

116TH CONGRESS
1ST SESSION

H. R. 4270

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2019

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To prohibit commercial exports of certain nonlethal crowd control items and defense articles and services to the Hong Kong Police, 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,*

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

20 (3) Hong Kong citizens and the international
21 community have called for changes to the Hong
22 Kong Police’s crowd control tactics and these re-
23 quests have gone unheeded by the Hong Kong Spe-
24 cial Administrative Region Government.

25 **SEC. 3. STATEMENT OF POLICY.**

26 It is the policy of the United States—

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

8 (2) to use export controls on crime control and
9 detection instruments and equipment to deter the
10 development of a consistent pattern of human rights
11 abuses, distance the United States from such
12 abuses, and avoid contributing to civil disorder in a
13 country or region, in accordance with section
14 742.7(b) of part 774 of subtitle B of title 15, Code
15 of Federal Regulations.

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

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

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

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

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

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

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

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

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

16 **SEC. 6. DEFINITIONS.**

17 In this Act:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

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

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

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

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

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

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

14 (B) items listed under the “600 series” of
15 the Commerce Control List contained in Sup-
16 plement No. 1 to part 774 of subtitle B of title
17 15, Code of Federal Regulations.

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

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

24 (A) the Hong Kong Police Force; and

25 (B) the Hong Kong Auxiliary Police Force.

