ommend changes to existing laws to establish a single comprehensive approach to victim compensation for terrorist acts.

(c) Income tax benefit for victims of Lockerbie terrorism

(1) In general

Subject to paragraph (2), in the case of any individual whose death was a direct result of the Pan American Airways Flight 103 terrorist disaster over Lockerbie, Scotland, on December 21, 1988, any tax imposed by subtitle A of title 26 shall not apply—

(A) with respect to the taxable year which includes December 21, 1988, and

(B) with respect to the prior taxable year.

(2) Limitation

In no case may the tax benefit pursuant to paragraph (1) for any taxable year, for any individual, exceed an amount equal to 28 percent of the annual rate of basic pay at Level V of the Executive Schedule of the United States as of December 21, 1988.

(Pub. L. 101–604, title II, § 211, Nov. 16, 1990, 104 Stat. 3085.)

REFERENCES IN TEXT

Level V of the Executive Schedule, referred to in subsec. (c)(2), is set out in section 5316 of Title 5, Government Organization and Employees.

§ 5511. Overseas Security Electronic Bulletin Board

Not later than 60 days after November 16, 1990, the Secretary of State shall issue such rules and regulations as may be necessary to establish, under the Bureau of Consular Affairs, an electronic bulletin board accessible to the general public. Such bulletin board shall contain all information, updated daily, which is available on the Overseas Security Electronic Bulletin Board of the Bureau of Diplomatic Security.

(Pub. L. 101–604, title II, § 212, Nov. 16, 1990, 104 Stat. 3086.)

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103–236, set out as a note under section 2651a of this title.

§ 5512. Antiterrorism measures

(a) Guidelines for international aviation travelers

For the purpose of notifying the public, the Secretary of State, in consultation with the Secretary of Transportation, shall develop and publish guidelines for thwarting efforts by international terrorists to enlist the unwitting assistance of international aviation travelers in terrorist activities. Notices concerning such guidelines shall be posted and prominently displayed domestically and abroad in international airports.

(b) Development of international standards

The Secretary of State and the Secretary of Transportation in all appropriate fora, particularly talks and meetings related to international civil aviation, shall enter into negotiations with other nations for the establishment of international standards regarding guidelines for thwarting efforts by international terrorists to enlist the unwitting assistance of international aviation travelers in terrorist activities.

(c) Publication of rewards for terrorism-related information

For the purpose of notifying the public, the Secretary of State shall publish the availability of United States Government rewards for information on international terrorist-related activities, including rewards available under section 2708(a) of this title and chapter 204 of title 18. To the extent appropriate and feasible, notices making such publication shall be posted and prominently displayed domestically and abroad in international airports.

(d) Sense of Congress

It is the sense of Congress that the Secretary of Transportation should take appropriate measures to utilize and train properly the officers and employees of other United States Government agencies who have functions at international airports in the United States and abroad in the detection of explosives and firearms which could be a threat to international civil aviation.

(Pub. L. 101–604, title II, § 214, Nov. 16, 1990, 104 Stat. 3087.)

§ 5513. Proposal for consideration by International Civil Aviation Organization

Not later than 60 days after November 16, 1990, the Secretary of State, in consultation with the Secretary of Transportation, shall propose to the International Civil Aviation Organization the establishment of a comprehensive aviation security program which shall include (1) training for airport security personnel, (2) grants for security equipment acquisition for certain nations, and (3) expansion of the appropriate utilization of canine teams in the detection of explosive devices in all airport areas, including use in passenger screening areas and nonpublic baggage assembly and processing areas.

(Pub. L. 101–604, title II, § 215, Nov. 16, 1990, 104 Stat. 3087.)

CHAPTER 65—CONTROL AND ELIMINATION OF CHEMICAL AND BIOLOGICAL WEAPONS

Sec.
5601. Purposes.
5602. Multilateral efforts.
(a) Multilateral controls on proliferation.
(b) Multilateral controls on chemical agents, precursors, and equipment.
5603. United States export controls.
5604. Determinations regarding use of chemical or biological weapons.
(a) Determination by President.
(b) Congressional requests; report.
5605. Sanctions against use of chemical or biological weapons.
(a) Initial sanctions.
(b) Additional sanctions if certain conditions not met.
(c) Removal of sanctions.

