

116TH CONGRESS  
2D SESSION

# H. R. 8491

To designate the Chinese Communist Party (CCP) as a transnational organized crime group.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2020

Mr. PERRY (for himself, Mr. BURCHETT, and Mr. DESJARLAIS) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To designate the Chinese Communist Party (CCP) as a transnational organized crime group.

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 “Designating the Chi-  
5 nese Communist Party as a Transnational Organized  
6 Crime Group Act”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

9 (1) The 90,000,000 members of the Chinese  
10 Communist Party (referred in this Act as the

1 “CCP”) are the sole ruling political party of the  
2 People’s Republic of China (PRC) under the direc-  
3 tion of General Secretary Xi Jinping.

4 (2) On June 30, 2020, in direct violation of the  
5 Sino-British Joint Declaration, the PRC passed a  
6 draconian national security law for Hong Kong that  
7 gives the ruling CCP sweeping new powers over the  
8 semi-autonomous city of Hong Kong.

9 (3) The national security law allows mainland  
10 Chinese officials to operate in Hong Kong and gives  
11 Beijing the power to subjugate the people of Hong  
12 Kong to the dictums of the CCP.

13 (4) The physical wellbeing of foreign nationals  
14 is at risk under the CCP’s new National Security  
15 Law.

16 (5) In response to the CCP-led human rights  
17 violations of unjust abuse and detention perpetrated  
18 against the Uyghurs, Secretary of State Mike  
19 Pompeo announced on July 9, 2020, that the Trump  
20 administration would bar the entry of the following  
21 three prominent CCP officials into the United  
22 States—

23 (A) Chen Quanguo, the Communist Par-  
24 ty’s Secretary of the Xinjiang Uyghur Autono-

1           mous Region (XUAR) in Northwest China and  
2           a member of the Politburo;

3           (B) Zhu Hailun, Party Secretary of the  
4           Xinjiang Political and Legal Committee  
5           (XPLC); and

6           (C) Wang Mingshan, Party Secretary of  
7           the Xinjiang Public Security Bureau (XPSB).

8           (6) On July 13, 2020, the Chinese Foreign  
9           Ministry imposed sanctions against four United  
10          States officials, including Senator Ted Cruz of  
11          Texas, Senator Marco Rubio of Florida, Representa-  
12          tive Chris Smith of New Jersey, and the Honorable  
13          Sam Brownback, United States Ambassador for  
14          International Religious Freedom, in retaliation to  
15          Mr. Pompeo's July 9th announcement.

16          (7) On September 22, 2020, the House of Rep-  
17          resentatives passed H.R. 6210, the Uyghur Forced  
18          Labor Prevention Act, in a wide, bi-partisan man-  
19          ner.

20          (8) Despite China's promise to confirm all  
21          forms of fentanyl as a class of drugs effective May  
22          1, 2019, the PRC remained the primary source of  
23          fentanyl trafficked into the United States last year,  
24          according to a 2020 DEA Intelligence Report.

1           (9) Fentanyl is 50 to 100 times more potent  
2 than morphine and killed 18,335 Americans in  
3 2018.

4           (10) Chinese scientists and authorities knew  
5 about the coronavirus as early as December 2019,  
6 but were ordered by Chinese government officials on  
7 January 3, 2020, to transfer samples to state insti-  
8 tutions or destroy them.

9           (11) The CCP refused to allow the World  
10 Health Organization to visit their country and re-  
11 fused repeated offers of assistance from the U.S.  
12 Centers for Disease Control throughout the month  
13 of January 2020.

14           (12) The Chinese government did not concede  
15 clear evidence of human-to-human transmission of  
16 the coronavirus until January 19, 2020.

17           (13) China chose to lock down the city of  
18 Wuhan on January 23, 2020, but not before  
19 5,000,000 people had already left the city.

20           (14) Chinese doctors who attempted to provide  
21 transparency regarding the consequences of the  
22 SARS-CoV-2 virus were arbitrarily arrested, and  
23 several remain unaccounted for.

24           (15) The Chinese government imposed travel  
25 bans on its own people but told other nations, in-

1 including neighboring ones, that similar restrictions  
2 were unnecessary.

3 (16) There have been more than 200,000  
4 deaths from COVID-19 in the United States and  
5 approximately 980,000 deaths, globally.

6 (17) The Director of the Federal Bureau of In-  
7 vestigation Christopher Wray recently described “the  
8 greatest long-term threat to our Nation’s informa-  
9 tion and intellectual property, and to our economic  
10 vitality, is the counterintelligence and economic espi-  
11 onage threat from China.”.

12 (18) Director Wray unequivocally identified the  
13 source of this economic espionage, malignant foreign  
14 influence, and menacing threat: “when I speak of  
15 the threat from China, I mean the Government of  
16 China and the Chinese Communist Party.”.

17 (19) According to the updated 2017 report  
18 issued by the Commission on the Theft of American  
19 Intellectual Property, the PRC is responsible for co-  
20 ordinating a massive campaign in intellectual prop-  
21 erty theft, stealing anywhere between  
22 \$250,000,000,000 and \$600,000,000,000 annually  
23 from the United States.

