

119TH CONGRESS  
2D 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 (for himself and Mr. MERKLEY) 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Falun Gong and Vic-  
5 tims of Forced Organ Harvesting Protection Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
9 TEES.—The term “appropriate congressional com-  
10 mittees” means—

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

3 (B) the Committee on Foreign Relations  
4 and the Committee on Banking, Housing, and  
5 Urban Affairs of the Senate.

6 (2) **FORCED ORGAN HARVESTING**.—The term  
7 “forced organ harvesting” means the removal of one  
8 or more organs from an individual by means of coer-  
9 cion, abduction, deception, fraud, or abuse of power  
10 or a position of vulnerability.

11 (3) **ORGAN**.—The term “organ” has the mean-  
12 ing given the term “human organ” in section  
13 301(c)(1) of the National Organ Transplant Act (42  
14 U.S.C. 274e(c)(1)).

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

18 (a) **IMPOSITION OF SANCTIONS**.—The President shall  
19 impose the sanctions described in subsection (c) with re-  
20 spect to each foreign person included in the most recent  
21 list submitted under subsection (b).

22 (b) **LIST OF PERSONS**.—

23 (1) **IN GENERAL**.—Not later than 180 days  
24 after the date of the enactment of this Act, the  
25 President shall submit to the appropriate congres-

1 sional committees a list of foreign persons that the  
2 President determines to have knowingly and directly  
3 engaged in or facilitated forced organ harvesting  
4 within the People's Republic of China.

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

8 (A) as new information becomes available;

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

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

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

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

18 (1) BLOCKING OF PROPERTY.—The President  
19 shall exercise all of the powers granted to the Presi-  
20 dent by the International Emergency Economic  
21 Powers Act (50 U.S.C. 1701 et seq.) (except that  
22 the requirements of section 202 of such Act (50  
23 U.S.C. 1701) shall not apply) to the extent nec-  
24 essary to block and prohibit all transactions in prop-  
25 erty and interests in property of a foreign person on

1 the most recent list submitted under subsection (b)  
2 if such property and interests in property are in the  
3 United States, come within the United States, or are  
4 or come within the possession or control of a United  
5 States person.

6 (2) INADMISSIBILITY OF CERTAIN INDIVID-  
7 UALS.—

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

11 (i) inadmissible to the United States;

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

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

20 (B) CURRENT VISA REVOKED.—

21 (i) IN GENERAL.—An alien described  
22 in subparagraph (A) is subject to revoca-  
23 tion of any visa or other entry documenta-  
24 tion regardless of when the visa or other  
25 entry documentation is or was issued.

1 (ii) IMMEDIATE EFFECT.—A revoca-  
2 tion under clause (i) shall, in accordance  
3 with section 221(i) of the Immigration and  
4 Nationality Act (8 U.S.C. 1201(i))—

5 (I) take effect immediately; and

6 (II) automatically cancel any  
7 other valid visa or entry documenta-  
8 tion that is in the alien's possession.

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

19 (d) PENALTIES.—The penalties provided for in sub-  
20 sections (b) and (c) of section 206 of the International  
21 Emergency Economic Powers Act (50 U.S.C. 1705) shall  
22 apply to a person who violates, attempts to violate, con-  
23 spires to violate, or causes a violation of regulations pro-  
24 mulgated to carry out subsection (a) to the same extent

1 that such penalties apply to a person who commits an un-  
2 lawful act described in section 206(a) of that Act.

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

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

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

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

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

17 (2) the provision of humanitarian assistance;

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

20 (4) transporting goods or services that are nec-  
21 essary to carry out operations relating to humani-  
22 tarian assistance or humanitarian purposes.

23 (g) WAIVER AUTHORITY.—

24 (1) WAIVER.—The President may, on a case by  
25 case basis, waive the imposition of any sanction

1 under this section if the President determines such  
2 waiver is in the national security interests of the  
3 United States.

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

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

16 (i) DEFINITIONS.—In this section:

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

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

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

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

8                   (A) a United States citizen or an alien law-  
9                   fully admitted for permanent residence to the  
10                  United States;

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

15                   (C) any person located in the United  
16                  States.

17 **SEC. 4. REPORT ON ORGAN TRANSPLANT POLICIES AND**  
18 **PRACTICES OF THE PEOPLE’S REPUBLIC OF**  
19 **CHINA.**

20           (a) IN GENERAL.—Not later than one year after the  
21           date of the enactment of this Act, the Secretary of State,  
22           in consultation with the Secretary of Health and Human  
23           Services and the Director of the National Institutes of  
24           Health, shall submit to the appropriate congressional com-

1 mitted a report on the organ transplant policies and prac-  
2 tices of the People's Republic of China.

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

5 (1) a summary of de jure and de facto policies  
6 toward organ transplantation in the People's Repub-  
7 lic of China, including with respect to prisoners of  
8 conscience (including practitioners of Falun Gong),  
9 other prisoners, and victims of forced organ har-  
10 vesting;

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

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

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

19 (D) an assessment of the time, in days, that it  
20 takes to procure an organ for transplant within the  
21 Chinese medical system and an assessment of wheth-  
22 er such timetable is possible based on the number of  
23 known or estimated organ donors in the People's Re-  
24 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 forced organ  
8           harvesting within the People’s Republic of China  
9           constitutes an “atrocities” (as such term is defined in  
10          section 6 of the Elie Wiesel Genocide and Atrocities  
11          Prevention Act of 2018 (Public Law 115–441; 22  
12          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.