

118TH CONGRESS
2D SESSION

H. R. 4132

IN THE SENATE OF THE UNITED STATES

JULY 8, 2024

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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 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.

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

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

25 (b) LIST OF PERSONS.—

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

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

11 (A) as new information becomes available;

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

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

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

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

21 (1) BLOCKING OF PROPERTY.—The President
22 shall exercise all of the powers granted to the President
23 by the International Emergency Economic
24 Powers Act (50 U.S.C. 1701 et seq.) (except that
25 the requirements of section 202 of such Act (50

1 U.S.C. 1701) shall not apply) to the extent nec-
2 essary to block and prohibit all transactions in prop-
3 erty and interests in property of the person if such
4 property and interests in property are in the United
5 States, come within the United States, or are or
6 come within the possession or control of a United
7 States person.

8 (2) INADMISSIBILITY OF CERTAIN INDIVID-
9 UALS.—

10 (A) INELIGIBILITY FOR VISAS, ADMISSION,
11 OR PAROLE.—A foreign person included in the
12 most recent list submitted pursuant to sub-
13 section (b) is—

14 (i) inadmissible to the United States;

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

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

23 (B) CURRENT VISAS REVOKED.—A foreign
24 person described in subparagraph (A) is also
25 subject to the following:

1 (i) Revocation of any visa or other
2 entry documentation regardless of when
3 the visa or other entry documentation is or
4 was issued.

5 (ii) A revocation under clause (i) shall
6 take effect immediately and automatically
7 cancel any other valid visa or entry docu-
8 mentation that is in the foreign person's
9 possession.

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

20 (d) PENALTIES.—The penalties provided for in sub-
21 sections (b) and (c) of section 206 of the International
22 Emergency Economic Powers Act (50 U.S.C. 1705) shall
23 apply to a person who violates, attempts to violate, con-
24 spires to violate, or causes a violation of regulations pro-
25 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 vital humanitarian assist-
18 ance;

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

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

24 (g) WAIVER AUTHORITY.—

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

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

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

18 **SEC. 4. REPORT.**

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

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

3 (1) a summary of de jure and de facto policies
4 toward organ transplantation in the PRC, including
5 with respect to prisoners of conscience (including
6 Falun Gong) and other prisoners;

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

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

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

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

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

23 (4) a determination as to whether the persecu-
24 tion of Falun Gong practitioners within the People's
25 Republic of China constitutes an “atrocious” (as such

1 term is defined in section 6 of the Elie Wiesel Geno-
2 cide and Atrocities Prevention Act of 2018 (Public
3 Law 115–441; 22 U.S.C. 2656 note)).

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

7 **SEC. 5. EXCEPTION RELATING TO IMPORTATION OF**
8 **GOODS.**

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

13 (b) GOOD DEFINED.—In this section, the term
14 “good” means any article, natural or man-made sub-
15 stance, material, supply or manufactured product, includ-
16 ing inspection and test equipment, and excluding technical
17 data.

18 **SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
19 **FINED.**

20 In this Act, the term “appropriate congressional com-
21 mittees” means—

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

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

Passed the House of Representatives June 25, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.