

additional certifications at any time if the Secretary determines it is warranted by circumstances in Hong Kong.

**(b) Waiver authority**

**(1) In general**

The Secretary of State may waive the application of subsection (a) if—

(A) the Secretary determines that such a waiver is in the national security interests of the United States; and

(B) on or before the date on which the waiver takes effect, the Secretary notifies the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of the intent to waive such subsection;

**(2) Partial waiver**

Except for the list of actions described in subsection (a)(1)(C)(iii), the Secretary of State may waive relevant parts of the application of subsection (a) if the President issues an Executive order under section 5722 of this title that suspends the application of any particular United States law to Hong Kong.

(Pub. L. 102-383, title II, § 205, as added Pub. L. 116-76, § 4(a)(2), Nov. 27, 2019, 133 Stat. 1163.)

**§ 5726. Treatment of Hong Kong applicants for visas to study or work in the United States**

**(a) Visa eligibility for certain Hong Kong students**

Notwithstanding any other provision of law, applications for visas to enter, study, or work in the United States, which are submitted by otherwise qualified applicants who resided in Hong Kong in 2014 and later, may not be denied primarily on the basis of the applicant's subjection to politically-motivated arrest, detention, or other adverse government action.

**(b) Implementation**

The Secretary of State shall take such steps as may be necessary to ensure that consular officers are aware of the policy described in subsection (a) and receive appropriate training and support to ensure that the policy is carried out so that affected individuals do not face discrimination or unnecessary delay in the processing of their visa applications, including—

(1) providing specialized training for all consular officers posted to the United States Embassy in Beijing or to any United States consulate in the People's Republic of China, the Hong Kong Special Administrative Region, or the Macau Special Administrative Region;

(2) instructing the United States Consulate in Hong Kong to maintain an active list of individuals who are known to have been formally charged, detained, or convicted by the Government of Hong Kong Special Administrative Region or by the Government of the People's Republic of China, or intermediaries of such governments, based on politically-motivated considerations related to their exercise of rights enumerated in the Universal Declaration of Human Rights, done at Paris December 10, 1948, or the International Covenant on Civil and Political Rights, done at New York December 19, 1966, to facilitate the

cross-checking of visa applications for Hong Kong residents; and

(3) updating any relevant United States Government websites with information on the policy described in subsection (a).

**(c) Cooperation with like-minded countries**

The Secretary of State shall contact appropriate representatives of other democratic countries, particularly those who receive a large number of applicants for student and employment visas from Hong Kong—

(1) to inform them of the United States policy regarding arrests for participation in non-violent protests in Hong Kong; and

(2) to encourage them to take similar steps to ensure the rights of nonviolent protesters are protected from discrimination due to the actions of the Government of Hong Kong and of the Government of the People's Republic of China.

(Pub. L. 102-383, title II, § 206, as added Pub. L. 116-76, § 4(b), Nov. 27, 2019, 133 Stat. 1165.)

SUBCHAPTER III—REPORTING PROVISIONS

**§ 5731. Reporting requirement**

**(a) In general**

Not later than March 31, 2019, and annually thereafter through 2024, the Secretary of State shall submit to the appropriate congressional committees a report on conditions in Hong Kong of interest to the United States. This report shall cover (in the case of the initial report) the period since October 5, 1992, or (in the case of subsequent reports) the period since the most recent report pursuant to this section and shall describe—

(1) significant developments in United States relations with Hong Kong, including a description of agreements that have entered into force between the United States and Hong Kong;

(2) other matters, including developments related to the change in the exercise of sovereignty over Hong Kong, affecting United States interests in Hong Kong or United States relations with Hong Kong;

(3) the nature and extent of United States-Hong Kong cultural, education, scientific, and academic exchanges, both official and unofficial;

(4) the laws of the United States with respect to which the application of section 5721(a) of this title has been suspended pursuant to section 5722(a) of this title or with respect to which such a suspension has been terminated pursuant to section 5722(d) of this title, and the reasons for the suspension or termination, as the case may be;

(5) treaties and other international agreements with respect to which the President has made a determination described in the last sentence of section 5721(b) of this title, and the reasons for each such determination;

(6) significant problems in cooperation between Hong Kong and the United States in the area of export controls;

(7) the development of democratic institutions in Hong Kong; and