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(Original Signature of Member)

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.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. PERRY introduced the following bill; which was 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Falun Gong Protection  
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Falun Gong is a spiritual practice in the  
2 Buddhist tradition that espouses the principles of  
3 truthfulness, compassion, and forbearance. The  
4 practice was introduced in China by Mr. Li Hongzhi  
5 in 1992 and aims to improve physical, psychological,  
6 and spiritual well-being through exercise, meditation,  
7 and moral improvement.

8           (2) On July 20, 1999, after years of escalating  
9 harassment by the government, then-General Sec-  
10 retary Jiang Zemin launched an intensive, nation-  
11 wide persecution designed to eradicate Falun Gong.  
12 Since then, the People's Republic of China (PRC)  
13 has detained hundreds of thousands of Falun Gong  
14 practitioners.

15           (3) In its 2020 Report on International Reli-  
16 gious Freedom, released on May 12, 2021, the De-  
17 partment of State stated in its entry on China,  
18 "Prior to the government's 1999 ban on Falun  
19 Gong, the government estimated there were 70 mil-  
20 lion adherents. Falun Gong sources estimate tens of  
21 millions continue to practice privately, and Freedom  
22 House estimates seven to 20 million practitioners."

23           (4) Freedom House in its Freedom in the  
24 World 2021 report entry on China stated that "the  
25 regime's campaign to eradicate the Falun Gong spir-

1       itual group continued in 2020. Hundreds of Falun  
2       Gong practitioners have received long prison terms  
3       in recent years, and many others are arbitrarily de-  
4       tained in various ‘legal education’ facilities. Detain-  
5       ees typically face torture aimed at forcing them to  
6       abandon their beliefs, sometimes resulting in deaths  
7       in custody.”.

8               (5) In its 2021 report, the United States Com-  
9       mission on International Religious Freedom stated  
10      in its key findings for China, “according to reports,  
11      thousands of Falun Gong practitioners were har-  
12      assed and arrested during 2020 for practicing their  
13      faith, and some likely died due to abuse and torture  
14      while in custody. Credible international reports also  
15      suggested that organ harvesting, including from  
16      Falun Gong practitioners, likely continued.”.

17              (6) The widespread, systematic, state-sponsored  
18      persecution of the Falun Gong by the Chinese Com-  
19      munist Party leadership of the PRC constitutes a  
20      clear violation of Falun Gong practitioners’ basic  
21      human rights and may constitute genocide.

22              (7) The campaign against Falun Gong is over-  
23      seen by central branches of the Chinese Communist  
24      Party, including the so-called “Central Leading  
25      Group on Preventing and Dealing with Heretical Re-

1 ligions”. On May 12, 2021, Yu Hui, a former Office  
2 Director of this group, was targeted for sanctions by  
3 the United States Government.

4 (8) Reports, such as those mentioned in this  
5 legislation, suggest that China’s organ transplan-  
6 tation system does not comply with the majority of  
7 the World Health Organization’s Guiding Principles  
8 on Human Cell, Tissue and Organ Transplantation,  
9 insofar as organs are said to be primarily sourced  
10 from prisoners without voluntary consent, organs are  
11 reported to be traded for payment, the level of trans-  
12 parency and traceability in the organ procurement  
13 process is low, and the Chinese Communist Party  
14 has prevented independent or impartial inspection,  
15 scrutiny and verification of its transplant system.

16 (9) On June 14, 2021, a joint statement by  
17 United Nations human rights experts expressed ex-  
18 treme alarm over “reports of alleged ‘organ har-  
19 vesting’ targeting minorities, including Falun Gong  
20 practitioners, Uyghurs, Tibetans, Muslims, and  
21 Christians in detention in China”.

22 (10) Based on independent research and official  
23 statistics, it is clear that many organ transplants  
24 conducted in the PRC do not meet internationally  
25 accepted ethical standards.

1           (11) Freedom House in its Freedom in the  
2 World 2021 report entry on China stated that “The  
3 government claims it has ended the transplantation  
4 of organs from executed prisoners. However, the  
5 scale of the transplantation industry and the speed  
6 with which some organs are procured far exceed  
7 what is feasible via the country’s nascent voluntary  
8 donation system and there is growing international  
9 attention to possible crimes against humanity in con-  
10 nection with the practice.”.

11           (12) A 2019 forensic statistical analysis of  
12 organ donation data in the PRC, published in the  
13 BMC Medical Ethics journal, concluded the fol-  
14 lowing: “China’s apparent systematic falsification of  
15 national organ donation data severely undermines  
16 the good faith efforts being made to integrate China  
17 into the international transplantation community.”.

