

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) Omitted

(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 subsec. (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.

CODIFICATION

Subsec. (a) of this section, which required the President to transmit a report to Congress every 12 months describing actions taken to carry out this chapter and describing other information related to chemical and biological weapons, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 24 of House Document No. 103-7.

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.
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