

(Pub. L. 102-383, title II, §203, Oct. 5, 1992, 106 Stat. 1453.)

§ 5724. Consultation with Congress

In carrying out this subchapter, the President shall consult appropriately with the Congress.

(Pub. L. 102-383, title II, §204, Oct. 5, 1992, 106 Stat. 1453.)

§ 5725. Secretary of State report regarding the autonomy of Hong Kong

(a) Certification

(1) In general

Except as provided in subsection (b), the Secretary of State, on at least an annual basis, and in conjunction with the report required under section 5731 of this title, shall issue a certification to Congress that—

(A) indicates whether Hong Kong continues to warrant treatment under United States law in the same manner as United States laws were applied to Hong Kong before July 1, 1997;

(B) addresses—

- (i) commercial agreements;
- (ii) law enforcement cooperation, including extradition requests;
- (iii) sanctions enforcement;
- (iv) export controls, and any other agreements and forms of exchange involving dual use, critical, or other sensitive technologies;
- (v) any formal treaties or agreements between the United States and Hong Kong;
- (vi) other areas of bilateral cooperation that the Secretary determines to be relevant; and
- (vii) decision-making within the Government of Hong Kong, including executive, legislative, and judicial structures, including—

- (I) freedom of assembly;
- (II) freedom of speech;
- (III) freedom of expression; and
- (IV) freedom of the press, including the Internet and social media;

(viii) universal suffrage, including the ultimate aim of the selection of the Chief Executive and all members of the Legislative Council by universal suffrage;

- (ix) judicial independence;
- (x) police and security functions;
- (xi) education;
- (xii) laws or regulations regarding treason, secession, sedition, subversion against the Central People's Government of the People's Republic of China, or theft of state secrets;

(xiii) laws or regulations regarding foreign political organizations or bodies;

(xiv) laws or regulations regarding political organizations; and

(xv) other rights enumerated in the Universal Declaration of Human Rights, done at Paris December 10, 1948, and the International Covenant on Civil and Political Rights, done at New York December 19, 1966; and

(C) includes—

(i) an assessment of the degree of any erosions to Hong Kong's autonomy in each category listed in subparagraph (B) resulting from actions by the Government of the People's Republic of China that are inconsistent with its commitments under the Basic Law or the Joint Declaration;

(ii) an evaluation of the specific impacts to any areas of cooperation between the United States and Hong Kong resulting from erosions of autonomy in Hong Kong or failures of the Government of Hong Kong to fulfill obligations to the United States under international agreements within the categories listed in subparagraph (B); and

(iii) a list of any specific actions taken by the United States Government in response to any erosion of autonomy or failures to fulfill obligations to the United States under international agreements identified in this certification and the report required under section 5731 of this title.

(2) Factor for consideration

In making each certification under paragraph (1), the Secretary of State should consider the terms, obligations, and expectations expressed in the Joint Declaration with respect to Hong Kong.

(3) Additional certifications

The certification under section (1) shall be issued annually, but the Secretary may issue 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 oth-