Sec.
(d) Waiver.
(e) Contract sanctity.
5606. Presidential reporting requirements.
(a) Reports to Congress.
(b) Protection of classified information.

PRIOR PROVISIONS

A prior chapter 65, enacted by Pub. L. 102–138, title V, Oct. 28, 1991, 105 Stat. 722, contained provisions substantially identical to those enacted by Pub. L. 102–182, title III, Dec. 4, 1991, 105 Stat. 1245, prior to repeal by Pub. L. 102–182, title III, § 309(a), Dec. 4, 1991, 105 Stat. 1258.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 50 section 441c; title 50 App. section 2405.

§ 5601. Purposes

The purposes of this chapter are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons;

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

(Pub. L. 102–182, title III, § 302, Dec. 4, 1991, 105 Stat. 1245.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title III of Pub. L. 102–182, Dec. 4, 1991, 105 Stat. 1245, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 301 of title III of Pub. L. 102–182 provided that: ''This title [enacting this chapter, section 2798 of this title, and section 2410c of Title 50, Appendix, War and National Defense, amending sections 2798 and 5604 of this title and sections 2405 and 2410c of Title 50, Appendix, and repealing provisions which enacted this chapter, section 2798 of this title, and section 2410c of Title 50, Appendix, and which amended section 2405 of Title 50, Appendix] may be cited as the 'Chemical and Biological Weapons Control and Warfare Elimination Act of 1991'.''

Pub. L. 102–138, title V, § 501, Oct. 28, 1991, 105 Stat. 722, which provided that title V of Pub. L. 102–138, which enacted this chapter, section 2798 of this title, and section 2410c of Title 50, Appendix, War and National Defense, and amended section 2405 of Title 50, Appendix, was to be cited as the ''Chemical and Biological Weapons Control and Warfare Elimination Act of 1991'', was repealed by section 309(a) of Pub. L. 102–182.

§ 5602. Multilateral efforts

(a) Multilateral controls on proliferation

It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing ''appropriate and effective'' sanctions against any country which uses chemical weapons in violation of international law.

(b) Multilateral controls on chemical agents, precursors, and equipment

It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group's objective to support the norms and restraints against the spread and the use of chemical warfare, to advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group's domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group's coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a ''denial'' list of firms and individuals who violate the Australia Group's export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

(Pub. L. 102–182, title III, § 303, Dec. 4, 1991, 105 Stat. 1245.)

§ 5603. United States export controls

The President shall—

(1) use the authorities of the Arms Export Control Act [22 U.S.C. 2751 et seq.] to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 [50 App. U.S.C. 2401 et seq.] to control the export of those goods and technology,

that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(Pub. L. 102–182, title III, § 304(a), Dec. 4, 1991, 105 Stat. 1246.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in par. (1), 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.

The Export Administration Act of 1979, referred to in par. (2), is Pub. L. 96–72, Sept. 29, 1979, 93 Stat. 503, as amended, which is classified principally to section 2401 et seq. of the Appendix to Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 2401 of the Appendix to Title 50 and Tables.

§ 5604. Determinations regarding use of chemical or biological weapons

(a) Determination by President

(1) When determination required; nature of determination

Whenever persuasive information becomes available to the executive branch indicating the substantial possibility that, on or after October 28, 1991, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after October 28, 1991, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 5605 of this title applies if the President determines that that government has so used chemical or biological weapons.

(2) Matters to be considered

In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) Determination to be reported to Congress

Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 5605 of this title.

(b) Congressional requests; report

(1) Request

The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after December 4, 1991, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) Report to Congress

Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive branch which is pertinent to the issue of whether the specified government, on or after December 4, 1991, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2) of this section.

(Pub. L. 102–182, title III, §§ 306, 309(b)(3), Dec. 4, 1991, 105 Stat. 1252, 1259.)

