

119TH CONGRESS
1ST SESSION

S. _____

To provide for the imposition of sanctions with respect to forced organ harvesting within the People's Republic of China, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for the imposition of sanctions with respect to forced organ harvesting within the People's Republic of China, 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 “Falun Gong Protection
3 Act”.

4 **SEC. 2. STATEMENT OF POLICY.**

5 It is the policy of the United States—

6 (1) to avoid any cooperation with the People’s
7 Republic of China in the organ transplantation field
8 while the Chinese Communist Party remains in
9 power;

10 (2) to take appropriate measures, including
11 using relevant sanctions authorities, to coerce the
12 Chinese Communist Party to end any state-spon-
13 sored organ harvesting campaign;

14 (3) to work with allies, partners, and multilat-
15 eral institutions to highlight the People’s Republic of
16 China’s persecution of Falun Gong; and

17 (4) to coordinate closely with the international
18 community on targeted sanctions and visa restric-
19 tions.

20 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO**
21 **FORCED ORGAN HARVESTING WITHIN THE**
22 **PEOPLE’S REPUBLIC OF CHINA.**

23 (a) IMPOSITION OF SANCTIONS.—The President shall
24 impose the sanctions described in subsection (c) with re-
25 spect to each foreign person included in the most recent
26 list submitted under subsection (b).

1 (b) LIST OF PERSONS.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date of the enactment of this Act, the
4 President shall submit to the appropriate congress-
5 sional committees a list of foreign persons that the
6 President determines to have knowingly and directly
7 engaged in or facilitated the involuntary harvesting
8 of organs within the People’s Republic of China.

9 (2) UPDATES OF LISTS.—The President shall
10 submit to the appropriate congressional committees
11 an updated list under paragraph (1)—

12 (A) as new information becomes available;

13 (B) not later than one year after the date
14 of the enactment of this Act; and

15 (C) annually thereafter until the date of
16 termination under subsection (h).

17 (3) FORM.—The list required by paragraph (1)
18 shall be submitted in unclassified form, but may in-
19 clude a classified annex.

20 (c) SANCTIONS DESCRIBED.—The sanctions de-
21 scribed in this subsection are the following:

22 (1) BLOCKING OF PROPERTY.—The President
23 shall exercise all of the powers granted to the Presi-
24 dent by the International Emergency Economic
25 Powers Act (50 U.S.C. 1701 et seq.) (except that

1 the requirements of section 202 of such Act (50
2 U.S.C. 1701) shall not apply) to the extent nec-
3 essary to block and prohibit all transactions in prop-
4 erty and interests in property of a foreign person on
5 the most recent list submitted under subsection (b)
6 if such property and interests in property are in the
7 United States, come within the United States, or are
8 or come within the possession or control of a United
9 States person.

10 (2) INADMISSIBILITY OF CERTAIN INDIVID-
11 UALS.—

12 (A) INELIGIBILITY FOR VISAS, ADMISSION,
13 OR PAROLE.—An alien included in the most re-
14 cent list submitted under subsection (b) is—

15 (i) inadmissible to the United States;

16 (ii) ineligible to receive a visa or other
17 documentation to enter the United States;
18 and

19 (iii) otherwise ineligible to be admitted
20 or paroled into the United States or to re-
21 ceive any other benefit under the Immigra-
22 tion and Nationality Act (8 U.S.C. 1101 et
23 seq.).

24 (B) CURRENT VISA REVOKED.—

1 (i) IN GENERAL.—An alien described
2 in subparagraph (A) is subject to revoca-
3 tion of any visa or other entry documenta-
4 tion regardless of when the visa or other
5 entry documentation is or was issued.

6 (ii) IMMEDIATE EFFECT.—A revoca-
7 tion under clause (i) shall—

8 (I) take effect immediately; and

9 (II) automatically cancel any
10 other valid visa or entry documenta-
11 tion that is in the alien's possession.

12 (3) EXCEPTION.—Sanctions under paragraph
13 (2) shall not apply to an alien if admitting or parol-
14 ing the alien into the United States is necessary to
15 permit the United States to comply with the Agree-
16 ment regarding the Headquarters of the United Na-
17 tions, signed at Lake Success June 26, 1947, and
18 entered into force November 21, 1947, between the
19 United Nations and the United States, or other ap-
20 plicable international obligations of the United
21 States.

22 (d) PENALTIES.—The penalties provided for in sub-
23 sections (b) and (c) of section 206 of the International
24 Emergency Economic Powers Act (50 U.S.C. 1705) shall
25 apply to a person who violates, attempts to violate, con-

1 spires to violate, or causes a violation of regulations pro-
2 mulgated to carry out subsection (a) to the same extent
3 that such penalties apply to a person who commits an un-
4 lawful act described in section 206(a) of that Act.

5 (e) EXCEPTION TO COMPLY WITH NATIONAL SECUR-
6 RITY.—The following activities shall be exempt from sanc-
7 tions under this section:

8 (1) Activities subject to the reporting require-
9 ments under title V of the National Security Act of
10 1947 (50 U.S.C. 3091 et seq.).

11 (2) Any authorized intelligence or law enforce-
12 ment activities of the United States.

