

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3694
OFFERED BY MR. TROTT OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

5 SEC. 2. FINDINGS.

6 Congress finds the following:

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

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

16 (3) On February 13, 2008, the United Nations
17 Global Initiative to Fight Human Trafficking
18 (UNGIFT) hosted the “Vienna Forum to Fight

1 Human Trafficking”, and subsequently reported
2 that a lack of adequate illicit organ trafficking laws
3 has provided opportunity for the illegal trade to
4 grow.

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

10 (5) In 2005, the United States ratified the Pro-
11 tocol to Prevent, Suppress and Punish Trafficking in
12 Persons, Especially Women and Children, a supple-
13 ment to the United Nations Convention against
14 Transnational Organized Crime, which includes the
15 removal of organs as a form of exploitation under
16 the definition of “trafficking in persons”.

17 (6) According to a 2013 United Nations report
18 from the Special Rapporteur on trafficking in per-
19 sons, especially women and children, the economic
20 and social divisions within and among countries is
21 notably reflected in the illicit organ trafficking mar-
22 ket, in which the victims are commonly poor, unem-
23 ployed, and more susceptible to deceit and extortion.

24 **SEC. 3. SENSE OF CONGRESS.**

25 It is the sense of Congress that—

1 (1) the kidnapping or coercion of individuals for
2 the purpose of extracting their organs for profit is
3 in contradiction of the ideals and standards for eth-
4 ical behavior upon which the United States has
5 based its laws;

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

11 (3) the illegal harvesting and trafficking of or-
12 gans violates the Universal Declaration of Human
13 Rights, in Article 3 which states that “Everyone has
14 the right to life, liberty and security of person.”, and
15 in Article 4 which states that “No one shall be held
16 in slavery or servitude.”; and

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

21 **SEC. 4. STATEMENT OF POLICY.**

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

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

1 (2) promote the establishment of voluntary
2 organ donation systems with effective enforcement
3 mechanisms in bilateral diplomatic meetings, as well
4 as in international health forums; and

5 (3) promote the dignity and security of human
6 life in accordance with the Universal Declaration of
7 Human Rights.

8 **SEC. 5. REVOCATION OR DENIAL OF PASSPORTS TO INDI-**
9 **VIDUALS WHO ARE ORGAN TRAFFICKERS.**

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

15 **“SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT.**

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

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

1 **SEC. 6. AMENDMENTS TO THE TRAFFICKING VICTIMS PRO-**
2 **TECTION ACT OF 2000.**

3 (a) DEFINITIONS.—Section 103 of the Trafficking
4 Victims Protection Act of 2000 (22 U.S.C. 7102) is
5 amended—

6 (1) in paragraph (9)—

7 (A) in subparagraph (A), by striking “or”
8 at the end;

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

11 (C) by adding at the end the following new
12 subparagraph:

13 “(C) trafficking of persons for the removal
14 of their organs (as defined in paragraph
15 (13)).”;

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

19 (3) by inserting after paragraph (12) the fol-
20 lowing new paragraph:

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

23 “(A) IN GENERAL.—The term ‘trafficking
24 of persons for the removal of their organs’
25 means the recruitment, transportation, transfer,
26 harboring, or receipt of a person, either living

1 or deceased, for the purpose of removing one or
2 more of the person’s organs, by means of—

3 “(i) coercion;

4 “(ii) abduction;

5 “(iii) deception;

6 “(iv) fraud;

7 “(v) abuse of power or a position of
8 vulnerability; or

9 “(vi) transfer of payments or benefits
10 to achieve the consent of a person having
11 control over a person described in the mat-
12 ter preceding clause (i).

13 “(B) ORGAN DEFINED.—n subparagraph
14 (A), the term ‘organ’ has the meaning given the
15 term ‘human organ’ in section 301(c)(1) of the
16 National Organ Transplant Act (42 U.S.C.
17 274e(c)(1)).”.

18 (b) INTERAGENCY TASK FORCE TO MONITOR AND
19 COMBAT TRAFFICKING.—Section 105(d)(3) of the Traf-
20 ficking Victims Protection Act of 2000 (22 U.S.C.
21 7103(d)(3)) is amended by inserting after the first sen-
22 tence the following new sentence: “Such procedures shall
23 include collection and organization of data from human
24 rights officers at United States embassies on host coun-
25 try’s laws against trafficking of persons for the removal

1 of their organs and any instances of violations of such
2 laws.”.

3 **SEC. 7. REPORTING.**

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

9 (1) A description of the sources, practices,
10 methods, facilitators, and recipients of trafficking of
11 persons for the removal of their organs during the
12 period covered by each such report.

13 (2) A description of activities undertaken by the
14 Department of State, either unilaterally or in co-
15 operation with other countries, to address and pre-
16 vent trafficking of persons for the removal of their
17 organs.

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

21 (b) MATTERS TO BE INCLUDED.—The reports re-
22 quired under subsection (a) shall include the collection and
23 organization of data from human rights officers at United
24 States diplomatic and consular posts on host countries’

1 laws against trafficking of persons for the removal of their
2 organs or any instances of violations of such laws.

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

5 (1) information provided in meetings with host
6 country officials;

7 (2) information provided through cooperation
8 with United Nations or World Health Organization
9 agencies;

10 (3) communications and reports provided by
11 nongovernmental organizations working on the issue
12 of trafficking of persons for the removal of their or-
13 gans; and

14 (4) any other reports or information sources the
15 Secretary of State determines to be necessary and
16 appropriate.

17 **SEC. 8. DEFINITIONS.**

18 In this Act:

19 (1) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means the Committee on Foreign Affairs of
22 the House of Representatives and the Committee on
23 Foreign Relations of the Senate.

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

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

3 (3) **TRAFFICKING OF PERSONS FOR THE RE-**
4 **MOVAL OF THEIR ORGANS.**—The term “trafficking
5 of persons for the removal of their organs” means
6 the recruitment, transportation, transfer, harboring,
7 or receipt of a person, either living or deceased, for
8 the purpose of removing one or more of the person’s
9 organs, by means of—

10 (A) coercion;

11 (B) abduction;

12 (C) deception;

13 (D) fraud;

14 (E) abuse of power or a position of vulner-
15 ability; or

16 (F) transfer of payments or benefits to
17 achieve the consent of a person having control
18 over a person described in the matter preceding
19 clause (i).

20 **SEC. 9. LIMITATION ON FUNDS.**

21 No additional funds are authorized to be appro-
22 priated to carry out this Act or any amendment made by
23 this Act.

