



Protect Hong Kong Act of 2019

H.R. 4270: Rep. McGovern, Rep. Smith, and Rep. Khanna

Placing Restrictions On Teargas Exports and Crowd Control Technology to Hong Kong Act

Background

In recent months, journalists and Hong Kong citizens have provided credible evidence showing that the Hong Kong Police Force has used tear gas, pepper spray, rubber bullets, batons, and other crowd control equipment against peaceful protesters in violation of manufacturer guidelines and international standards. In at least some instances, U.S.-made crowd control equipment was involved.

The United Nations High Commissioner for Human Rights and human rights organizations have called for an investigation into whether crowd control tactics in Hong Kong 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.

The United Kingdom has suspended export licenses for the sale of tear gas and other nonlethal crowd control equipment to Hong Kong until concerns about human rights are addressed. The European Parliament adopted a resolution expressing concerns and calling on the international community to take actions to address the police violence in Hong Kong. Amnesty International also strongly supports the PROTECT Hong Kong Act.

Crowd Control Exports

The president would be required to bar issuance of licenses to export certain defense articles and services and nonlethal crowd control equipment to the Hong Kong police, beginning 30 days after the bill's enactment. Such equipment would include tear gas, pepper spray, and batons.

The restriction would terminate on the date the president certifies to Congress that:

- The Hong Kong police haven't engaged in gross human rights violations in the preceding one-year period, and
- There has been an independent investigation of crowd control tactics used by the police and that Hong Kong has adequately addressed human rights concerns.

The president could waive the restriction after certifying to Congress that the exports to Hong Kong are important for U.S. national interests and foreign policy goals.

HKDC is a Washington, DC-based nonpartisan, nonprofit organization dedicated to preserving Hong Kong's basic freedoms, the rule of law, and autonomy as promised under the "one country two systems" model and enshrined in the Basic Law and the Sino-British Joint Declaration.

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The State and Commerce departments, which issue export licenses for controlled items, would have to report to Congress on all equipment, articles, and services exported to Hong Kong during the five years preceding the bill's enactment.

The measure would state that it is U.S. policy to restrict the export of security assistance, crime control and detection equipment to any foreign government that engages in consistent human rights violations.