

106TH CONGRESS
1ST SESSION

S. 1430

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

IN THE SENATE OF THE UNITED STATES

JULY 26, 1999

Mr. THOMAS (for himself and Mr. SMITH of Oregon) introduced the following
bill; which was read twice and referred to the Committee on Foreign Relations

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 Joint Declaration of the Government of the People’s

1 Republic of China and the Government of the Re-
2 public of Portugal on the Question of Macau, dated
3 April 13, 1987—

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 continuing administration of
10 Macau;

11 (B) the People's Republic of China has
12 guaranteed that, on and after December 20,
13 1999, the Macau Special Administrative Region
14 of the People's Republic of China, will continue
15 to enjoy a high degree of autonomy on all mat-
16 ters other than defense and foreign affairs;

17 (C) the People's Republic of China will im-
18 plement a "one country, two systems" policy
19 with respect to Macau, under which Macau will
20 retain its current legal, social, and economic
21 systems until at least the year 2049;

22 (D) provision is made for the continuation
23 in force of bilateral and multilateral agreements
24 implemented as of December 20, 1999, and for

1 the ability of the Macau Special Administrative
2 Region to conclude new agreements.

3 (2) The Congress supports the full and com-
4 plete implementation of the provisions of the Joint
5 Declaration.

6 (3) The Congress supports the policies and ob-
7 jectives set forth in the Joint Declaration.

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

9 (A) continued economic prosperity in
10 Macau furthers United States interests in Asia
11 and in our relationship with the People's Re-
12 public of China;

13 (B)(i) support for principles of democracy
14 is a fundamental tenet of United States for-
15 eign policy, and as such, will also play a central
16 role in United States policy toward Macau, now
17 and after December 19, 1999; and

18 (ii) safeguarding the human rights of the
19 people of Macau is of great importance to the
20 United States and is directly relevant to United
21 States interests in Macau;

22 (iii) a fully successful transition in the ex-
23 ercise of sovereignty over Macau must safe-
24 guard those human rights; and

1 (iv) human rights also serve as a basis for
2 Macau's continued economic prosperity.

3 **SEC. 3. DEFINITIONS.**

4 For purposes of this Act—

5 (1) prior to December 20, 1999, the term
6 “Macau” means the Portuguese Dependent Terri-
7 tory of Macau, and on and after December 20,
8 1999, the term “Macau” means the Macau Special
9 Administrative Region of the People's Republic of
10 China;

11 (2) the term “Joint Declaration” means the
12 Joint Declaration of the Government of the People's
13 Republic of China and the Government of the Re-
14 public of Portugal on the Question of Macau, dated
15 April 13, 1987; and

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

18 **TITLE I—POLICY**

19 **SEC. 101. SENSE OF CONGRESS.**

20 It is the sense of the Congress that—

21 (1) the United States should play an active role
22 before, on, and after December 20, 1999, in assist-
23 ing Macau in maintaining its confidence and pros-
24 perity, its unique cultural heritage, and the mutually

1 beneficial ties between the people of the United
2 States and the people of Macau; and

3 (2) through its policies, the United States
4 should assist Macau in maintaining a high degree of
5 autonomy in matters other than defense and foreign
6 affairs as guaranteed by the People's Republic of
7 China and the Republic of Portugal in the Joint
8 Declaration, particularly with respect to such mat-
9 ters as trade, commerce, law enforcement, finance,
10 monetary policy, aviation, shipping, communications,
11 tourism, cultural affairs, sports, and participation in
12 international organizations, consistent with the na-
13 tional security and other interests of the United
14 States.

15 **TITLE II—THE STATUS OF**
16 **MACAU IN UNITED STATES LAW**

17 **SEC. 201. CONTINUED APPLICATION OF UNITED STATES**
18 **LAW.**

19 (a) IN GENERAL.—Notwithstanding any change in
20 the exercise of sovereignty over Macau, and subject to sub-
21 sections (b) and (c), the laws of the United States shall
22 continue to apply with respect to Macau, on and after De-
23 cember 20, 1999, in the same manner as the laws of the
24 United States were applied with respect to Macau before

1 such date unless otherwise expressly provided by law or
2 by Executive order under section 202.

