

119TH CONGRESS
1ST SESSION

S. 817

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

MARCH 3, 2025

Mr. CRUZ (for himself, Mr. JOHNSON, Mr. SCOTT of Florida, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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. STATEMENT OF POLICY.**

7 It is the policy of the United States—

8 (1) to avoid any cooperation with the People’s
9 Republic of China in the organ transplantation field

1 while the Chinese Communist Party remains in
2 power;

3 (2) to take appropriate measures, including
4 using relevant sanctions authorities, to coerce the
5 Chinese Communist Party to end any state-spon-
6 sored organ harvesting campaign;

7 (3) to work with allies, partners, and multilat-
8 eral institutions to highlight the People's Republic of
9 China's persecution of Falun Gong; and

10 (4) to coordinate closely with the international
11 community on targeted sanctions and visa restric-
12 tions.

13 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO**
14 **FORCED ORGAN HARVESTING WITHIN THE**
15 **PEOPLE'S REPUBLIC OF CHINA.**

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

20 (b) LIST OF PERSONS.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the
23 President shall submit to the appropriate congres-
24 sional committees a list of foreign persons that the
25 President determines to have knowingly and directly

1 engaged in or facilitated the involuntary harvesting
2 of organs within the People’s Republic of China.

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

6 (A) as new information becomes available;

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

9 (C) annually thereafter until the date of
10 termination under subsection (h).

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

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

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

1 United States, come within the United States, or are
2 or come within the possession or control of a United
3 States person.

4 (2) INADMISSIBILITY OF CERTAIN INDIVID-
5 UALS.—

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

9 (i) inadmissible to the United States;

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

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

18 (B) CURRENT VISA REVOKED.—

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

24 (ii) IMMEDIATE EFFECT.—A revoca-
25 tion under clause (i) shall—

1 (I) take effect immediately; and

2 (II) automatically cancel any
3 other valid visa or entry documenta-
4 tion that is in the alien's possession.

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

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

23 (e) EXCEPTION TO COMPLY WITH NATIONAL SECUR-
24 ITY.—The following activities shall be exempt from sanc-
25 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 (f) EXCEPTION RELATING TO PROVISION OF HUMAN-
7 ITARIAN ASSISTANCE.—Sanctions under this section may
8 not be imposed with respect to transactions or the facilita-
9 tion of transactions for—

10 (1) the sale of agricultural commodities, food,
11 or medicine;

12 (2) the provision of vital humanitarian assist-
13 ance;

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

16 (4) transporting goods or services that are nec-
17 essary to carry out operations relating to humani-
18 tarian assistance or humanitarian purposes.

19 (g) WAIVER AUTHORITY.—

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

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

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

13 (i) DEFINITIONS.—In this section:

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

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

23 (3) KNOWINGLY.—The term “knowingly”, with
24 respect to conduct, a circumstance, or a result,
25 means that a person had actual knowledge, or

1 should have known, of the conduct, the cir-
2 cumstance, or the result.

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

5 (A) a United States citizen or an alien law-
6 fully admitted for permanent residence to the
7 United States;

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

12 (C) any person located in the United
13 States.

14 **SEC. 4. REPORT ON ORGAN TRANSPLANT POLICIES AND**
15 **PRACTICES OF THE PEOPLE’S REPUBLIC OF**
16 **CHINA.**

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

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

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

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

9 (B) the number of known or estimated vol-
10 untary organ donors in the People's Republic of
11 China;

12 (C) an assessment of the sources of organs for
13 transplant in the People's Republic of China; 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 People's Re-
19 public of China;

20 (3) a list of all United States grants during the
21 10 years before the date of the enactment of this
22 Act that have supported research on organ trans-
23 plantation in the People's Republic of China or in
24 collaboration between a Chinese entity and a United
25 States entity; and

1 (4) a determination as to whether the persecu-
2 tion of Falun Gong practitioners within the People’s
3 Republic of China constitutes an “atrocious” (as such
4 term is defined in section 6 of the Elie Wiesel Geno-
5 cide and Atrocities Prevention Act of 2018 (Public
6 Law 115–441; 22 U.S.C. 2656 note)).

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

10 **SEC. 5. EXCEPTION RELATING TO IMPORTATION OF**
11 **GOODS.**

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

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

21 **SEC. 6. 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 and
4 the Committee on Banking, Housing, and Urban Af-
5 fairs of the Senate.

○