13 (f) EXCEPTION RELATING TO PROVISION OF HUMAN-
14 ITARIAN ASSISTANCE.—Sanctions under this section may
15 not be imposed with respect to transactions or the facilita-
16 tion of transactions for—

17 (1) the sale of agricultural commodities, food,
18 or medicine;

19 (2) the provision of vital humanitarian assist-
20 ance;

21 (3) financial transactions relating to humani-
22 tarian assistance or for humanitarian purposes; or

23 (4) transporting goods or services that are nec-
24 essary to carry out operations relating to humani-
25 tarian assistance or humanitarian purposes.

1 (g) WAIVER AUTHORITY.—

2 (1) WAIVER.—The President may, on a case by
3 case basis, waive the imposition of any sanction
4 under this section if the President determines such
5 waiver is in the vital national security interest of the
6 United States.

7 (2) REPORTS.—Not later than 120 days after
8 the date on which the President submits the first list
9 under subsection (b)(1), and every 120 days there-
10 after until the date of termination under subsection
11 (h), the President shall submit to the appropriate
12 congressional committees a report on the extent to
13 which the President has used the waiver authority
14 under paragraph (1) during the 120-day period pre-
15 ceding submission of the report.

16 (h) SUNSET.—The authority to impose sanctions
17 under this section shall terminate on the date that is 5
18 years after the date of the enactment of this Act.

19 (i) DEFINITIONS.—In this section:

20 (1) ADMISSION; ADMITTED; ALIEN; LAWFULLY
21 ADMITTED FOR PERMANENT RESIDENCE.—The
22 terms “admission”, “admitted”, “alien”, and “law-
23 fully admitted for permanent residence” have the
24 meanings given those terms in section 101 of the
25 Immigration and Nationality Act (8 U.S.C. 1101).

1 (2) FOREIGN PERSON.—The term “foreign per-
2 son” means an individual or entity that is not a
3 United States person.

4 (3) KNOWINGLY.—The term “knowingly”, with
5 respect to conduct, a circumstance, or a result,
6 means that a person had actual knowledge, or
7 should have known, of the conduct, the cir-
8 cumstance, or the result.

9 (4) UNITED STATES PERSON.—The term
10 “United States person” means—

11 (A) a United States citizen or an alien law-
12 fully admitted for permanent residence to the
13 United States;

14 (B) an entity organized under the laws of
15 the United States or any jurisdiction within the
16 United States, including a foreign branch of
17 such an entity; or

18 (C) any person located in the United
19 States.

20 **SEC. 4. REPORT ON ORGAN TRANSPLANT POLICIES AND**
21 **PRACTICES OF THE PEOPLE’S REPUBLIC OF**
22 **CHINA.**

23 (a) IN GENERAL.—Not later than one year after the
24 date of the enactment of this Act, the Secretary of State,
25 in consultation with the Secretary of Health and Human

1 Services and the Director of the National Institutes of
2 Health, shall submit to the appropriate congressional com-
3 mittees a report on the organ transplant policies and prac-
4 tices of the People's Republic of China.

5 (b) MATTERS TO BE INCLUDED.—The report re-
6 quired under subsection (a) shall include—

7 (1) a summary of de jure and de facto policies
8 toward organ transplantation in the People's Repub-
9 lic of China, including with respect to prisoners of
10 conscience (including Falun Gong) and other pris-
11 oners;

12 (2)(A) the number of organ transplants that
13 are known to occur or are estimated to occur on an
14 annual basis in the People's Republic of China;

15 (B) the number of known or estimated vol-
16 untary organ donors in the People's Republic of
17 China;

18 (C) an assessment of the sources of organs for
19 transplant in the People's Republic of China; and

20 (D) an assessment of the time, in days, that it
21 takes to procure an organ for transplant within the
22 Chinese medical system and an assessment of wheth-
23 er such timetable is possible based on the number of
24 known or estimated organ donors in the People's Re-
25 public of China;

1 (3) a list of all United States grants during the
2 10 years before the date of the enactment of this
3 Act that have supported research on organ trans-
4 plantation in the People’s Republic of China or in
5 collaboration between a Chinese entity and a United
6 States entity; and

7 (4) a determination as to whether the persecu-
8 tion of Falun Gong practitioners within the People’s
9 Republic of China constitutes an “atrocious” (as such
10 term is defined in section 6 of the Elie Wiesel Geno-
11 cide and Atrocities Prevention Act of 2018 (Public
12 Law 115–441; 22 U.S.C. 2656 note)).

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

16 **SEC. 5. EXCEPTION RELATING TO IMPORTATION OF**
17 **GOODS.**

18 (a) IN GENERAL.—The authorities and requirements
19 to impose sanctions authorized under this Act shall not
20 include the authority or requirement to impose sanctions
21 on the importation of goods.

22 (b) GOOD DEFINED.—In this section, the term
23 “good” means any article, natural or man-made sub-
24 stance, material, supply or manufactured product, includ-

1 ing inspection and test equipment, and excluding technical
2 data.

3 **SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
4 **FINED.**

5 In this Act, the term “appropriate congressional com-
6 mittees” means—

7 (1) the Committee on Foreign Affairs of the
8 House of Representatives; and

9 (2) the Committee on Foreign Relations and
10 the Committee on Banking, Housing, and Urban Af-
11 fairs of the Senate.