

117TH CONGRESS
1ST SESSION

H. R. 5431

To designate the Chinese Communist Party (CCP) as a transnational organized crime group.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2021

Mr. PERRY (for himself, Mr. BURCHETT, Mr. GOOD of Virginia, and Mr. DESJARLAIS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To designate the Chinese Communist Party (CCP) as a transnational organized crime group.

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 “Designating the Chi-
5 nese Communist Party as a Transnational Organized
6 Crime Group Act”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

9 (1) The 90,000,000 members of the Chinese
10 Communist Party (referred in this Act as the

1 “CCP”) are the sole ruling political party of the
2 People’s Republic of China (PRC) under the direc-
3 tion of General Secretary Xi Jinping.

4 (2) On June 30, 2020, in direct violation of the
5 Sino-British Joint Declaration, the PRC passed a
6 draconian national security law for Hong Kong that
7 gives the ruling CCP sweeping new powers over the
8 semi-autonomous city of Hong Kong.

9 (3) The national security law allows mainland
10 Chinese officials to operate in Hong Kong and gives
11 Beijing the power to subjugate the people of Hong
12 Kong to the dictums of the CCP.

13 (4) The physical wellbeing of foreign nationals
14 is at risk under the CCP’s new National Security
15 Law.

16 (5) In response to the CCP-led human rights
17 violations of unjust abuse and detention perpetrated
18 against the Uyghurs, Secretary of State Mike
19 Pompeo announced on July 9, 2020, that the Trump
20 administration would bar the entry of the following
21 three prominent CCP officials into the United
22 States—

23 (A) Chen Quanguo, the Communist Par-
24 ty’s Secretary of the Xinjiang Uyghur Autono-

1 mous Region (XUAR) in Northwest China and
2 a member of the Politburo;

3 (B) Zhu Hailun, Party Secretary of the
4 Xinjiang Political and Legal Committee
5 (XPLC); and

6 (C) Wang Mingshan, Party Secretary of
7 the Xinjiang Public Security Bureau (XPSB).

8 (6) On July 13, 2020, the Chinese Foreign
9 Ministry imposed sanctions against four United
10 States officials, including Senator Ted Cruz of
11 Texas, Senator Marco Rubio of Florida, Representa-
12 tive Chris Smith of New Jersey, and the Honorable
13 Sam Brownback, United States Ambassador for
14 International Religious Freedom, in retaliation to
15 Mr. Pompeo's July 9th announcement.

16 (7) On September 22, 2020, the House of Rep-
17 resentatives passed H.R. 6210, the Uyghur Forced
18 Labor Prevention Act, in a wide, bi-partisan man-
19 ner.

20 (8) Despite China's promise to confirm all
21 forms of fentanyl as a class of drugs effective May
22 1, 2019, the PRC remained the primary source of
23 fentanyl trafficked into the United States in 2019,
24 according to a 2020 DEA Intelligence Report.

1 (9) Fentanyl is 80 to 100 times more potent
2 than morphine and killed 18,335 Americans in
3 2018.

4 (10) Chinese scientists and authorities knew
5 about the coronavirus as early as December 2019,
6 but were ordered by Chinese government officials on
7 January 3, 2020, to transfer samples to state insti-
8 tutions or destroy them.

9 (11) The CCP refused to allow the World
10 Health Organization to visit their country and re-
11 fused repeated offers of assistance from the U.S.
12 Centers for Disease Control throughout the month
13 of January 2020.

14 (12) The Chinese government did not concede
15 clear evidence of human-to-human transmission of
16 the coronavirus until January 19, 2020.

17 (13) China chose to lock down the city of
18 Wuhan on January 23, 2020, but not before
19 5,000,000 people had already left the city.

20 (14) Chinese doctors who attempted to provide
21 transparency regarding the consequences of the
22 SARS-CoV-2 virus were arbitrarily arrested, and
23 several remain unaccounted for.

24 (15) The Chinese government imposed travel
25 bans on its own people but told other nations, in-

1 including neighboring ones, that similar restrictions
2 were unnecessary.

3 (16) There have been more than 714,000
4 deaths from COVID-19 in the United States and
5 approximately 4,800,000 deaths, globally.

6 (17) The Director of the Federal Bureau of In-
7 vestigation Christopher Wray recently described “the
8 greatest long-term threat to our Nation’s informa-
9 tion and intellectual property, and to our economic
10 vitality, is the counterintelligence and economic espi-
11 onage threat from China.”.

12 (18) Director Wray unequivocally identified the
13 source of this economic espionage, malignant foreign
14 influence, and menacing threat: “when I speak of
15 the threat from China, I mean the Government of
16 China and the Chinese Communist Party.”.

