

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4270
OFFERED BY MR. ENGEL OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Placing Restrictions
3 on Teargas Exports and Crowd Control Technology to
4 Hong Kong Act” or the “PROTECT Hong Kong Act”.

5 SEC. 2. FINDINGS.

6 Congress finds the following:

7 (1) The United Nations High Commissioner for
8 Human Rights, along with human rights organiza-
9 tions, has called for an investigation of the use of
10 crowd control tactics used in Hong Kong which fall
11 short of international standards, including the
12 United Nations Code of Conduct for Law Enforce-
13 ment Officials and the Basic Principles on the Use
14 of Force and Firearms for Law Enforcement Offi-
15 cials.

16 (2) United States companies have reportedly
17 provided the Hong Kong Police Force with muni-

1 tions and non-lethal crowd control equipment that
2 were reportedly used by the police.

3 (3) Hong Kong citizens and the international
4 community have called for changes to the Hong
5 Kong Police's crowd control tactics and these re-
6 quests have gone unheeded by the Hong Kong Spe-
7 cial Administrative Region Government.

8 **SEC. 3. STATEMENT OF POLICY.**

9 It is the policy of the United States—

10 (1) to restrict the export of security assistance
11 and crime control and detection instruments and
12 equipment to any government that engages in a con-
13 sistent pattern of gross violations of internationally
14 recognized human rights, consistent with the re-
15 quirements of section 502B(a) of the Foreign Assist-
16 ance Act of 1961 (22 U.S.C. 2304(a)); and

17 (2) to use export controls on crime control and
18 detection instruments and equipment to deter the
19 development of a consistent pattern of human rights
20 abuses, distance the United States from such
21 abuses, and avoid contributing to civil disorder in a
22 country or region, in accordance with section
23 742.7(b) of part 774 of subtitle B of title 15, Code
24 of Federal Regulations.

1 **SEC. 4. PROHIBITION ON COMMERCIAL EXPORT OF COV-**
2 **ERED DEFENSE ARTICLES AND SERVICES**
3 **AND COVERED MUNITIONS ITEMS TO THE**
4 **HONG KONG POLICE.**

5 (a) IN GENERAL.—Beginning on the date that is 30
6 days after the date of the enactment of this Act, except
7 as provided in subsection (b), the President shall prohibit
8 the issuance of licenses to export covered defense articles
9 and services and covered munitions items to the Hong
10 Kong Police.

11 (b) WAIVER.—The prohibition under subsection (a)
12 shall not apply to the issuance of a license with respect
13 to which the President submits to the appropriate congres-
14 sional committees, not fewer than 30 days before the date
15 of such issuance, a written certification that the exports
16 to be covered by such license are important to the national
17 interests and foreign policy goals of the United States, in-
18 cluding a description of the manner in which such exports
19 will promote such interests and goals.

20 (c) TERMINATION.—The prohibition under sub-
21 section (a) shall terminate on the date on which the Presi-
22 dent certifies to the appropriate congressional committees
23 that—

24 (1) the Hong Kong Police have not engaged in
25 gross violations of human rights during the year
26 prior to such certification; and

1 (2) there has been an independent examination
2 of human rights concerns related to the crowd con-
3 trol tactics of the Hong Kong Police and the Gov-
4 ernment of the Hong Kong Special Administrative
5 Region has adequately addressed those concerns.

6 **SEC. 5. REPORT ON COVERED DEFENSE ARTICLES AND**
7 **SERVICES AND COVERED MUNITIONS ITEMS**
8 **EXPORTED TO THE HONG KONG POLICE.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, the Secretary of State
11 and the Secretary of Commerce, in consultation with the
12 heads of other relevant Federal departments and agencies,
13 shall jointly submit to the appropriate congressional com-
14 mittees a report that lists and provides a description of
15 all covered defense articles and services and covered muni-
16 tions items exported to the Hong Kong Police during the
17 five-year period ending on such date of enactment.

18 (b) FORM.—The report required by subsection (a)
19 shall be submitted in unclassified form but may include
20 a classified annex.

21 **SEC. 6. DEFINITIONS.**

22 In this Act:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means—

1 (A) the Committee on Foreign Affairs of
2 the House of Representatives;

3 (B) the Committee on Foreign Relations of
4 the Senate; and

5 (C) the Committee on Banking, Housing,
6 and Urban Affairs of the Senate.

7 (2) COVERED DEFENSE ARTICLES AND SERV-
8 ICES.—The term “covered defense articles and serv-
9 ices” means defense articles and defense services
10 designated by the President under section 38(a)(1)
11 of the Arms Export Control Act (22 U.S.C.
12 2778(a)(1)).

13 (3) COVERED MUNITIONS ITEMS.—The term
14 “covered munitions items” means—

15 (A) items controlled under section 742.7 of
16 part 742 of subtitle B of title 15, Code of Fed-
17 eral Regulations (relating to crime control and
18 detection instruments and equipment and re-
19 lated technology and software); and

20 (B) items listed under the “600 series” of
21 the Commerce Control List contained in Sup-
22 plement No. 1 to part 774 of subtitle B of title
23 15, Code of Federal Regulations.

24 (4) HONG KONG.—The term “Hong Kong” has
25 the meaning given such term in section 3 of the

1 United States-Hong Kong Policy Act of 1992 (22
2 U.S.C. 5702).

3 (5) HONG KONG POLICE.—The term “Hong
4 Kong Police” means—

5 (A) the Hong Kong Police Force; and

6 (B) the Hong Kong Auxiliary Police Force.

Amend the title so as to read: “A bill To prohibit commercial exports of certain nonlethal crowd control items and defense articles and services to the Hong Kong Police, and for other purposes.”.

