

Section 304(b) of this title, referred to in subsec. (e)(1)(B), is section 304(b) of Pub. L. 102-182, title III, Dec. 4, 1991, 105 Stat. 1246, which amended former section 4605 of Title 50, War and National Defense.

CODIFICATION

In subsec. (b)(2)(F)(iv), “section 40102(a) of title 49” substituted for “section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301)” on authority of Pub. L. 103-272, §6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State, with certain exceptions, by section 1(b) of Ex. Ord. No. 12851, June 11, 1993, 58 F.R. 33181, set out as a note under section 2797 of this title.

EX. ORD. NO. 13883. ADMINISTRATION OF PROLIFERATION SANCTIONS AND AMENDMENT OF EXECUTIVE ORDER 12851

Ex. Ord. No. 13883, Aug. 1, 2019, 84 F.R. 38113, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.) (NEA), sections 305-308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (CBW Act), Public Law 102-182 (50 U.S.C. App. 2410c [now 50 U.S.C. 4613]; 22 U.S.C. 2798, 5604-5606), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, in order to take additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, [50 U.S.C. 1701 note] as amended by and relied on for additional steps in subsequent Executive Orders, hereby order:

SECTION 1. (a) When the President, or the Secretary of State pursuant to authority delegated by the President and in accordance with the terms of such delegation, pursuant to section 307(b)(1) of the CBW Act [22 U.S.C. 5605(b)(1)], selects for imposition on a country one or more of the sanctions set forth below and in section 307(b)(2) of that Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall take the following actions, when necessary, to implement such sanctions:

(i) oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions; and

(ii) prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(b) The prohibition in subsection (a)(ii) of this section applies except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order [Aug. 1, 2019].

SEC. 2. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate the prohibition set forth in section 1(a)(ii) of this order is prohibited.

(b) Any conspiracy formed to violate the prohibition set forth in section 1(a)(ii) of this order is prohibited. SEC. 3. [Amended Ex. Ord. No. 12851, set out as a note under section 2797 of this title.]

SEC. 4. For the purposes of this order:

(a) the term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term “government” means a government, any political subdivision, agency, or instrumentality thereof, and any person owned or controlled by, or acting for or on behalf of, that government; and

(c) the term “United States bank” means any entity organized under the laws of the United States or any jurisdiction within the United States (including its foreign branches), or any entity in the United States, that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures, or options, or procuring purchasers and sellers thereof, as principal or agent.

SEC. 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including promulgating rules and regulations, and to employ all powers granted to the President by IEEPA and the CBW Act as may be necessary to implement this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All agencies of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this order.

SEC. 6. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 5606. Repealed. Pub. L. 107-228, div. B, title XIII, § 1308(g)(1)(B), Sept. 30, 2002, 116 Stat. 1441

Section, Pub. L. 102-182, title III, §308, Dec. 4, 1991, 105 Stat. 1257, related to Presidential reporting requirements.

CHAPTER 66—UNITED STATES-HONG KONG POLICY

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§ 5701. Findings and declarations

The Congress makes the following findings and declarations:

(1) The Congress recognizes that under the 1984 Sino-British Joint Declaration:

(A) The People's Republic of China and the United Kingdom of Great Britain and Northern Ireland have agreed that the People's Republic of China will resume the exercise of sovereignty over Hong Kong on July 1, 1997. Until that time, the United Kingdom will be responsible for the administration of Hong Kong.

(B) The Hong Kong Special Administrative Region of the People's Republic of China, beginning on July 1, 1997, will continue to enjoy a high degree of autonomy on all matters other than defense and foreign affairs.

(C) There is provision for implementation of a "one country, two systems" policy, under which Hong Kong will retain its current lifestyle and legal, social, and economic systems until at least the year 2047.

(D) The legislature of the Hong Kong Special Administrative Region will be constituted by elections, and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as applied to Hong Kong, shall remain in force.

(E) Provision is made for the continuation in force of agreements implemented as of June 30, 1997, and for the ability of the Hong Kong Special Administrative Region to conclude new agreements either on its own or with the assistance of the Government of the People's Republic of China.

(2) The Congress declares its wish to see full implementation of the provisions of the Joint Declaration.

(3) The President has announced his support for the policies and decisions reflected in the Joint Declaration.

(4) Hong Kong plays an important role in today's regional and world economy. This role is reflected in strong economic, cultural, and other ties with the United States that give the United States a strong interest in the continued vitality, prosperity, and stability of Hong Kong.

(5) Support for democratization is a fundamental principle of United States foreign policy. As such, it naturally applies to United States policy toward Hong Kong. This will remain equally true after June 30, 1997.

(6) The human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United

States interests in Hong Kong. A fully successful transition in the exercise of sovereignty over Hong Kong must safeguard human rights in and of themselves. Human rights also serve as a basis for Hong Kong's continued economic prosperity.

(Pub. L. 102-383, §2, Oct. 5, 1992, 106 Stat. 1448.)

SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116-76, §1(a), Nov. 27, 2019, 133 Stat. 1161, provided that: "This Act [enacting sections 5725 and 5726 of this title, amending section 5721 of this title, and enacting provisions set out as a note under this section] may be cited as the 'Hong Kong Human Rights and Democracy Act of 2019'."

SHORT TITLE

Pub. L. 102-383, §1, Oct. 5, 1992, 106 Stat. 1448, provided that: "This Act [enacting this chapter] may be cited as the 'United States-Hong Kong Policy Act of 1992'."

HONG KONG HUMAN RIGHTS AND DEMOCRACY

Pub. L. 116-76, §§2, 3, 5-8, Nov. 27, 2019, 133 Stat. 1161, 1162, 1166-1170, provided that:

"SEC. 2. DEFINITIONS.

"In this Act [see Short Title of 2019 Amendment note above]:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Foreign Relations of the Senate;

"(B) the Committee on Armed Services of the Senate;

"(C) the Committee on Banking, Housing, and Urban Affairs of the Senate;

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

"(E) the Committee on the Judiciary of the Senate;

"(F) the Committee on Foreign Affairs of the House of Representatives;

"(G) the Committee on Armed Services of the House of Representatives;

"(H) the Committee on Financial Services of the House of Representatives;

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

"(J) the Committee on the Judiciary of the House of Representatives.

"(2) SOCIAL CREDIT SYSTEM.—The term 'social credit system' means a system proposed by the Government of the People's Republic of China and scheduled for implementation by 2020, which would—

"(A) use existing financial credit systems, public records, online activity, and other tools of surveillance to aggregate data on every Chinese citizen and business; and

"(B) use such data to monitor, shape, and rate certain financial, social, religious, or political behaviors.

"(3) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a United States citizen;

"(B) a lawfully admitted permanent resident of the United States; or

"(C) an entity organized under the laws of—

"(i) the United States; or

"(ii) any jurisdiction within the United States, including a foreign branch of such an entity.

"SEC. 3. STATEMENT OF POLICY.

"It is the policy of the United States—

"(1) to reaffirm the principles and objectives set forth in the United States-Hong Kong Policy Act of 1992 (Public Law 102-383) [22 U.S.C. 5701 et seq.], namely that—

"(A) the United States has 'a strong interest in the continued vitality, prosperity, and stability of Hong Kong';