

SUBCHAPTER II—STATUS OF HONG KONG
IN UNITED STATES LAW

§ 5721. Continued application of United States law

(a) In general

Notwithstanding any change in the exercise of sovereignty over Hong Kong, the laws of the United States shall continue to apply with respect to Hong Kong, on and after July 1, 1997, in the same manner as the laws of the United States were applied with respect to Hong Kong before such date unless otherwise expressly provided by law or by Executive order under section 5722 of this title.

(b) International agreements

For all purposes, including actions in any court in the United States, the Congress approves the continuation in force on and after July 1, 1997, of all treaties and other international agreements, including multilateral conventions, entered into before November 27, 2019, between the United States and Hong Kong, or entered into before November 27, 2019, between the United States and the United Kingdom and applied to Hong Kong, unless or until terminated in accordance with law. If in carrying out this subchapter, the President determines that Hong Kong is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Hong Kong's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, such determination shall be reported to the Congress in accordance with section 5731 of this title.

(Pub. L. 102-383, title II, §201, Oct. 5, 1992, 106 Stat. 1452; Pub. L. 116-76, §4(a)(1), Nov. 27, 2019, 133 Stat. 1163.)

Editorial Notes

AMENDMENTS

2019—Subsec. (b). Pub. L. 116-76 substituted “November 27, 2019” for “such date” in two places.

§ 5722. Presidential order

(a) Presidential determination

On or after July 1, 1997, whenever the President determines that Hong Kong is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of section 5721(a) of this title to such law or provision of law.

(b) Factor for consideration

In making a determination under subsection (a) with respect to the application of a law of the United States, or any provision thereof, to Hong Kong, the President should consider the terms, obligations, and expectations expressed in the Joint Declaration with respect to Hong Kong.

(c) Publication in Federal Register

Any Executive order issued under subsection (a) shall be published in the Federal Register

and shall specify the law or provision of law affected by the order.

(d) Termination of suspension

An Executive order issued under subsection (a) may be terminated by the President with respect to a particular law or provision of law whenever the President determines that Hong Kong has regained sufficient autonomy to justify different treatment under the law or provision of law in question. Notice of any such termination shall be published in the Federal Register.

(Pub. L. 102-383, title II, §202, Oct. 5, 1992, 106 Stat. 1453.)

§ 5723. Rules and regulations

The President is authorized to prescribe such rules and regulations as the President may deem appropriate to carry out this chapter.

(Pub. L. 102-383, title II, §203, Oct. 5, 1992, 106 Stat. 1453.)

§ 5724. Consultation with Congress

In carrying out this subchapter, the President shall consult appropriately with the Congress.

(Pub. L. 102-383, title II, §204, Oct. 5, 1992, 106 Stat. 1453.)

§ 5725. Secretary of State report regarding the autonomy of Hong Kong

(a) Certification

(1) In general

Except as provided in subsection (b), the Secretary of State, on at least an annual basis, and in conjunction with the report required under section 5731 of this title, shall issue a certification to Congress that—

(A) indicates whether Hong Kong continues to warrant treatment under United States law in the same manner as United States laws were applied to Hong Kong before July 1, 1997;

(B) addresses—

- (i) commercial agreements;
- (ii) law enforcement cooperation, including extradition requests;
- (iii) sanctions enforcement;
- (iv) export controls, and any other agreements and forms of exchange involving dual use, critical, or other sensitive technologies;
- (v) any formal treaties or agreements between the United States and Hong Kong;
- (vi) other areas of bilateral cooperation that the Secretary determines to be relevant; and
- (vii) decision-making within the Government of Hong Kong, including executive, legislative, and judicial structures, including—

(I) freedom of assembly;

(II) freedom of speech;

(III) freedom of expression; and

(IV) freedom of the press, including the Internet and social media;

(viii) universal suffrage, including the ultimate aim of the selection of the Chief