Suspend the Rules and Pass the Bill, H.R. 4270, with Amendments
(The amendments strike all after the enacting clause and insert a new text and a new title)

116TH CONGRESS
1ST SESSION

H. R. 4270

To prohibit commercial exports of certain nonlethal crowd control items and defense articles and services to the Hong Kong Disciplined Services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2019

Mr. M. McGovern (for himself, Mr. Smith of New Jersey, and Mr. K. Hanna) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To prohibit commercial exports of certain nonlethal crowd control items and defense articles and services to the Hong Kong Disciplined Services, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

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

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SEC. 2. FINDINGS.

Congress finds the following:

(1) The United Nations High Commissioner for Human Rights, along with human rights organizations, has called for an investigation of the use of crowd control tactics used in Hong Kong which fall short of international standards, including the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms for Law Enforcement Officials.

(2) United States companies have reportedly provided the Hong Kong Police Force with munitions and non-lethal crowd control equipment that were reportedly used by the police.

(3) Hong Kong citizens and the international community have called for changes to the Hong Kong Police’s crowd control tactics and these requests have gone unheeded by the Hong Kong Special Administrative Region Government.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to restrict the export of security assistance and crime control and detection instruments and equipment to any government that engages in a consistent pattern of gross violations of internationally
recognized human rights, consistent with the require-
mements of section 502B(a) of the Foreign Assist-
ance Act of 1961 (22 U.S.C. 2304(a)); and
(2) to use export controls on crime control and
detection instruments and equipment to deter the
development of a consistent pattern of human rights
abuses, distance the United States from such
abuses, and avoid contributing to civil disorder in a
country or region, in accordance with section
742.7(b) of part 774 of subtitle B of title 15, Code
of Federal Regulations.

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

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

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

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

(1) the Hong Kong Police have not engaged in
gross violations of human rights during the 1-year
period ending on the date of such certification; and

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

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

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

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

SEC. 6. definitions.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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

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

(2) COVERED DEFENSE ARTICLES AND SERVICES.—The term “covered defense articles and services” means defense articles and defense services designated by the President under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).
(3) COVERED MUNITIONS ITEMS.—The term “covered munitions items” means—

(A) items controlled under section 742.7 of part 742 of subtitle B of title 15, Code of Federal Regulations (relating to crime control and detection instruments and equipment and related technology and software); and

(B) items listed under the “600 series” of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations.

(4) HONG KONG.—The term “Hong Kong” has the meaning given such term in section 3 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5702).

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

(A) the Hong Kong Police Force; and

(B) the Hong Kong Auxiliary Police Force.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record.
by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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.”.