

118TH 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.

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IN THE SENATE OF THE UNITED STATES

Mr. RUBIO (for himself, Mr. JOHNSON, and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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,*

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 People’s Re-  
7 public of China in the organ transplantation field  
8 while the Chinese Communist Party remains in  
9 power;

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

14 (3) work with allies, partners, and multilateral  
15 institutions to highlight the People’s Republic of  
16 China’s persecution of Falun Gong; and

17 (4) to coordinate closely with the international  
18 community on targeted sanctions and visa restric-  
19 tions.

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

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

1 (b) LIST OF PERSONS.—

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

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

12 (A) as new information becomes available;

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

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

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

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

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

1 the requirements of section 202 of such Act (50  
2 U.S.C. 1701) shall not apply) to the extent nec-  
3 essary to block and prohibit all transactions in prop-  
4 erty and interests in property of a foreign person on  
5 the most recent list submitted under subsection (b)  
6 if such property and interests in property are in the  
7 United States, come within the United States, or are  
8 or come within the possession or control of a United  
9 States person.

10 (2) INADMISSIBILITY OF CERTAIN INDIVID-  
11 UALS.—

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

15 (i) inadmissible to the United States;

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

18 and

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

24 (B) CURRENT VISA REVOKED.—

1 (i) IN GENERAL.—An alien described  
2 in subparagraph (A) is subject to revoca-  
3 tion of any visa or other entry documenta-  
4 tion regardless of when the visa or other  
5 entry documentation is or was issued.

6 (ii) IMMEDIATE EFFECT.—A revoca-  
7 tion under clause (i) shall—

8 (I) take effect immediately; and

9 (II) automatically cancel any  
10 other valid visa or entry documenta-  
11 tion that is in the alien's possession.

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

22 (d) PENALTIES.—The penalties provided for in sub-  
23 sections (b) and (c) of section 206 of the International  
24 Emergency Economic Powers Act (50 U.S.C. 1705) shall  
25 apply to a person who violates, attempts to violate, con-

1 spires to violate, or causes a violation of regulations pro-  
2 mulgated to carry out subsection (a) to the same extent  
3 that such penalties apply to a person who commits an un-  
4 lawful act described in section 206(a) of that Act.

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

8 (1) Activities subject to the reporting require-  
9 ments under title V of the National Security Act of  
10 1947 (50 U.S.C. 3091 et seq.).

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

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

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

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

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

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

1 (g) WAIVER AUTHORITY.—

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

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

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

19 (i) DEFINITIONS.—In this section:

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

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

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

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

11                 (A) a United States citizen or an alien law-  
12                 fully admitted for permanent residence to the  
13                 United States;

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

18                 (C) any person located in the United  
19                 States.

20 **SEC. 4. REPORT ON ORGAN TRANSPLANT POLICIES AND**  
21 **PRACTICES OF THE PEOPLE’S REPUBLIC OF**  
22 **CHINA.**

23           (a) IN GENERAL.—Not later than one year after the  
24           date of the enactment of this Act, the Secretary of State,  
25           in consultation with the Secretary of Health and Human



1 Services and the Director of the National Institutes of  
2 Health, shall submit to the appropriate congressional com-  
3 mittees a report on the organ transplant policies and prac-  
4 tices of the People's Republic of China.

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

7 (1) a summary of de jure and de facto policies  
8 toward organ transplantation in the People's Repub-  
9 lic of China, including with respect to prisoners of  
10 conscience (including Falun Gong) and other pris-  
11 oners;

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

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

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

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



1 ing inspection and test equipment, and excluding technical  
2 data.

3 **SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**  
4 **FINED.**

5 In this Act, the term “appropriate congressional com-  
6 mittees” means—

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

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