1           (20) The IP Commission’s estimate does not in-  
2           clude the “full cost of patent infringement—an area  
3           sorely in need of greater research”.

4           (21) The United States Trade Representative  
5           has confirmed the findings of the 2017 IP Commis-  
6           sion’s report.

7           (22) The IP Commission found that forced  
8           technology transfer accounts for anywhere from  
9           \$180,000,000,000 to \$540,000,000,000 per year in  
10          lost value for the United States economy; of that  
11          value, the IP Commission also found that China ac-  
12          counts for the most of that theft.

13          (23) According to Director Wray, the level of  
14          the CCP criminality is so widespread and volumi-  
15          nous that “the FBI is opening a new China-related  
16          counterintelligence case about every 10 hours and of  
17          the nearly 5,000 active FBI counterintelligence cases  
18          currently underway across the country, almost half  
19          are related to China.”.

20          (24) The nonprofit investigative body, China  
21          Tribunal, detailed in their March 2020 report that  
22          the CCP’s campaign of forced organ harvesting  
23          against innocent victims could constitute one of the  
24          world’s “worst atrocities committed” in modern  
25          times.

1           (25) The 2019 report issued by the Congres-  
2           sional-Executive Commission on China described the  
3           failure of the CCP to protect the human rights of  
4           its citizens: “[The 2019 report] found that the  
5           human rights situation has worsened and the rule of  
6           law continues to deteriorate, as the Chinese Govern-  
7           ment and Party increasingly used regulations and  
8           laws to assert social and political control. . . The  
9           abuse of criminal law and police power to target  
10          rights advocates, religious believers, and ethnic mi-  
11          nority groups also continues unabated, and reporting  
12          on such abuses became increasingly restricted.”.

13          (26) The criminally negligent actions taken by  
14          the CCP following their discovery of the coronavirus  
15          have contributed to the loss of millions of American  
16          jobs and the onset of a global recession.

17 **SEC. 3. DESIGNATION OF CHINESE COMMUNIST PARTY.**

18          (a) **TRANSNATIONAL ORGANIZED CRIME GROUP.**—  
19          On the date of the enactment of this Act, the Attorney  
20          General shall designate the Chinese Communist Party as  
21          a transnational organized crime group.

22          (b) **INTERNATIONAL CRIMINAL ORGANIZATIONS TAR-**  
23          **GET LIST.**—On the date of the enactment of this Act, the  
24          Director of the Federal Bureau of Investigation shall des-  
25          ignate the Chinese Communist Party as a top inter-

1 national criminal organization for the Department of Jus-  
2 tice.

3 **SEC. 4. AMENDMENT FOR PROSECUTION OF CHINESE COM-**  
4 **MUNIST PARTY.**

5 (a) IN GENERAL.—Chapter 96 of title 18, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 1969. Applying certain provisions for purpose of**  
9 **prosecuting Chinese Communist Party.**

10 “(a) IN GENERAL.—Not later than 90 days after the  
11 date of the enactment of the ‘Designating the Chinese  
12 Communist Party as a Transnational Organized Crime  
13 Group Act’, the Attorney General shall report to the For-  
14 eign Affairs Committee and Permanent Select Committee  
15 on Intelligence of the House of Representatives and the  
16 Foreign Relations Committee and Select Committee on In-  
17 telligence of the Senate, including—

18 “(1) the rationale for the designation of the  
19 Chinese Communist Party as a transnational orga-  
20 nized crime group under section 3 of the ‘Desig-  
21 nating the Chinese Communist Party as a  
22 Transnational Organized Crime Group Act’;

23 “(2) the number and extent of a racketeering  
24 activity (as defined under section 1961(1)) com-



1       mitted, aided, or abetted by the Chinese Communist  
2       Party; and

3               “(3) recommendations for penalties pursuant to  
4       sections 1963 or 1964, with respect to any violation  
5       of section 1962.

6       “(b) STATUTE OF LIMITATION.—No statute of limi-  
7       tation that would otherwise preclude prosecution for an  
8       offense involving a racketeering activity (as defined under  
9       section 1961(1)) shall preclude such prosecution before  
10      the date that is 15 years after the date on which such  
11      activity is committed by the Chinese Communist Party.

12      “(c) LEGAL LIABILITIES.—The protections against  
13      legal liability offered to any agency or instrumentality of  
14      a foreign state under chapter 97 of title 28, United States  
15      Code, or any other provision of law, shall not apply to the  
16      Chinese Communist Party during an investigation of the  
17      commission of a racketeering activity (as defined under  
18      section 1961(1)) or if the Chinese Communist Party is  
19      charged with committing a racketeering activity (as de-  
20      fined under section 1961(1)).”.

21      (b) CLERICAL AMENDMENT.—Chapter 96 of title 18,  
22      United States Code, in the table of contents is amended  
23      by adding at the end the following:

“1969. Applying certain provisions for purpose of prosecuting Chinese Com-  
munist Party.”.

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