

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4132
OFFERED BY MR. PERRY OF PENNSYLVANIA**

Strike all after the enacting clause and insert the following:

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 to—

6 (1) avoid any cooperation with the PRC in the
7 organ transplantation field while the Chinese Com-
8 munist Party remains in power;

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

13 (3) work with allies, partners, and multilateral
14 institutions to highlight China’s persecution of
15 Falun Gong and coordinate closely with the inter-
16 national community on targeted sanctions and visa
17 restrictions.

1 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **FORCED ORGAN HARVESTING WITHIN THE**
3 **PEOPLE'S REPUBLIC OF CHINA.**

4 (a) IMPOSITION OF SANCTIONS.—The President shall
5 impose the sanctions described in subsection (c) with re-
6 spect to each foreign person included in the most recent
7 list submitted pursuant to subsection (b).

8 (b) LIST OF PERSONS.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the
11 President shall submit to the appropriate congress-
12 sional committees a list of foreign persons who the
13 President determines to have knowingly and directly
14 engaged in or facilitated the involuntary harvesting
15 of organs within the People's Republic of China.

16 (2) UPDATES OF LISTS.—The President shall
17 submit to the appropriate congressional committees
18 an updated list under paragraph (1)—

19 (A) as new information becomes available;

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

22 (C) annually thereafter until the date of
23 termination under subsection (h).

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

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

3 (1) BLOCKING OF PROPERTY.—The President
4 shall exercise all of the powers granted to the Presi-
5 dent by the International Emergency Economic
6 Powers Act (50 U.S.C. 1701 et seq.) (except that
7 the requirements of section 202 of such Act (50
8 U.S.C. 1701) shall not apply) to the extent nec-
9 essary to block and prohibit all transactions in prop-
10 erty and interests in property of the person if such
11 property and interests in property are in the United
12 States, come within the United States, or are or
13 come within the possession or control of a United
14 States person.

15 (2) INADMISSIBILITY OF CERTAIN INDIVID-
16 UALS.—

17 (A) INELIGIBILITY FOR VISAS, ADMISSION,
18 OR PAROLE.—A foreign person included in the
19 most recent list submitted pursuant to sub-
20 section (b) is—

21 (i) inadmissible to the United States;
22 (ii) ineligible to receive a visa or other
23 documentation to enter the United States;
24 and

1 (iii) otherwise ineligible to be admitted
2 or paroled into the United States or to re-
3 ceive any other benefit under the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101 et
5 seq.).

6 (B) CURRENT VISAS REVOKED.—A foreign
7 person described in subparagraph (A) is also
8 subject to the following:

9 (i) Revocation of any visa or other
10 entry documentation regardless of when
11 the visa or other entry documentation is or
12 was issued.

13 (ii) A revocation under clause (i) shall
14 take effect immediately and automatically
15 cancel any other valid visa or entry docu-
16 mentation that is in the foreign person's
17 possession.

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

1 plicable international obligations of the United
2 States.

3 (d) PENALTIES.—The penalties provided for in sub-
4 sections (b) and (c) of section 206 of the International
5 Emergency Economic Powers Act (50 U.S.C. 1705) shall
6 apply to a person who violates, attempts to violate, con-
7 spires to violate, or causes a violation of regulations pro-
8 mulgated to carry out subsection (a) to the same extent
9 that such penalties apply to a person who commits an un-
10 lawful act described in section 206(a) of that Act.

11 (e) EXCEPTION TO COMPLY WITH NATIONAL SECUR-
12 ITY.—The following activities shall be exempt from sanc-
13 tions under this section:

14 (1) Activities subject to the reporting require-
15 ments under title V of the National Security Act of
16 1947 (50 U.S.C. 3091 et seq.).

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

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

23 (1) the sale of agricultural commodities, food,
24 or medicine;

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

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

5 (4) transporting goods or services that are nec-
6 essary to carry out operations relating to humani-
7 tarian assistance or humanitarian purposes.

8 (g) WAIVER AUTHORITY.—

9 (1) WAIVER.—The President may, on a case by
10 case basis, waive the imposition of any sanction
11 under this section if the President determines such
12 waiver is in the vital national security interest of the
13 United States.

14 (2) REPORTS.—Not later than 120 days after
15 the date on which the President submits the list
16 under subsection (b), and every 120 days thereafter
17 until the date of termination under subsection (h),
18 the President shall submit to the appropriate con-
19 gressional committees a report on the extent to
20 which the President has used the waiver authority
21 under paragraph (1) during the period covered by
22 that report.

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

1 **SEC. 4. REPORT.**

2 (a) IN GENERAL.—Not later than one year after the
3 date of the enactment of this Act, the Secretary of State,
4 in consultation with the Secretary of Health and Human
5 Services and the Director of the National Institutes of
6 Health, shall submit to the appropriate congressional com-
7 mittees a report on the organ transplant policies and prac-
8 tices of the People’s Republic of China.

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

11 (1) a summary of de jure and de facto policies
12 toward organ transplantation in the PRC, including
13 with respect to prisoners of conscience (including
14 Falun Gong) and other prisoners;

15 (2)(A) the number of organ transplants that
16 are known to occur or are estimated to occur on an
17 annual basis in the PRC;

18 (B) the number of known or estimated vol-
19 untary organ donors in the PRC;

20 (C) an assessment of the sources of organs for
21 transplant in the PRC; and

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

1 (3) a list of all United States grants over the
2 past ten years that have supported research on
3 organ transplantation in the PRC or in collaboration
4 between a Chinese and a United States entity; and

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

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

14 **SEC. 5. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
15 **FINED.**

16 In this Act, the term “appropriate congressional com-
17 mittees” means—

18 (1) the Committee on Foreign Affairs of the
19 House of Representatives; and

20 (2) the Committee on Foreign Relations of the
21 Senate.

