

116TH CONGRESS
1ST SESSION

H. R. 2121

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2019

Mr. RESCHENTHALER 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 in some cases 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 Article 3 of the Universal Declaration
22 of Human Rights, which states that “Everyone has
23 the right to life, liberty and security of person.”, and
24 Article 4, which states that “No one shall be held in
25 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 in per-
4 sons for purposes of the removal of organs.

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

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

7 (1) combat the international trafficking in per-
8 sons for purposes of the removal of 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 Section 103 of the Trafficking Victims Protection Act
 11 of 2000 (22 U.S.C. 7102) is amended—

12 (1) in paragraph (11)—

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

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

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

19 “(C) trafficking in persons for purposes of
 20 the removal of organs (as defined in paragraph
 21 (15)).”;

22 (2) by redesignating paragraphs (15) through
 23 (17) as paragraphs (16) through (18), respectively;
 24 and

1 (3) by inserting after paragraph (14) the fol-
2 lowing new paragraph:

3 “(15) TRAFFICKING IN PERSONS FOR PUR-
4 POSES OF THE REMOVAL OF ORGANS.—

5 “(A) IN GENERAL.—The term ‘trafficking
6 in persons for purposes of the removal of or-
7 gans’ means the recruitment, transportation,
8 transfer, harboring, or receipt of a person for
9 the purpose of removing one or more of such
10 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 **SEC. 7. REPORTING.**

2 (a) IN GENERAL.—Not later than two years after the
3 date of the enactment of this Act and annually thereafter
4 through 2026, the Secretary of State shall submit to the
5 appropriate congressional committees a comprehensive re-
6 port that includes the following information:

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

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

16 (3) A description of activities undertaken by
17 countries to address and prevent trafficking in per-
18 sons for purposes of the removal of organs.

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

1 (c) ADDITIONAL MATTERS TO BE INCLUDED.—The
2 reports required under subsection (a) may include the fol-
3 lowing:

4 (1) Information provided in meetings with host
5 country officials.

6 (2) Information provided through cooperation
7 with United Nations or World Health Organization
8 agencies.

9 (3) Communications and reports provided by
10 nongovernmental organizations working on the issue
11 of trafficking in persons for purposes of the removal
12 of organs.

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

16 (d) RELATION TO TRAFFICKING IN PERSONS RE-
17 PORT.—The reports required under subsection (a) shall be
18 deemed to satisfy the reporting requirements relating to
19 trafficking in persons for purposes of the removal of or-
20 gans under section 110(b) of the Trafficking Victims Pro-
21 tection Act of 2000 (22 U.S.C. 7107(b)).

22 **SEC. 8. DEFINITIONS.**

23 In this Act:

24 (1) APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES.—The term “appropriate congressional com-

mittees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) ORGAN.—The term “organ” has the meaning given the term “human organ” in section 301(c)(1) of the National Organ Transplant Act (42 U.S.C. 274e(c)(1)).

(3) TRAFFICKING IN PERSONS FOR PURPOSES OF THE REMOVAL OF ORGANS.—The term “trafficking in persons for purposes of the removal of organs” means the recruitment, transportation, transfer, harboring, or receipt of a person for the purpose of removing one or more of the person’s organs, by means of—

(A) coercion;

(B) abduction;

(C) deception;

(D) fraud;

(E) abuse of power or a position of vulnerability; or

(F) transfer of payments or benefits to achieve the consent of a person having control over a person described in the matter preceding subparagraph (A).

1 **SEC. 9. LIMITATION ON FUNDS.**

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

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