

Suspend the Rules and Pass the Bill, H.R. 3694, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
1ST SESSION

H. R. 3694

To combat trafficking in human organs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2015

Mr. TROTT (for himself and Mr. DEUTCH) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To combat trafficking in human organs, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strategy To Oppose
5 Predatory Organ Trafficking Act” or the “STOP Organ
6 Trafficking Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) The World Health Organization (WHO) es-
2 timates that approximately 10 percent of all trans-
3 planted kidneys worldwide are illegally obtained,
4 often bought from vulnerable impoverished persons
5 or forcibly harvested from prisoners.

6 (2) In 2004, the World Health Assembly passed
7 a resolution urging its member-states to take meas-
8 ures to protect the poorest as well as vulnerable
9 groups from exploitation by organ traffickers.

10 (3) On February 13, 2008, the United Nations
11 Global Initiative to Fight Human Trafficking
12 (UNGIFT) hosted the “Vienna Forum to Fight
13 Human Trafficking”, and subsequently reported
14 that a lack of adequate illicit organ trafficking laws
15 has provided opportunity for the illegal trade to
16 grow.

17 (4) On March 21, 2011, the Council of the Eu-
18 ropean Union adopted rules supplementing the defi-
19 nition of criminal offenses and the level of sanctions
20 in order to strengthen the prevention of organ traf-
21 ficking and the protection of those victims.

22 (5) In 2005, the United States ratified the Pro-
23 tocol to Prevent, Suppress and Punish Trafficking in
24 Persons, Especially Women and Children, a supple-
25 ment to the United Nations Convention against

1 Transnational Organized Crime, which includes the
2 removal of organs as a form of exploitation under
3 the definition of “trafficking in persons”.

4 (6) According to a 2013 United Nations report
5 from the Special Rapporteur on trafficking in persons, especially women and children, the economic
6 and social divisions within and among countries is
7 notably reflected in the illicit organ trafficking mar-
8 ket, in which the victims are commonly poor, unem-
9 ployed, and more susceptible to deceit and extortion.

11 **SEC. 3. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the kidnapping or coercion of individuals for
14 the purpose of extracting their organs for profit is
15 in contradiction of the ideals and standards for eth-
16 ical behavior upon which the United States has
17 based its laws;

18 (2) the illegal harvesting of organs from chil-
19 dren is a violation of the human rights of the child
20 and is a breach of internationally accepted medical
21 ethical standards described in WHO Assembly Reso-
22 lution 57.18 (May 22, 2004);

23 (3) the illegal harvesting and trafficking of or-
24 gans violates the Universal Declaration of Human
25 Rights, in Article 3 which states that “Everyone has

1 the right to life, liberty and security of person.”, and
2 in Article 4 which states that “No one shall be held
3 in slavery or servitude.”; and

4 (4) establishing efficient voluntary organ dona-
5 tion systems with strong enforcement mechanisms is
6 the most effective way to combat trafficking of per-
7 sons for the removal of their organs.

8 **SEC. 4. STATEMENT OF POLICY.**

9 It shall be the policy of the United States to—

10 (1) combat the international trafficking of per-
11 sons for the removal of their organs;

12 (2) promote the establishment of voluntary
13 organ donation systems with effective enforcement
14 mechanisms in bilateral diplomatic meetings, as well
15 as in international health forums; and

16 (3) promote the dignity and security of human
17 life in accordance with the Universal Declaration of
18 Human Rights.

19 **SEC. 5. REVOCATION OR DENIAL OF PASSPORTS TO INDIVI-**
20 **VIDUALS WHO ARE ORGAN TRAFFICKERS.**

21 The Act entitled “An Act to regulate the issue and
22 validity of passports, and for other purposes”, approved
23 July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly
24 known as the “Passport Act of 1926”, is amended by add-
25 ing at the end the following:

1 “SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT.

2 “(a) ISSUANCE.—The Secretary of State may refuse
3 to issue a passport to any individual who has been con-
4 victed of an offense under section 301 of the National
5 Organ Transplant Act (42 U.S.C. 274e) if such individual
6 used a passport or otherwise crossed an international bor-
7 der in the commission of such an offence.

8 “(b) REVOCATION.—The Secretary of State may re-
9 voke a passport previously issued to any individual de-
10 scribed in paragraph (1).”.