17 (19) According to the updated 2017 report
18 issued by the Commission on the Theft of American
19 Intellectual Property, the PRC is responsible for co-
20 ordinating a massive campaign in intellectual prop-
21 erty theft, stealing anywhere between
22 \$250,000,000,000 and \$600,000,000,000 annually
23 from the United States.

1 (20) The IP Commission’s estimate does not in-
2 clude the “full cost of patent infringement—an area
3 sorely in need of greater research”.

4 (21) The United States Trade Representative
5 has confirmed the findings of the 2017 IP Commis-
6 sion’s report.

7 (22) The IP Commission found that forced
8 technology transfer accounts for anywhere from
9 \$180,000,000,000 to \$540,000,000,000 per year in
10 lost value for the United States economy; of that
11 value, the IP Commission also found that China ac-
12 counts for the most of that theft.

13 (23) According to Director Wray, the level of
14 the CCP criminality is so widespread and volumi-
15 nous that “the FBI is opening a new China-related
16 counterintelligence case about every 10 hours and of
17 the nearly 5,000 active FBI counterintelligence cases
18 currently underway across the country, almost half
19 are related to China.”.

20 (24) The nonprofit investigative body, China
21 Tribunal, detailed in their March 2020 report that
22 the CCP’s campaign of forced organ harvesting
23 against innocent victims could constitute one of the
24 world’s “worst atrocities committed” in modern
25 times.

1 (25) The 2019 report issued by the Congres-
2 sional-Executive Commission on China described the
3 failure of the CCP to protect the human rights of
4 its citizens: “[The 2019 report] found that the
5 human rights situation has worsened and the rule of
6 law continues to deteriorate, as the Chinese Govern-
7 ment and Party increasingly used regulations and
8 laws to assert social and political control . . . The
9 abuse of criminal law and police power to target
10 rights advocates, religious believers, and ethnic mi-
11 nority groups also continues unabated, and reporting
12 on such abuses became increasingly restricted.”.

13 (26) The criminally negligent actions taken by
14 the CCP following their discovery of the coronavirus
15 contributed to the loss of millions of American jobs
16 and the onset of a global recession.

17 **SEC. 3. DESIGNATION OF CHINESE COMMUNIST PARTY.**

18 (a) TRANSNATIONAL ORGANIZED CRIME GROUP.—
19 On the date of the enactment of this Act, the Attorney
20 General shall designate the Chinese Communist Party as
21 a transnational organized crime group.

22 (b) INTERNATIONAL CRIMINAL ORGANIZATIONS TAR-
23 GET LIST.—On the date of the enactment of this Act, the
24 Director of the Federal Bureau of Investigation shall des-
25 ignate the Chinese Communist Party as a top inter-

1 national criminal organization for the Department of Jus-
2 tice.

3 **SEC. 4. AMENDMENT FOR PROSECUTION OF CHINESE COM-**
4 **MUNIST PARTY.**

5 (a) IN GENERAL.—Chapter 96 of title 18, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 1969. Applying certain provisions for purpose of**
9 **prosecuting Chinese Communist Party.**

10 “(a) IN GENERAL.—Not later than 90 days after the
11 date of the enactment of the ‘Designating the Chinese
12 Communist Party as a Transnational Organized Crime
13 Group Act’, the Attorney General shall report to the For-
14 eign Affairs Committee and Permanent Select Committee
15 on Intelligence of the House of Representatives and the
16 Foreign Relations Committee and Select Committee on In-
17 telligence of the Senate, including—

18 “(1) the number and extent of a racketeering
19 activity (as defined under section 1961(1)) com-
20 mitted, aided, or abetted by the Chinese Communist
21 Party; and

22 “(2) recommendations for penalties pursuant to
23 sections 1963 or 1964, with respect to any violation
24 of section 1962.

1 “(b) STATUTE OF LIMITATION.—No statute of limi-
2 tation that would otherwise preclude prosecution for an
3 offense involving a racketeering activity (as defined under
4 section 1961(1)) shall preclude such prosecution before
5 the date that is 15 years after the date on which such
6 activity is committed by the Chinese Communist Party.

7 “(c) LEGAL LIABILITIES.—The protections against
8 legal liability offered to any agency or instrumentality of
9 a foreign state under chapter 97 of title 28, United States
10 Code, or any other provision of law, shall not apply to the
11 Chinese Communist Party during an investigation of the
12 commission of a racketeering activity (as defined under
13 section 1961(1)) or if the Chinese Communist Party is
14 charged with committing a racketeering activity (as de-
15 fined under section 1961(1)).”.

16 (b) CLERICAL AMENDMENT.—Chapter 96 of title 18,
17 United States Code, in the table of contents is amended
18 by adding at the end the following:

“1969. Applying certain provisions for purpose of prosecuting Chinese Com-
 munist Party.”.

