

119TH CONGRESS
2D SESSION

S. 4009

AN ACT

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 and Vic-
3 tims of Forced Organ Harvesting Protection Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
7 **TEES.**—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Affairs and
10 the Permanent Select Committee on Intelligence
11 of the House of Representatives; and

12 (B) the Committee on Foreign Relations,
13 the Committee on Banking, Housing, and
14 Urban Affairs, and the Select Committee on In-
15 telligence of the Senate.

16 (2) **FORCED ORGAN HARVESTING.**—The term
17 “forced organ harvesting” means the removal of one
18 or more organs from an individual by means of coer-
19 cion, abduction, deception, fraud, or abuse of power
20 or a position of vulnerability.

21 (3) **INTELLIGENCE COMMUNITY.**—The term
22 “intelligence community” has the meaning given the
23 term in section 3 of the National Security Act of
24 1947 (50 U.S.C. 3003).

25 (4) **ORGAN.**—The term “organ” has the mean-
26 ing given the term “human organ” in section

1 301(c)(1) of the National Organ Transplant Act (42
2 U.S.C. 274e(c)(1)).

3 **SEC. 3. FINDINGS.**

4 Congress makes the following findings:

5 (1) Public and private organizations have per-
6 sistently expressed concerns regarding organ trans-
7 plant policies and practices in the People’s Republic
8 of China, including allegations of forced organ har-
9 vesting of those targeted by authorities of the Peo-
10 ple’s Republic of China based on religious beliefs,
11 ethnic background, or other affiliations.

12 (2) The 2023 International Religious Freedom
13 Report of the Department of State stated, “Civil so-
14 ciety organizations continued to express concern over
15 reports that authorities [of the People’s Republic of
16 China] forced members of religious organizations, in
17 particular Falun Gong members and ethnic
18 Uyghurs, to serve as organ donors.”.

19 (3) The Government of the People’s Republic of
20 China has failed to provide a full, credible, and inde-
21 pendently verifiable response to repeated inter-
22 national calls for increased accountability and trans-
23 parency for its organ transplant policies and prac-
24 tices, particularly allegations related to forced organ
25 harvesting.

1 (4) The United States Government, including
 2 the intelligence community, has yet to provide its
 3 formal assessment of allegations related to systemic
 4 organ harvesting practices by the Government of the
 5 People’s Republic of China, including against Falun
 6 Gong practitioners.

7 **SEC. 4. SENSE OF CONGRESS.**

8 It is the sense of Congress that the United States
 9 Government should—

10 (1) investigate allegations of systemic forced
 11 organ harvesting in the People’s Republic of China,
 12 including incidents involving Falun Gong practi-
 13 tioners; and

14 (2) condemn illegal, coercive, non-consensual, or
 15 non-transparent organ procurement and transplan-
 16 tation practices, including forced organ harvesting
 17 from prisoners of conscience.

18 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO**
 19 **FORCED ORGAN HARVESTING WITHIN THE**
 20 **PEOPLE’S REPUBLIC OF CHINA.**

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

25 (b) LIST OF PERSONS.—

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

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

11 (A) as new information becomes available;

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

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

16 (3) FORM.—The list required by paragraph (1),
17 and any updates to the list required by paragraph
18 (2), shall be submitted in unclassified form, but may
19 include 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

the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person on the most recent list submitted under subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

(A) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—An alien included in the most recent list submitted under subsection (b) is—

(i) inadmissible to the United States;

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

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(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, in accordance
 8 with section 221(i) of the Immigration and
 9 Nationality Act (8 U.S.C. 1201(i))—

10 (I) take effect immediately; and

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

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

24 (d) PENALTIES.—The penalties provided for in sub-
 25 sections (b) and (c) of section 206 of the International

1 Emergency Economic Powers Act (50 U.S.C. 1705) shall
 2 apply to a person who violates, attempts to violate, con-
 3 spires to violate, or causes a violation of regulations pro-
 4 mulgated to carry out subsection (a) to the same extent
 5 that such penalties apply to a person who commits an un-
 6 lawful act described in section 206(a) of that Act.

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

10 (1) Activities subject to the reporting require-
 11 ments under title V of the National Security Act of
 12 1947 (50 U.S.C. 3091 et seq.).

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

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

19 (1) the sale of agricultural commodities, food,
 20 or medicine;

21 (2) the provision of humanitarian assistance;

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

1 (4) transporting goods or services that are nec-
 2 essary to carry out operations relating to humani-
 3 tarian assistance or humanitarian purposes.

4 (g) WAIVER AUTHORITY.—

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

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

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

22 (i) DEFINITIONS.—In this section:

23 (1) ADMISSION; ADMITTED; ALIEN; LAWFULLY
 24 ADMITTED FOR PERMANENT RESIDENCE.—The
 25 terms “admission”, “admitted”, “alien”, and “law-

1 fully admitted for permanent residence” have the
2 meanings given those terms in section 101 of the
3 Immigration and Nationality Act (8 U.S.C. 1101).

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

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

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

14 (A) a United States citizen or an alien law-
15 fully admitted for permanent residence to the
16 United States;

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

21 (C) any person located in the United
22 States.

1 **SEC. 6. REPORT ON ORGAN TRANSPLANT POLICIES AND**
2 **PRACTICES OF THE PEOPLE’S REPUBLIC OF**
3 **CHINA.**

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

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

14 (1) a formal determination as to whether the
15 Government of the People’s Republic of China en-
16 gages, or formerly engaged, in systemic forced organ
17 harvesting practices and policies;

18 (2) a summary of de jure and de facto policies
19 toward organ transplantation in the People’s Repub-
20 lic of China, including with respect to prisoners of
21 conscience (including practitioners of Falun Gong),
22 other prisoners, and victims of forced organ har-
23 vesting;

24 (3)(A) the number of organ transplants that
25 are known to occur or are estimated to occur on an
26 annual basis in the People’s Republic of China;

1 (B) the number of known or estimated vol-
 2 untary organ donors in the People’s Republic of
 3 China;

4 (C) an assessment of the sources of organs for
 5 transplant in the People’s Republic of China; and

6 (D) an assessment of the time, in days, that it
 7 takes to procure an organ for transplant within the
 8 medical system of the People’s Republic of China
 9 and an assessment of whether such timetable is pos-
 10 sible based on the number of known or estimated
 11 voluntary organ donors in the People’s Republic of
 12 China;

13 (4) a list of all United States grants during the
 14 10 years before the date of the enactment of this
 15 Act that have supported research on organ trans-
 16 plantation in the People’s Republic of China or in
 17 collaboration between an entity of the People’s Re-
 18 public of China and a United States entity; and

19 (5) if the determination made under paragraph
 20 (1) is that the Government of the People’s Republic
 21 of China engages, or formerly engaged, in systemic
 22 forced organ harvesting practices and policies, a de-
 23 termination as to whether forced organ harvesting
 24 within the People’s Republic of China constitutes an
 25 “atrocious” (as such term is defined in section 6 of

1 the Elie Wiesel Genocide and Atrocities Prevention
 2 Act of 2018 (Public Law 115–441; 22 U.S.C. 2656
 3 note)).

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

7 **SEC. 7. EXCEPTION RELATING TO IMPORTATION OF**
 8 **GOODS.**

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

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

Passed the Senate September 28, 2026.

Attest:

Secretary.

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