**11 SEC. 6. AMENDMENTS TO THE TRAFFICKING VICTIMS PRO-
12 TECTION ACT OF 2000.**

13 (a) DEFINITIONS.—Section 103 of the Trafficking
14 Victims Protection Act of 2000 (22 U.S.C. 7102) is
15 amended—

16 (1) in paragraph (9)—

17 (A) in subparagraph (A), by striking “or”
18 at the end;

19 (B) in subparagraph (B), by striking the
20 period at the end and inserting: “; or”; and

21 (C) by adding at the end the following new
22 subparagraph:

23 “(C) trafficking of persons for the removal
24 of their organs (as defined in paragraph
25 (13)).”;

1 (2) by redesignating paragraphs (13) through
2 (15) as paragraphs (14) through (16), respectively;
3 and

4 (3) by inserting after paragraph (12) the fol-
5 lowing new paragraph:

6 “(13) TRAFFICKING OF PERSONS FOR THE RE-
7 MOVAL OF THEIR ORGANS.—

8 “(A) IN GENERAL.—The term ‘trafficking
9 of persons for the removal of their organs’
10 means the recruitment, transportation, transfer,
11 harboring, or receipt of a person, either living
12 or deceased, for the purpose of removing one or
13 more of the person’s organs, by means of—

14 “(i) coercion;

15 “(ii) abduction;

16 “(iii) deception;

17 “(iv) fraud;

18 “(v) abuse of power or a position of
19 vulnerability; or

20 “(vi) transfer of payments or benefits
21 to achieve the consent of a person having
22 control over a person described in the mat-
23 ter preceding clause (i).

24 “(B) ORGAN DEFINED.—In subparagraph
25 (A), the term ‘organ’ has the meaning given the

1 term ‘human organ’ in section 301(c)(1) of the
2 National Organ Transplant Act (42 U.S.C.
3 274e(c)(1)).”.

4 (b) INTERAGENCY TASK FORCE TO MONITOR AND
5 COMBAT TRAFFICKING.—Section 105(d)(3) of the Traf-
6 ficking Victims Protection Act of 2000 (22 U.S.C.
7 7103(d)(3)) is amended by inserting after the first sen-
8 tence the following new sentence: “Such procedures shall
9 include collection and organization of data from human
10 rights officers at United States embassies on host coun-
11 try’s laws against trafficking of persons for the removal
12 of their organs and any instances of violations of such
13 laws.”.

14 **SEC. 7. REPORTING.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of the enactment of this Act, and annually thereafter
17 through 2024, the Secretary of State shall submit to the
18 appropriate congressional committees a comprehensive re-
19 port that includes the following information:

20 (1) A description of the sources, practices,
21 methods, facilitators, and recipients of trafficking of
22 persons for the removal of their organs during the
23 period covered by each such report.

24 (2) A description of activities undertaken by the
25 Department of State, either unilaterally or in co-

1 operation with other countries, to address and pre-
2 vent trafficking of persons for the removal of their
3 organs.

4 (3) A description of activities undertaken by
5 countries to address and prevent trafficking of per-
6 sons for the removal of their organs.

7 (b) MATTERS TO BE INCLUDED.—The reports re-
8 quired under subsection (a) shall include the collection and
9 organization of data from human rights officers at United
10 States diplomatic and consular posts on host countries'
11 laws against trafficking of persons for the removal of their
12 organs, including enforcement of such laws, or any in-
13 stances of violations of such laws.

14 (c) ADDITIONAL MATTERS TO BE INCLUDED.—The
15 reports required under subsection (a) may include—

16 (1) information provided in meetings with host
17 country officials;

18 (2) information provided through cooperation
19 with United Nations or World Health Organization
20 agencies;

21 (3) communications and reports provided by
22 nongovernmental organizations working on the issue
23 of trafficking of persons for the removal of their or-
24 gans; and

1 (4) any other reports or information sources the
2 Secretary of State determines to be necessary and
3 appropriate.

4 **SEC. 8. DEFINITIONS.**

5 In this Act:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means the Committee on Foreign Affairs of
9 the House of Representatives and the Committee on
10 Foreign Relations of the Senate.

11 (2) ORGAN.—The term “organ” has the mean-
12 ing given the term “human organ” in section
13 301(c)(1) of the National Organ Transplant Act (42
14 U.S.C. 274e(c)(1)).

15 (3) TRAFFICKING OF PERSONS FOR THE RE-
16 MOVAL OF THEIR ORGANS.—The term “trafficking
17 of persons for the removal of their organs” means
18 the recruitment, transportation, transfer, harboring,
19 or receipt of a person, either living or deceased, for
20 the purpose of removing one or more of the person’s
21 organs, by means of—

- 22 (A) coercion;
23 (B) abduction;
24 (C) deception;
25 (D) fraud;

- 1 (E) abuse of power or a position of vulner-
- 2 ability; or
- 3 (F) transfer of payments or benefits to
- 4 achieve the consent of a person having control
- 5 over a person described in the matter preceding
- 6 clause (i).

7 **SEC. 9. LIMITATION ON FUNDS.**

8 No additional funds are authorized to be appro-
9 priated to carry out this Act or any amendment made by
10 this Act.