

106TH CONGRESS  
1ST SESSION

# H. R. 825

To set forth the policy of the United States with respect to Macau, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1999

Mr. BEREUTER (for himself, Mr. LANTOS, Mr. ROYCE, Mr. BERMAN, Mr. MANZULLO, and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To set forth the policy of the United States with respect  
to Macau, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States-Macau  
5 Policy Act of 1999”.

6 **SEC. 2. FINDINGS AND DECLARATIONS.**

7 The Congress makes the following findings and dec-  
8 larations:

9 (1) The Congress recognizes that under the  
10 April 13, 1987, Joint Declaration of the Government

1 of the People’s Republic of China and the Govern-  
2 ment of the Republic of Portugal on the Question of  
3 Macau—

4 (A) the People’s Republic of China and the  
5 Republic of Portugal have agreed that the Peo-  
6 ple’s Republic of China will resume the exercise  
7 of sovereignty over Macau on December 20,  
8 1999, and until that time, Portugal will be re-  
9 sponsible for the administration of Macau;

10 (B) the Macau Special Administrative Re-  
11 gion of the People’s Republic of China, begin-  
12 ning on December 20, 1999, will continue to  
13 enjoy a high degree of autonomy on all matters  
14 other than defense and foreign affairs;

15 (C) there is provision for implementation  
16 of a “one country, two systems” policy, under  
17 which Macau will retain its current lifestyle and  
18 legal, social, and economic systems until at  
19 least the year 2049;

20 (D) the legislature of the Macau Special  
21 Administrative Region has been constituted by  
22 elections; and

23 (E) provision is made for the continuation  
24 in force of agreements implemented as of De-  
25 cember 20, 1999, and for the ability of the

1 Macau Special Administrative Region to con-  
2 clude new agreements.

3 (2) The Congress declares its wish to see full  
4 implementation of the provisions of the Joint Dec-  
5 laration.

6 (3) The Congress supports the policies and de-  
7 cisions reflected in the Joint Declaration.

8 (4) It is the sense of the Congress that—

9 (A) Macau's continued economic prosperity  
10 furthers United States interests in the People's  
11 Republic of China and Asia;

12 (B) support for democratization is a fun-  
13 damental principle of United States foreign pol-  
14 icy, and as such, that principle naturally applies  
15 to United States policy toward Macau, now and  
16 after December 19, 1999; and

17 (C)(i) the human rights of the people of  
18 Macau are of great importance to the United  
19 States and are directly relevant to United  
20 States interests in Macau;

21 (ii) a fully successful transition in the exer-  
22 cise of sovereignty over Macau must safeguard  
23 human rights in and of themselves; and

24 (iii) human rights also serve as a basis for  
25 Macau's continued economic prosperity.

1 **SEC. 3. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the term “Macau” means, prior to Decem-  
4 ber 20, 1999, the Portuguese Dependent Territory  
5 of Macau, and on and after December 20, 1999, the  
6 Macau Special Administrative Region of the People’s  
7 Republic of China;

8 (2) the term “Joint Declaration” means the  
9 Joint Declaration of the Government of the People’s  
10 Republic of China and the Government of the Re-  
11 public of Portugal on the Question of Macau, of  
12 April 13, 1987; and

13 (3) the term “laws of the United States” means  
14 provisions of law enacted by the Congress.

15 **TITLE I—POLICY**

16 **SEC. 101. SENSE OF CONGRESS.**

17 It is the sense of the Congress that—

18 (1) the United States should play an active role  
19 before, on, and after December 20, 1999, in main-  
20 taining Macau’s confidence and prosperity, Macau’s  
21 unique cultural heritage, and the mutually beneficial  
22 ties between the people of the United States and the  
23 people of Macau; and

24 (2) through its policies, the United States  
25 should contribute to Macau’s ability to maintain a  
26 high degree of autonomy in matters other than de-

1 fense and foreign affairs as promised by the People's  
2 Republic of China and the Republic of Portugal in  
3 the Joint Declaration, particularly with respect to  
4 such matters as trade, commerce, law enforcement,  
5 finance, monetary policy, aviation, shipping, commu-  
6 nications, tourism, cultural affairs, sports, and par-  
7 ticipation in international organizations, consistent  
8 with the national security and other interests of the  
9 United States.

10 **TITLE II—THE STATUS OF**  
11 **MACAU IN UNITED STATES LAW**

12 **SEC. 201. CONTINUED APPLICATION OF UNITED STATES**  
13 **LAW.**

14 (a) **IN GENERAL.**—Notwithstanding any change in  
15 the exercise of sovereignty over Macau, and subject to sub-  
16 sections (b) and (c), the laws of the United States shall  
17 continue to apply with respect to Macau, on and after De-  
18 cember 20, 1999, in the same manner as the laws of the  
19 United States were applied with respect to Macau before  
20 such date unless otherwise expressly provided by law or  
21 by Executive order under section 202.