18           (13) The United States had approximately 145  
19 million registered organ donors in 2019: 19,257 per-  
20 sons donated their organs, resulting in 39,719 trans-  
21 plants; the ratio of actual donors to registered do-  
22 nors is approximately 0.00013. Similar ratios are  
23 observed in the United Kingdom, Canada and other  
24 countries. By contrast, the PRC claimed to have  
25 more than 900,000 registered organ donors by early

1       2019; data from China also indicates 5,818 organ  
2       donors and 19,454 transplants in 2019, resulting in  
3       a ratio of actual donors to registered donors of  
4       0.0057. Although this comparison does not control  
5       for other possible variables, the fact that China's  
6       nascent organ donation program yielded 44 times  
7       more organ donors from its organ donation pool  
8       than that of the United States in 2019 merits inter-  
9       national scrutiny.

10           (14) Credible evidence suggests that Falun  
11       Gong practitioners are subject to widespread forced  
12       organ harvesting and are specifically targeted for  
13       this barbaric practice.

14           (15) In January of 2007, Canadian human  
15       rights attorney David Matas and former Canadian  
16       Secretary of State for the Asia Pacific region David  
17       Kilgour published findings confirming the likelihood  
18       that forced organ harvesting of Falun Gong practi-  
19       tioners was occurring in China. They also concluded  
20       that there was no evidence of a voluntary donation  
21       system in the PRC at the time and that, in spite of  
22       this, the Chinese Government reported a dramatic  
23       escalation in its organ transplantation infrastructure  
24       (a three-fold increase) between 1999 and 2004, par-  
25       allel to the onset of the persecution of Falun Gong.

1           (16) In 2016, Matas, Kilgour, and investigative  
2           journalist Ethan Gutmann published an exhaustive  
3           report concluding that it is likely that between  
4           60,000 and 100,000 organ transplants had been  
5           conducted per year since 2000, and that Falun Gong  
6           practitioners are the main source of organs for  
7           transplant in China.

8           (17) In its annual report for 2020, the Con-  
9           gressional-Executive Commission on China ref-  
10          erenced reports raising concerns about the PRC fal-  
11          sifying organ donation data, casting additional doubt  
12          on the CCP's claim to have ended forced organ har-  
13          vesting.

14          (18) On March 1, 2020, the Independent Tri-  
15          bunal into Forced Organ Harvesting from Prisoners  
16          of Conscience in China, an investigative entity  
17          known as a people's tribunal commissioned by the  
18          International Coalition to End Transplant Abuse in  
19          China, composed of relevant legal, cultural, and  
20          medical experts and led by Sir Geoffrey Nice, re-  
21          leased its final judgment, including—

22                 (A) very large numbers of transplant oper-  
23                 ations have been carried out in the PRC. The  
24                 Tribunal assessed as credible the numbers of  
25                 operations being between 60,000 and 90,000

1           annually in the years 2000 to 2014. The num-  
2           ber of eligible registered donors was reportedly  
3           5,146 in 2017, leaving an incomprehensible  
4           gap;

5           (B) “Forced organ harvesting has been  
6           committed for years throughout China on a sig-  
7           nificant scale and that Falun Gong practi-  
8           tioners have been one—and probably the  
9           main—source of organ supply”;

10          (C) “Falun Gong practitioners in detention  
11          were systematically subjected to blood tests and  
12          organ examinations” while other prisoners were  
13          not tested, suggesting that Falun Gong practi-  
14          tioners were specifically selected or targeted for  
15          these medical examinations; and

16          (D) “. . . the PRC and its leaders actively  
17          incited the persecution, the imprisonment, mur-  
18          der, torture and the humiliation of Falun Gong  
19          practitioners with the sole purpose of elimi-  
20          nating the practice of, and belief in, the value  
21          of Falun Gong.”.

22          (19) The international nongovernmental organi-  
23          zation Doctors Against Forced Organ Harvesting  
24          presented a petition with over three million signa-  
25          tures collected worldwide between 2012 to 2018 to



1 the United Nations High Commissioner for Human  
2 Rights, calling for an investigation into forced organ  
3 harvesting of Falun Gong that went unheeded.

4 (20) In June 2016, the House of Representa-  
5 tives passed its fifth resolution condemning China's  
6 persecution of Falun Gong with H. Res. 343 114,  
7 "Expressing concern regarding persistent and cred-  
8 ible reports of systematic, state-sanctioned organ  
9 harvesting from non-consenting prisoners of con-  
10 science in the People's Republic of China, including  
11 from large numbers of Falun Gong practitioners and  
12 members of other religious and ethnic minority  
13 groups" and calling for an end to the "eradication"  
14 campaign of Falun Gong and forced organ har-  
15 vesting.

