

**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)**

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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. MCGOVERN (for himself, Mr. SMITH of New Jersey, and Mr. KHANNA) 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 Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

16 (3) Hong Kong citizens and the international  
17 community have called for changes to the Hong  
18 Kong Police's crowd control tactics and these re-  
19 quests have gone unheeded by the Hong Kong Spe-  
20 cial Administrative Region Government.

21 **SEC. 3. STATEMENT OF POLICY.**

22 It is the policy of the United States—

23 (1) to restrict the export of security assistance  
24 and crime control and detection instruments and  
25 equipment to any government that engages in a con-  
26 sistent pattern of gross violations of internationally

1 recognized human rights, consistent with the re-  
2 quirements of section 502B(a) of the Foreign Assist-  
3 ance Act of 1961 (22 U.S.C. 2304(a)); and

4 (2) to use export controls on crime control and  
5 detection instruments and equipment to deter the  
6 development of a consistent pattern of human rights  
7 abuses, distance the United States from such  
8 abuses, and avoid contributing to civil disorder in a  
9 country or region, in accordance with section  
10 742.7(b) of part 774 of subtitle B of title 15, Code  
11 of Federal Regulations.

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

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

22 (b) WAIVER.—The prohibition under subsection (a)  
23 shall not apply to the issuance of a license with respect  
24 to which the President submits to the appropriate congres-  
25 sional committees, not fewer than 30 days before the date

1 of such issuance, a written certification that the exports  
2 to be covered by such license are important to the national  
3 interests and foreign policy goals of the United States, in-  
4 cluding a description of the manner in which such exports  
5 will promote such interests and goals.

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

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

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

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

21 (a) **IN GENERAL.**—Not later than 90 days after the  
22 date of the enactment of this Act, the Secretary of State  
23 and the Secretary of Commerce, in consultation with the  
24 heads of other relevant Federal departments and agencies,  
25 shall jointly submit to the appropriate congressional com-

1 mittees a report that lists and provides a description of  
2 all covered defense articles and services and covered muni-  
3 tions items exported to the Hong Kong Police during the  
4 five-year period ending on such date of enactment.

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

8 **SEC. 6. DEFINITIONS.**

9 In this Act:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
11 TEES.—The term “appropriate congressional com-  
12 mittees” means—

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

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

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

19 (2) COVERED DEFENSE ARTICLES AND SERV-  
20 ICES.—The term “covered defense articles and serv-  
21 ices” means defense articles and defense services  
22 designated by the President under section 38(a)(1)  
23 of the Arms Export Control Act (22 U.S.C.  
24 2778(a)(1)).

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

3                   (A) items controlled under section 742.7 of  
4                   part 742 of subtitle B of title 15, Code of Fed-  
5                   eral Regulations (relating to crime control and  
6                   detection instruments and equipment and re-  
7                   lated technology and software); and

8                   (B) items listed under the “600 series” of  
9                   the Commerce Control List contained in Sup-  
10                  plement No. 1 to part 774 of subtitle B of title  
11                  15, Code of Federal Regulations.

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

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

18                   (A) the Hong Kong Police Force; and

19                   (B) the Hong Kong Auxiliary Police Force.

20   **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

21           The budgetary effects of this Act, for the purpose of  
22           complying with the Statutory Pay-As-You-Go Act of 2010,  
23           shall be determined by reference to the latest statement  
24           titled “Budgetary Effects of PAYGO Legislation” for this  
25           Act, submitted for printing in the Congressional Record

1 by the Chairman of the House Budget Committee, pro-  
2 vided that such statement has been submitted prior to the  
3 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.”.