22 (b) **INTERNATIONAL AGREEMENTS.**—For all pur-  
23 poses, including actions in any court of the United States,  
24 the Congress approves of the continuation in force on and  
25 after December 20, 1999, of all treaties and other inter-

1 national agreements, including multilateral conventions,  
2 entered into before such date between the United States  
3 and Macau, or entered into force before such date between  
4 the United States and the Republic of Portugal and ap-  
5 plied to Macau, unless or until terminated in accordance  
6 with law. If, in carrying out this title, the President deter-  
7 mines that Macau is not legally competent to carry out  
8 its obligations under any such treaty or other international  
9 agreement, or that the continuation of Macau's obligations  
10 or rights under any such treaty or other international  
11 agreement is not appropriate under the circumstances, the  
12 President shall promptly notify the Committee on Inter-  
13 national Relations of the House of Representatives and  
14 the Committee on Foreign Relations of the Senate con-  
15 cerning such determination, and shall take appropriate ac-  
16 tion to modify or terminate such treaty or other inter-  
17 national agreement.

18 (c) EXPORT CONTROLS.—Notwithstanding sub-  
19 section (a) or any other provision of law, the President  
20 shall establish with respect to Macau, within 90 days after  
21 the date of the enactment of this Act, such export control  
22 policies and regulations as he determines to be advisable  
23 in the national security interests of the United States.

1 **SEC. 202. PRESIDENTIAL ORDER.**

2 (a) **PRESIDENTIAL DETERMINATION.**—On or after  
3 December 20, 1999, whenever the President determines  
4 that Macau is not sufficiently autonomous to justify treat-  
5 ment under a particular law of the United States, or any  
6 provision thereof, different from that accorded the Peo-  
7 ple’s Republic of China, the President may issue an Exec-  
8 utive order suspending the application of section 201(a)  
9 to such law or provision of law. The President shall  
10 promptly notify the Committee on International Relations  
11 of the House of Representatives and the Committee on  
12 Foreign Relations of the Senate concerning any such de-  
13 termination.

14 (b) **FACTOR FOR CONSIDERATION.**—In making a de-  
15 termination under subsection (a) with respect to the appli-  
16 cation of a law of the United States, or any provision  
17 thereof, to Macau, the President should consider the  
18 terms, obligations, and expectations expressed in the Joint  
19 Declaration with respect to Macau.

20 (c) **PUBLICATION IN FEDERAL REGISTER.**—Any Ex-  
21 ecutive order issued under subsection (a) shall be pub-  
22 lished in the Federal Register and shall specify the law  
23 or provision of law affected by the order.

24 (d) **TERMINATION OF SUSPENSION.**—An Executive  
25 order issued under subsection (a) may be terminated by  
26 the President with respect to a particular law or provision

1 of law whenever the President determines that Macau has  
2 regained sufficient autonomy to justify treatment under  
3 the law or provision of law in question. Notice of any such  
4 termination shall be published in the Federal Register.

5 **SEC. 203. RULES AND REGULATIONS.**

6 The President is authorized to prescribe such rules  
7 and regulations as the President considers appropriate to  
8 carry out this Act.

9 **SEC. 204. CONSULTATION WITH CONGRESS.**

10 In carrying out this title, the President shall consult  
11 appropriately with the Congress.

12 **TITLE III—REPORTING**  
13 **PROVISIONS**

14 **SEC. 301. REPORTING REQUIREMENT.**

15 Not later than 90 days after the date of the enact-  
16 ment of this Act, and not later than March 31 of each  
17 of the years 2000, 2001, and 2002, the Secretary of State  
18 shall transmit to the Committee on International Rela-  
19 tions of the House of Representatives and the Committee  
20 on Foreign Relations of the Senate a report on conditions  
21 in Macau of interest to the United States. This report  
22 shall cover (in the case of the initial report) the period  
23 since the date of the enactment of this Act or (in the case  
24 of subsequent reports) the period since the most recent  
25 report pursuant to this section, and shall describe—



1           (1) significant developments in United States  
2 relations with Macau;

3           (2) significant developments related to the  
4 change in the exercise of sovereignty over Macau af-  
5 fecting United States interests in Macau or United  
6 States relations with Macau and the People's Repub-  
7 lic of China;

8           (3) steps taken by the United States to imple-  
9 ment section 201(c) (relating to export controls with  
10 respect to Macau), including any significant prob-  
11 lems or other developments arising with respect to  
12 the application of United States export controls to  
13 Macau;

14           (4) the laws of the United States with respect  
15 to which the application of section 201(a) (relating  
16 to the application of United States laws to Macau)  
17 has been suspended pursuant to section 202(a) or  
18 with respect to which such a suspension has been  
19 terminated pursuant to section 202(d), and the rea-  
20 sons for the suspension or termination, as the case  
21 may be;

22           (5) the treaties and other international agree-  
23 ments with respect to which the President has made  
24 a determination described in the last sentence of sec-  
25 tion 201(b) (relating to the application of treaties

1 and other international agreements to Macau), the  
2 reasons for each such determination, and the steps  
3 taken as a result of such determination;

4 (6) the development of democratic institutions  
5 in Macau;

6 (7) compliance by the Government of the Peo-  
7 ple's Republic of China and the Government of the  
8 Republic of Portugal with their obligations under the  
9 Joint Declaration; and

10 (8) the nature and extent of Macau's participa-  
11 tion in multilateral forums.

12 **SEC. 302. SEPARATE PART OF COUNTRY REPORTS.**

13 Whenever a report is transmitted to the Congress on  
14 a country-by-country basis, there shall be included in such  
15 report, where applicable, a separate subreport on Macau  
16 under the heading of the state that exercises sovereignty  
17 over Macau.

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