Suspend the Rules and Pass the Bill, HR. 4132, With an Amendment
(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS 1ST SESSION

H. R. 4132

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 HOUSE OF REPRESENTATIVES

JUNE 14, 2023

Mr. Perry (for himself, Mr. Burchett, Mr. Murphy, Ms. Salazar, Mr. Fallon, Mr. Tiffany, Mr. Bilirakis, and Mr. Fitzpatrick) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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 Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Falun Gong Protection Act”.
SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) avoid any cooperation with the PRC in the organ transplantation field while the Chinese Communist Party remains in power;

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

(3) work with allies, partners, and multilateral institutions to highlight China’s persecution of Falun Gong and coordinate closely with the international community on targeted sanctions and visa restrictions.

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

(a) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (c) with respect to each foreign person included in the most recent list submitted pursuant to subsection (b).

(b) LIST OF PERSONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of foreign persons who the
President determines to have knowingly and directly engaged in or facilitated the involuntary harvesting of organs within the People’s Republic of China.

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

(A) as new information becomes available;

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

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

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

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in property and interests in property of the person if such property and interests in property are in the United
States, come within the United States, or are or come within the possession or control of a United States person.

(2) **Inadmissibility of Certain Individuals.**—

(A) **Ineligibility for Visas, Admission, or Parole.**—A foreign person included in the most recent list submitted pursuant to subsection (b) is—

(i) inadmissible to the United States;

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

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) **Current Visas Revoked.**—A foreign person described in subparagraph (A) is also subject to the following:

(i) Revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.
(ii) A revocation under clause (i) shall take effect immediately and automatically cancel any other valid visa or entry documentation that is in the foreign person’s possession.

(3) EXCEPTION.—Sanctions under paragraph (2) shall not apply to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States.

(d) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person who violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated to carry out subsection (a) to the same extent that such penalties apply to a person who commits an unlawful act described in section 206(a) of that Act.
(e) EXCEPTION TO COMPLY WITH NATIONAL SECURITY.—The following activities shall be exempt from sanctions under this section:

(1) Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(2) Any authorized intelligence or law enforcement activities of the United States.

(f) EXCEPTION RELATING TO PROVISION OF HUMANITARIAN ASSISTANCE.—Sanctions under this section may not be imposed with respect to transactions or the facilitation of transactions for—

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

(2) the provision of vital humanitarian assistance;

(3) financial transactions relating to humanitarian assistance or for humanitarian purposes; or

(4) transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes.

(g) WAIVER AUTHORITY.—

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

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

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

SEC. 4. REPORT.

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

(b) MATTERS TO BE INCLUDED.—The report re-
quired under subsection (a) shall include—
(1) a summary of de jure and de facto policies toward organ transplantation in the PRC, including with respect to prisoners of conscience (including Falun Gong) and other prisoners;

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

(B) the number of known or estimated voluntary organ donors in the PRC;

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

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

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

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

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

SEC. 5. EXCEPTION RELATING TO IMPORTATION OF GOODS.

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

(b) GOOD DEFINED.—In this section, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term “appropriate congressional committees” means—

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

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