

117TH CONGRESS
1ST SESSION

H. R. 6319

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 HOUSE OF REPRESENTATIVES

DECEMBER 16, 2021

Mr. PERRY introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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.

○