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 101–182, § 309(b)(3), substituted ''October 28, 1991'' for reference to the ''date of

the enactment of this title'', meaning the date of the enactment of title V of Pub. L. 101–182 which was enacted Dec. 4, 1991. ''October 28, 1991'', the second time appearing, was substituted for ''such date of enactment'' for purposes of codification.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2295a, 2295b, 5605 of this title.

§ 5605. Sanctions against use of chemical or biological weapons

(a) Initial sanctions

If, at any time, the President makes a determination pursuant to section 5604(a)(1) of this title with respect to the government of a foreign country, the President shall forthwith impose the following sanctions:

(1) Foreign assistance

The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) Arms sales

The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act [22 U.S.C. 2751 et seq.] of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) Arms sales financing

The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) Denial of United States Government credit or other financial assistance

The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(5) Exports of national security-sensitive goods and technology

The authorities of section 2405 of title 50, Appendix, shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 2404(c)(1) of title 50, Appendix.

(b) Additional sanctions if certain conditions not met

(1) Presidential determination

Unless, within 3 months after making a determination pursuant to section 5604(a)(1) of this title with respect to a foreign government, the President determines and certifies in writing to the Congress that—

(A) that government is no longer using chemical or biological weapons in violation of international law or using lethal chemical or biological weapons against its own nationals,

(B) that government has provided reliable assurances that it will not in the future engage in any such activities, and

(C) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers, or other reliable means exist, to ensure that that government is not using chemical or biological weapons in violation of international law and is not using lethal chemical or biological weapons against its own nationals,

then the President, after consultation with the Congress, shall impose on that country the sanctions set forth in at least 3 of subparagraphs (A) through (F) of paragraph (2).

(2) Sanctions

The sanctions referred to in paragraph (1) are the following:

(A) Multilateral development bank assistance

The United States Government shall oppose, in accordance with section 262d of this title, the extension of any loan or financial or technical assistance to that country by international financial institutions.

(B) Bank loans

The United States Government shall 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.

(C) Further export restrictions

The authorities of section 2405 of title 50, Appendix, shall be used to prohibit exports to that country of all other goods and technology (excluding food and other agricultural commodities and products).

(D) Import restrictions

Restrictions shall be imposed on the importation into the United States of articles (which may include petroleum or any petroleum product) that are the growth, product, or manufacture of that country.

(E) Diplomatic relations

The President shall use his constitutional authorities to downgrade or suspend diplomatic relations between the United States and the government of that country.

(F) Presidential action regarding aviation

(i)(I) The President is authorized to notify the government of a country with respect to

which the President has made a determination pursuant to section 5604(a)(1) of this title of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

(II) Within 10 days after the date of notification of a government under subclause (I), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

(ii)(I) The President may direct the Secretary of State to terminate any air service agreement between the United States and a country with respect to which the President has made a determination pursuant to section 5604(a)(1) of this title, in accordance with the provisions of that agreement.

(II) Upon termination of an agreement under this clause, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

(iii) The Secretary of Transportation may provide for such exceptions from clauses (i) and (ii) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(iv) For purposes of this subparagraph, the terms ''air transportation'', ''air carrier'', ''foreign air carrier'', and ''foreign air transportation'' have the meanings such terms have under section 40102(a) of title 49.

(c) Removal of sanctions

The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a) of this section, that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) Waiver

(1) Criteria for waiver

The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) if—

(i) in the case of any sanction other than a sanction specified in subsection (b)(2)(D) of this section (relating to import restrictions) or (b)(2)(E) of this section (relating to the downgrading or suspension of diplomatic relations), the President determines and certifies to the Congress that such waiver is essential to the national security interests of the United States, and if the President notifies the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of his determination and certification at least 15 days before the waiver takes effect, in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394–1], or

(ii) in the case of any sanction specified in subsection (b)(2)(D) of this section (relating to import restrictions), the President determines and certifies to the Congress that such waiver is essential to the national security interest of the United States, and if the President notifies the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of his determination and certification at least 15 days before the waiver takes effect; or

(B) if the President determines and certifies to the Congress that there has been a fundamental change in the leadership and policies of the government of that country, and if the President notifies the Congress at least 20 days before the waiver takes effect.

