

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. 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”.

7 **SEC. 2. FINDINGS AND STATEMENT OF POLICY.**

8 (a) FINDINGS.—Congress finds the following:

1 (1) During the 2019 anti-extradition bill and
2 pro-democracy protests, the Hong Kong Police
3 Force used non-lethal crowd control articles such as
4 water cannon trucks, tear gas, rubber bullets,
5 sponge grenades, beanbag rounds, batons, pepper
6 spray, pepper balls, and projectile launchers.

7 (2) The United Nations High Commissioner for
8 Human Rights, along with human rights organiza-
9 tions, have 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 (3) United States companies received export li-
17 censes to sell the Hong Kong Police Force munitions
18 and non-lethal crowd control defense articles and
19 services and at least some of those articles were used
20 by the police unnecessarily and disproportionately
21 during largely peaceful demonstrations.

22 (4) The Government of the United Kingdom
23 suspended export licenses for the sale of tear gas
24 and other non-lethal crowd control equipment to
25 Hong Kong until concerns about human rights

1 abuses are addressed by the Hong Kong Special Ad-
2 ministrative Region government.

3 (5) The European Parliament adopted a resolu-
4 tion calling on European governments and the inter-
5 national community to impose export-control mecha-
6 nisms to deny the Hong Kong and Chinese govern-
7 ments access to technologies used to violate basic
8 rights.

9 (6) Hong Kong citizens and the international
10 community have called for changes to the Hong
11 Kong Police's crowd control tactics and these re-
12 quests have gone unheeded by the Hong Kong Spe-
13 cial Administrative Region government.

14 (b) STATEMENT OF POLICY.—It is the policy of the
15 United States—

16 (1) to restrict the export of security assistance
17 and crime control and detection instruments and
18 equipment to any country the government of which
19 engages in a consistent pattern of gross violations of
20 internationally recognized human rights as required
21 by section 502B(a) of the Foreign Assistance Act of
22 1961 (22 U.S.C. 2304(a)); and

23 (2) to use export controls on crime control and
24 detection instruments and equipment to deter the
25 development of a consistent pattern of human rights

1 abuses, distance the United States from such
2 abuses, and avoid contributing to civil disorder in a
3 country or region in accordance with section
4 742.7(b) of part 774 of subtitle B of title 15, Code
5 of Federal Regulations.

6 **SEC. 3. PROHIBITION ON COMMERCIAL EXPORT OF COV-**
7 **ERED DEFENSE ARTICLES AND SERVICES**
8 **AND COVERED MUNITIONS ITEMS TO THE**
9 **HONG KONG DISCIPLINED SERVICES.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (b), beginning on the date that is 30 days after the date
12 of the enactment of this Act, the President shall prohibit
13 the issuance of licenses to export covered defense articles
14 and services and covered munitions items to the Hong
15 Kong Disciplined Services.

16 (b) EXCEPTION.—The prohibition in subsection (a)
17 shall not take effect if—

18 (1) the President certifies to the appropriate
19 congressional committees before the date specified in
20 such subsection (a) that—

21 (A) extraordinary circumstances exist that
22 necessitate the continuation of the export of
23 covered defense articles and services and cov-
24 ered munitions items to the Hong Kong Dis-

1 ciplined Services and includes a description of
2 such circumstances; or

3 (B) exports of covered defense articles and
4 services and covered munitions items to parts of
5 the Hong Kong Disciplined Services other than
6 the Hong Kong Police Force are required to ad-
7 vance United States foreign policy goals and in-
8 cludes—

9 (i) a description of the articles, serv-
10 ices, and items; and

11 (ii) the number of articles, services,
12 and items required to meet such goals; or

13 (2) the President has issued an Executive order
14 under section 202 of the United States-Hong Kong
15 Policy Act of 1992 (22 U.S.C. 5722) before the date
16 specified in such subsection (a) suspending the ap-
17 plication of section 201(a) of such Act to any United
18 States law related to the sale of covered defense arti-
19 cles and services and covered munitions items to the
20 Hong Kong Disciplined Services.

1 **SEC. 4. REPORT ON COVERED DEFENSE ARTICLES AND**
2 **SERVICES AND COVERED MUNITIONS ITEMS**
3 **EXPORTED TO THE HONG KONG DISCIPLINED**
4 **SERVICES.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act, the Secretary of State,
7 in consultation with the Secretary of Commerce and the
8 heads of other relevant Federal departments and agencies,
9 shall submit to the appropriate congressional committees
10 a report that lists and provides a description of all covered
11 defense articles and services and covered munitions items
12 exported to the Hong Kong Disciplined Services during
13 the five-year period ending on such date of enactment.

14 (b) FORM.—The report required by subsection (a)
15 shall be—

- 16 (1) submitted in unclassified form; and
17 (2) submitted as either a separate written re-
18 port or as an annex to testimony offered by Depart-
19 ment of State officials before one or more of the ap-
20 propriate congressional committees.

21 **SEC. 5. 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; and

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

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

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

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

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

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

1 (5) HONG KONG DISCIPLINED SERVICES.—The
2 term “Hong Kong Disciplined Services” means—

3 (A) the Hong Kong Police Force;

4 (B) the Hong Kong Auxiliary Police Force;

5 (C) the Hong Kong Immigration Depart-
6 ment;

7 (D) the Hong Kong Customs and Excise
8 Department;

9 (E) the Hong Kong Fire Services Depart-
10 ment;

11 (F) the Hong Kong Correctional Services
12 Department; and

13 (G) the Hong Kong Government Flying
14 Service.

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