

114TH CONGRESS
2D SESSION

H. R. 3694

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2016

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To combat trafficking in human organs, 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 “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
19 Human Trafficking”, and subsequently reported
20 that a lack of adequate illicit organ trafficking laws
21 has provided opportunity for the illegal trade to
22 grow.

23 (4) On March 21, 2011, the Council of the Eu-
24 ropean Union adopted rules supplementing the defi-
25 nition of criminal offenses and the level of sanctions

1 in order to strengthen the prevention of organ traf-
2 ficking and the protection of those victims.

3 (5) In 2005, the United States ratified the Pro-
4 tocol to Prevent, Suppress and Punish Trafficking in
5 Persons, Especially Women and Children, a supple-
6 ment to the United Nations Convention against
7 Transnational Organized Crime, which includes the
8 removal of organs as a form of exploitation under
9 the definition of “trafficking in persons”.

10 (6) According to a 2013 United Nations report
11 from the Special Rapporteur on trafficking in per-
12 sons, especially women and children, the economic
13 and social divisions within and among countries is
14 notably reflected in the illicit organ trafficking mar-
15 ket, in which the victims are commonly poor, unem-
16 ployed, and more susceptible to deceit and extortion.

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) the kidnapping or coercion of individuals for
20 the purpose of extracting their organs for profit is
21 in contradiction of the ideals and standards for eth-
22 ical behavior upon which the United States has
23 based its laws;

24 (2) the illegal harvesting of organs from chil-
25 dren is a violation of the human rights of the child

1 and is a breach of internationally accepted medical
2 ethical standards described in WHO Assembly Reso-
3 lution 57.18 (May 22, 2004);

4 (3) the illegal harvesting and trafficking of or-
5 gans violates the Universal Declaration of Human
6 Rights, in Article 3 which states that “Everyone has
7 the right to life, liberty and security of person.”, and
8 in Article 4 which states that “No one shall be held
9 in slavery or servitude.”; and

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

14 **SEC. 4. STATEMENT OF POLICY.**

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

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

18 (2) promote the establishment of voluntary
19 organ donation systems with effective enforcement
20 mechanisms in bilateral diplomatic meetings, as well
21 as in international health forums; and

22 (3) promote the dignity and security of human
23 life in accordance with the Universal Declaration of
24 Human Rights.

1 **SEC. 5. REVOCATION OR DENIAL OF PASSPORTS TO INDIVIDUALS WHO ARE ORGAN TRAFFICKERS.**

2
3 The Act entitled “An Act to regulate the issue and
4 validity of passports, and for other purposes”, approved
5 July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly
6 known as the “Passport Act of 1926”, is amended by add-
7 ing at the end the following:

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

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

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

18 **SEC. 6. AMENDMENTS TO THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000.**

19
20 (a) DEFINITIONS.—Section 103 of the Trafficking
21 Victims Protection Act of 2000 (22 U.S.C. 7102) is
22 amended—

23 (1) in paragraph (9)—

24 (A) in subparagraph (A), by striking “or”
25 at the end;

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

3 (C) by adding at the end the following new
4 subparagraph:

5 “(C) trafficking of persons for the removal
6 of their organs (as defined in paragraph
7 (13)).”;

8 (2) by redesignating paragraphs (13) through
9 (15) as paragraphs (14) through (16), respectively;
10 and

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

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

15 “(A) IN GENERAL.—The term ‘trafficking
16 of persons for the removal of their organs’
17 means the recruitment, transportation, transfer,
18 harboring, or receipt of a person, either living
19 or deceased, for the purpose of removing one or
20 more of the person’s organs, by means of—

21 “(i) coercion;

22 “(ii) abduction;

23 “(iii) deception;

24 “(iv) fraud;

1 “(v) abuse of power or a position of
2 vulnerability; or

3 “(vi) transfer of payments or benefits
4 to achieve the consent of a person having
5 control over a person described in the mat-
6 ter preceding clause (i).

7 “(B) ORGAN DEFINED.—In subparagraph
8 (A), the term ‘organ’ has the meaning given the
9 term ‘human organ’ in section 301(c)(1) of the
10 National Organ Transplant Act (42 U.S.C.
11 274e(c)(1)).”.

12 (b) INTERAGENCY TASK FORCE TO MONITOR AND
13 COMBAT TRAFFICKING.—Section 105(d)(3) of the Traf-
14 ficking Victims Protection Act of 2000 (22 U.S.C.
15 7103(d)(3)) is amended by inserting after the first sen-
16 tence the following new sentence: “Such procedures shall
17 include collection and organization of data from human
18 rights officers at United States embassies on host coun-
19 try’s laws against trafficking of persons for the removal
20 of their organs and any instances of violations of such
21 laws.”.

22 **SEC. 7. REPORTING.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of the enactment of this Act, and annually thereafter
25 through 2024, the Secretary of State shall submit to the

1 appropriate congressional committees a comprehensive re-
2 port that includes the following information:

3 (1) A description of the sources, practices,
4 methods, facilitators, and recipients of trafficking of
5 persons for the removal of their organs during the
6 period covered by each such report.

7 (2) A description of activities undertaken by the
8 Department of State, either unilaterally or in co-
9 operation with other countries, to address and pre-
10 vent trafficking of persons for the removal of their
11 organs.

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

15 (b) MATTERS TO BE INCLUDED.—The reports re-
16 quired under subsection (a) shall include the collection and
17 organization of data from human rights officers at United
18 States diplomatic and consular posts on host countries’
19 laws against trafficking of persons for the removal of their
20 organs, including enforcement of such laws, or any in-
21 stances of violations of such laws.

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

24 (1) information provided in meetings with host
25 country officials;

1 (2) information provided through cooperation
2 with United Nations or World Health Organization
3 agencies;

4 (3) communications and reports provided by
5 nongovernmental organizations working on the issue
6 of trafficking of persons for the removal of their or-
7 gans; and

8 (4) any other reports or information sources the
9 Secretary of State determines to be necessary and
10 appropriate.

11 **SEC. 8. DEFINITIONS.**

12 In this Act:

13 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
14 **TEES.**—The term “appropriate congressional com-
15 mittees” means the Committee on Foreign Affairs of
16 the House of Representatives and the Committee on
17 Foreign Relations of the Senate.

18 (2) **ORGAN.**—The term “organ” has the mean-
19 ing given the term “human organ” in section
20 301(c)(1) of the National Organ Transplant Act (42
21 U.S.C. 274e(c)(1)).

22 (3) **TRAFFICKING OF PERSONS FOR THE RE-**
23 **MOVAL OF THEIR ORGANS.**—The term “trafficking
24 of persons for the removal of their organs” means
25 the recruitment, transportation, transfer, harboring,

1 or receipt of a person, either living or deceased, for
2 the purpose of removing one or more of the person's
3 organs, by means of—

4 (A) coercion;

5 (B) abduction;

6 (C) deception;

7 (D) fraud;

8 (E) abuse of power or a position of vulner-
9 ability; or

10 (F) transfer of payments or benefits to
11 achieve the consent of a person having control
12 over a person described in the matter preceding
13 clause (i).

14 **SEC. 9. LIMITATION ON FUNDS.**

15 No additional funds are authorized to be appro-
16 priated to carry out this Act or any amendment made by
17 this Act.

Passed the House of Representatives June 13, 2016.

Attest:

KAREN L. HAAS,

Clerk.