(2) Report

In the event that the President decides to exercise the waiver authority provided in paragraph (1) with respect to a country, the President's notification to the Congress under such paragraph shall include a report fully articulating the rationale and circumstances which led the President to exercise that waiver authority, including a description of the steps which the government of that country has taken to satisfy the conditions set forth in paragraphs (1) through (4) of subsection (c) of this section.

(e) Contract sanctity

(1) Sanctions not applied to existing contracts

(A) A sanction described in paragraph (4) or (5) of subsection (a) of this section or in any of

subparagraphs (A) through (D) of subsection (b)(2) of this section shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 5604(a)(1) of this title unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 2405 of title 50, Appendix, as that subsection is so redesignated by section 304(b) of this title, which are applicable to exports prohibited under section 2405 of title 50, Appendix, shall apply to exports prohibited under subsection (a)(5) or (b)(2)(C) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 2405(p) of title 50, Appendix.

(2) Sanctions applied to existing contracts

The sanctions described in paragraphs (1), (2), and (3) of subsection (a) of this section shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 5604(a)(1) of this title if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

(Pub. L. 102–182, title III, § 307, Dec. 4, 1991, 105 Stat. 1254.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a)(1), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as 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.

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 section 2405 of Title 50, Appendix, 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.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2295a, 2295b, 5604 of this title.

§ 5606. Presidential reporting requirements

(a) Reports to Congress

Not later than 90 days after December 4, 1991, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this chapter, including the amendments made by this chapter;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) Protection of classified information

To the extent practicable, reports submitted under subsection (a) of this section or any other provision of this chapter should be based on unclassified information. Portions of such reports may be classified.

(Pub. L. 102–182, title III, § 308, Dec. 4, 1991, 105 Stat. 1257.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (b), was in the original ''this title'', meaning title III of Pub. L. 102–182, Dec. 4, 1991, 105 Stat. 1245, which is classified principally to this chapter. For complete classification

of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

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.

CHAPTER 66—UNITED STATES-HONG KONG POLICY

Sec.
5701. Findings and declarations.
5702. Definitions.

SUBCHAPTER I—POLICY

5711. Bilateral ties between United States and Hong Kong.
5712. Participation in multilateral organizations, rights under international agreements, and trade status.
5713. Commerce between United States and Hong Kong.
5714. Transportation.
5715. Cultural and educational exchanges.

SUBCHAPTER II—STATUS OF HONG KONG IN UNITED STATES LAW

5721. Continued application of United States law.
(a) In general.
(b) International agreements.
5722. Presidential order.
(a) Presidential determination.
(b) Factor for consideration.
(c) Publication in Federal Register.
(d) Termination of suspension.
5723. Rules and regulations.
5724. Consultation with Congress.

SUBCHAPTER III—REPORTING PROVISIONS

5731. Reporting requirement.
5732. Separate part of country reports.

§ 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

Section 1 of Pub. L. 102–383 provided that: ''This Act [enacting this chapter] may be cited as the 'United States-Hong Kong Policy Act of 1992'.''

§ 5702. Definitions

For purposes of this chapter—

(1) the term ''Hong Kong'' means, prior to July 1, 1997, the British Dependent Territory of Hong Kong, and on and after July 1, 1997, the Hong Kong Special Administrative Region of the People's Republic of China;

(2) the term ''Joint Declaration'' means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984; and

(3) the term ''laws of the United States'' means provisions of law enacted by the Congress.

(Pub. L. 102–383, § 3, Oct. 5, 1992, 106 Stat. 1449.)

SUBCHAPTER I—POLICY

§ 5711. Bilateral ties between United States and Hong Kong

It is the sense of the Congress that the following, which are based in part on the relevant provisions of the Joint Declaration, should be the policy of the United States with respect to its bilateral relationship with Hong Kong:

(1) The United States should play an active role, before, on, and after July 1, 1997, in main-