16 **SEC. 3. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) killing a human being through involuntary  
19 organ extraction is an egregious violation of uni-  
20 versal standards of medical ethics and is in direct  
21 contradiction of basic standards of human decency;

22 (2) the forced harvesting of organs violates Ar-  
23 ticle 3 of the Universal Declaration of Human  
24 Rights, which states that "Everyone has the right to  
25 life, liberty and security of person.", and Article 4,

1 which states that “No one shall be held in slavery  
2 or servitude.”;

3 (3) the United Nations Human Rights Council  
4 should issue a formal condemnation of the People’s  
5 Republic of China (PRC) for its persecution of  
6 Falun Gong;

7 (4) any collaboration with or participation in  
8 the PRC’s organ transplant system by the United  
9 States Government or a United States person or or-  
10 ganization presents serious ethical challenges that  
11 would jeopardize the integrity of the United States  
12 organ transplantation system; and

13 (5) the Chinese Communist Party’s state-spon-  
14 sored persecution of Falun Gong must come to an  
15 immediate end.

16 **SEC. 4. STATEMENT OF POLICY.**

17 It is the policy of the United States to—

18 (1) avoid any cooperation with the PRC in the  
19 organ transplantation field while the Chinese Com-  
20 munist Party remains in power;

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

1           (3) work with allies, partners, and multilateral  
2 institutions to highlight China's persecution of  
3 Falun Gong and coordinate closely with the inter-  
4 national community on targeted sanctions and visa  
5 restrictions.

6 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
7 **FORCED ORGAN HARVESTING WITHIN THE**  
8 **PEOPLE'S REPUBLIC OF CHINA.**

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

13           (b) LIST OF PERSONS.—

14           (1) IN GENERAL.—Not later than 180 days  
15 after the date of the enactment of this Act, the  
16 President shall submit to the appropriate congress-  
17 sional committees a list of foreign persons, including  
18 senior government officials, military leaders, and  
19 other persons who the President determines are  
20 knowingly responsible for or complicit in, or have di-  
21 rectly or indirectly engaged in, the involuntary har-  
22 vesting of organs within the People's Republic of  
23 China.

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

4                   (A) as new information becomes available;

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

7                   (C) annually thereafter for five years.

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

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

13                 (1) BLOCKING OF PROPERTY.—The President  
14                 shall exercise all of the powers granted to the Presi-  
15                 dent by the International Emergency Economic  
16                 Powers Act (50 U.S.C. 1701 et seq.) (except that  
17                 the requirements of section 202 of such Act (50  
18                 U.S.C. 1701) shall not apply) to the extent nec-  
19                 essary to block and prohibit all transactions in prop-  
20                 erty and interests in property of the person if such  
21                 property and interests in property are in the United  
22                 States, come within the United States, or are or  
23                 come within the possession or control of a United  
24                 States person.

1           (2) INADMISSIBILITY OF CERTAIN INDIVID-  
2           UALS.—

3           (A) INELIGIBILITY FOR VISAS, ADMISSION,  
4           OR PAROLE.—A foreign person included in the  
5           most recent list submitted pursuant to sub-  
6           section (b) is—

7                   (i) inadmissible to the United States;

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

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

16           (B) CURRENT VISAS REVOKED.—A foreign  
17           person described in subparagraph (A) is also  
18           subject to the following:

19                   (i) Revocation of any visa or other  
20                   entry documentation regardless of when  
21                   the visa or other entry documentation is or  
22                   was issued.

23                   (ii) A revocation under clause (i) shall  
24                   take effect immediately and automatically  
25                   cancel any other valid visa or entry docu-

1                   mentation that is in the foreign person's  
2                   possession.

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

13                  (d) PENALTIES.—The penalties provided for in sub-  
14                  sections (b) and (c) of section 206 of the International  
15                  Emergency Economic Powers Act (50 U.S.C. 1705) shall  
16                  apply to a person who violates, attempts to violate, con-  
17                  spires to violate, or causes a violation of regulations pro-  
18                  mulgated to carry out subsection (a) to the same extent  
19                  that such penalties apply to a person who commits an un-  
20                  lawful act described in section 206(a) of that Act.

21                  (e) EXCEPTION TO COMPLY WITH NATIONAL SECUR-  
22                  ITY.—The following activities shall be exempt from sanc-  
23                  tions under this section:

1           (1) Activities subject to the reporting require-  
2           ments under title V of the National Security Act of  
3           1947 (50 U.S.C. 3091 et seq.).

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

6 **SEC. 6. REPORT.**

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

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

16                (1) a summary of de jure and de facto policies  
17                toward organ transplantation in the PRC, including  
18                with respect to prisoners of conscience (including  
19                Falun Gong) and other prisoners;

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

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

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

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

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

12 (4) a determination as to whether the persecu-  
13 tion of Falun Gong practitioners within the People's  
14 Republic of China constitutes an "atrocious" (as such  
15 term is defined in section 6 of the Elie Wiesel Geno-  
16 cide and Atrocities Prevention Act of 2018 (Public  
17 Law 115-441; 22 U.S.C. 2656 note)).

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

21 **SEC. 7. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**  
22 **FINED.**

23 In this Act, the term "appropriate congressional com-  
24 mittees" means—



- 1           (1) the Committee on Foreign Affairs of the
- 2           House of Representatives; and
- 3           (2) the Committee on Foreign Relations of the
- 4           Senate.