

115TH CONGRESS
2D SESSION

H. R. 6413

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

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2018

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 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 “Strategy To Oppose
5 Predatory Organ Trafficking Act” or the “STOP Organ
6 Trafficking Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) The World Health Organization (WHO) es-
10 timates that approximately 10 percent of all trans-
11 planted kidneys worldwide are illegally obtained,

1 often bought from vulnerable impoverished persons
2 or forcibly harvested from prisoners.

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

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

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

19 (5) In 2005, the United States ratified the Pro-
20 tocol to Prevent, Suppress and Punish Trafficking in
21 Persons, Especially Women and Children, a supple-
22 ment to the United Nations Convention against
23 Transnational Organized Crime, which includes the
24 removal of organs as a form of exploitation under
25 the definition of “trafficking in persons”.

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

8 **SEC. 3. SENSE OF CONGRESS.**

9 It is the sense of Congress that—

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

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

20 (3) the illegal harvesting and trafficking of or-
21 gans violates the Universal Declaration of Human
22 Rights, in Article 3 which states that “Everyone has
23 the right to life, liberty and security of person.”, and
24 in Article 4 which states that “No one shall be held
25 in slavery or servitude.”; and

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

5 **SEC. 4. STATEMENT OF POLICY.**

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

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

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

13 (3) promote the dignity and security of human
14 life in accordance with the Universal Declaration of
15 Human Rights.

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

17 The Act entitled “An Act to regulate the issue and
18 validity of passports, and for other purposes”, approved
19 July 3, 1926 (22 U.S.C. 211a et seq.), commonly known
20 as the “Passport Act of 1926”, is amended by adding at
21 the end the following new section:
22 the end the following new section:

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

24 “(a) ISSUANCE.—The Secretary of State may refuse
25 to issue a passport to any individual who has been con-

1 victed of an offense under section 301 of the National
 2 Organ Transplant Act (42 U.S.C. 274e) if such individual
 3 used a passport or otherwise crossed an international bor-
 4 der in the commission of such an offence.

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

8 **SEC. 6. AMENDMENTS TO THE TRAFFICKING VICTIMS PRO-**
 9 **TECTION ACT OF 2000.**

10 (a) DEFINITIONS.—Section 103 of the Trafficking
 11 Victims Protection Act of 2000 (22 U.S.C. 7102) is
 12 amended—

13 (1) in paragraph (9)—

14 (A) in subparagraph (A), by striking “or”
 15 at the end;

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

18 (C) by adding at the end the following new
 19 subparagraph:

20 “(C) trafficking of persons for the removal
 21 of their organs (as defined in paragraph
 22 (13)).”;

23 (2) by redesignating paragraphs (13) through
 24 (15) as paragraphs (14) through (16), respectively;
 25 and

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

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

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

11 “(i) coercion;

12 “(ii) abduction;

13 “(iii) deception;

14 “(iv) fraud;

15 “(v) abuse of power or a position of
16 vulnerability; or

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

21 “(B) ORGAN DEFINED.—In subparagraph
22 (A), the term ‘organ’ has the meaning given the
23 term ‘human organ’ in section 301(c)(1) of the
24 National Organ Transplant Act (42 U.S.C.
25 274e(c)(1)).”.

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

10 **SEC. 7. REPORTING.**

11 (a) IN GENERAL.—Not later than one year after the
12 date of the enactment of this Act and annually thereafter
13 through 2025, the Secretary of State shall submit to the
14 appropriate congressional committees a comprehensive re-
15 port that includes the following information:

16 (1) A description of the sources, practices,
17 methods, facilitators, and recipients of trafficking of
18 persons for the removal of their organs during the
19 period covered by each such report.

20 (2) A description of activities undertaken by the
21 Department of State, either unilaterally or in co-
22 operation with other countries, to address and pre-
23 vent trafficking of persons for the removal of their
24 organs.

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

4 (b) MATTERS TO BE INCLUDED.—The reports re-
5 quired under subsection (a) shall include the collection and
6 organization of data from human rights officers at United
7 States diplomatic and consular posts on host country laws
8 against trafficking of persons for the removal of their or-
9 gans, including enforcement of such laws, or any instances
10 of violations of such laws.

11 (c) ADDITIONAL MATTERS TO BE INCLUDED.—The
12 reports required under subsection (a) may include the fol-
13 lowing:

14 (1) Information provided in meetings with host
15 country officials.

16 (2) Information provided through cooperation
17 with United Nations or World Health Organization
18 agencies.

19 (3) Communications and reports provided by
20 nongovernmental organizations working on the issue
21 of trafficking of persons for the removal of their or-
22 gans.

23 (4) Any other reports or information sources
24 the Secretary of State determines to be necessary
25 and appropriate.

1 **SEC. 8. DEFINITIONS.**

2 In this Act:

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

8 (2) ORGAN.—The term “organ” has the mean-
9 ing given the term “human organ” in section
10 301(c)(1) of the National Organ Transplant Act (42
11 U.S.C. 274e(c)(1)).

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

19 (A) coercion;

20 (B) abduction;

21 (C) deception;

22 (D) fraud;

23 (E) abuse of power or a position of vulner-
24 ability; or

25 (F) transfer of payments or benefits to
26 achieve the consent of a person having control

1 over a person described in the matter preceding
2 clause (i).

3 **SEC. 9. LIMITATION ON FUNDS.**

4 No additional funds are authorized to be appro-
5 priated to carry out this Act or any amendment made by
6 this Act.

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