

115TH CONGRESS  
2D SESSION

# H. R. 6413

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

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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

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## 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 INDI-**  
17 **VIDUALS WHO ARE ORGAN TRAFFICKERS.**

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