3 (b) INTERNATIONAL AGREEMENTS.—For all pur-
4 poses, including actions in any court of the United States,
5 the Congress approves of the continuation in force on and
6 after December 20, 1999, of all treaties and other inter-
7 national agreements, including multilateral conventions,
8 entered into before such date between the United States
9 and Macau, or entered into force before such date between
10 the United States and the Republic of Portugal with re-
11 spect to, or as applied to, Macau, unless or until termi-
12 nated in accordance with laws. If, in carrying out this title,
13 the President determines that Macau is not legally com-
14 petent to carry out its obligations under any such treaty
15 or other international agreement, or that the continuation
16 of Macau's obligations or rights under any such treaty or
17 other international agreement is not appropriate under the
18 circumstances, the President shall promptly notify the
19 Committee on International Relations of the House of
20 Representatives and the Committee on Foreign Relations
21 of the Senate concerning such determination, and shall
22 take appropriate action to modify or terminate such treaty
23 or other international agreement.

24 (c) EXPORT CONTROLS.—Notwithstanding sub-
25 section (a) or any other provision of law, within 90 days

1 after the date of the enactment of this Act the President—
2 in close consultation with the relevant committees of the
3 Congress—shall establish with respect to Macau, such ex-
4 port control policies and regulations as he determines to
5 be necessary to protect fully the national security interests
6 of the United States.

7 **SEC. 202. PRESIDENTIAL ORDER.**

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

20 (b) **FACTOR FOR CONSIDERATION.**—In making a de-
21 termination under subsection (a) with respect to the appli-
22 cation of a law of the United States, or any provision
23 thereof, to Macau, the President should consider the
24 terms, obligations, and expectations expressed in the Joint
25 Declaration with respect to Macau.

1 (c) PUBLICATION IN FEDERAL REGISTER.—Any Ex-
2 ecutive order issued under subsection (a) shall be pub-
3 lished in the Federal Register and shall specify the law
4 or provision of law affected by the order.

5 (d) TERMINATION OF SUSPENSION.—An Executive
6 order issued under subsection (a) may be terminated by
7 the President with respect to a particular law or provision
8 of law whenever the President determines that Macau has
9 regained sufficient autonomy to justify treatment under
10 the law or provision of law in question. Notice of any such
11 termination shall be published in the Federal Register.

12 **SEC. 203. RULES AND REGULATIONS.**

13 The President is authorized to prescribe such rules
14 and regulations as he considers appropriate to carry out
15 this Act.

16 **SEC. 204. CONSULTATION WITH CONGRESS.**

17 In carrying out this title, the President shall consult
18 appropriately with the Congress, in particular with—

19 (1) the Committee on International Relations,
20 and the Permanent Select Committee on Intelligence
21 of the House of Representatives; and

22 (2) the Committee on Foreign Relations, and
23 the select Committee on Intelligence of the Senate.

1 **TITLE III—REPORTING**
2 **PROVISIONS**

3 **SEC. 301. REPORTING REQUIREMENT.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, and not later than March 31 of each
6 of the years 2000, 2001, and 2002, the Secretary of State
7 shall transmit to the Committee on International Rela-
8 tions of the House of Representatives and the Committee
9 on Foreign Relations of the Senate a report on conditions
10 in Macau of interest to the United States. This report
11 shall cover (in the case of the initial report) the period
12 since the date of the enactment of this Act or (in the case
13 of subsequent reports) the period since the most recent
14 report pursuant to this section, and shall describe, inter
15 alia—

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

18 (2) significant developments related to any
19 change in the exercise of sovereignty over Macau af-
20 fecting United States interests in Macau or United
21 States relations with Macau and the People’s Repub-
22 lic of China;

23 (3) steps taken by the United States to imple-
24 ment section 201(c) (relating to export controls with
25 respect to Macau), including any significant prob-

1 lems or other developments arising with respect to
2 the application of United States export controls to
3 Macau;

4 (4) the laws of the United States with respect
5 to which the application of section 201(a) (relating
6 to the application of United States laws to Macau)
7 has been suspended pursuant to section 202(a) or
8 with respect to which such a suspension has been
9 terminated pursuant to section 202(d), and the rea-
10 sons for the suspension or termination, as the case
11 may be;

12 (5) the treaties and other international agree-
13 ments with respect to which the President has made
14 a determination described in the last sentence of sec-
15 tion 201(b) (relating to the application of treaties
16 and other international agreements to Macau), the
17 reasons for each such determination, and the steps
18 taken as a result of such determination;

19 (6) the development of democratic institutions
20 in Macau;

21 (7) compliance by the Government of the Peo-
22 ple's Republic of China and the Government of the
23 republic of Portugal with their obligations under the
24 Joint Declaration; and

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

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

4 Whenever a report is transmitted to the Congress on
5 a country-by-country basis, there shall be included in such
6 report, where applicable, a separate subreport on Macau
7 under the heading of the state that exercises sovereignty
8 over Macau.

○