

114TH CONGRESS
1ST SESSION

H. R. 3694

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2015

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 November 2012, Erasmus University
20 Hospital along with institutions in Romania, Swe-
21 den, Bulgaria, and Spain launched a 3-year study
22 backed by Europol into illegal organ trafficking, and
23 released a statement that, “there are more and more
24 indicators of ‘organ tourism’, whereby a patient
25 travels abroad with the aim of receiving a trans-

1 planted organ which may have been bought . . . do-
2 nors are often victims of human trafficking.”.

3 (6) According to organ trafficking specialists at
4 the WHO, Moldova ranks third as a source of or-
5 gans for sale on the global black market, with such
6 human organs frequently smuggled to underground
7 clinics located in several European Union member-
8 states.

9 (7) Between 2001 and 2003, a South African
10 black market kidney transplant ring coerced over
11 109 people, mostly from Brazil and Romania, to
12 travel to Durban, South Africa, to forfeit a kidney
13 for the promise of approximately \$120,000, although
14 payment was frequently withheld following the oper-
15 ation.

16 (8) On May 3, 2004, Afghanistan’s Interior
17 Minister Ali Ahmed Lakali stated that the problem
18 of child abduction was growing and children were
19 being taken to be sold for “sex or labor, or to pro-
20 vide human organs”.

21 (9) In March 2006, a children’s rights expert at
22 the Afghan Independent Human Rights Commission,
23 Hengameh Anwari, stated, “Other reports that
24 cause concern indicate that a number of children are
25 abducted because of their body organs; they become

1 victims of trafficking to foreign countries especially
2 for their kidneys.”.

3 (10) In June 2001, Dr. Wang Guogi testified
4 before the Subcommittee on International Organiza-
5 tions and Human Rights of the Committee on Inter-
6 national Relations of the House of Representatives
7 that Chinese hospitals worked in collusion with state
8 security agencies to extract organs from executed
9 prisoners without written consent of the organ do-
10 nors, and that these transplants were a lucrative
11 source of income.

12 (11) Researcher and journalist Ethan Gutmann
13 estimates that approximately 65,000 Falun Gong
14 adherents may have been killed for their organs
15 from 2000 to 2008, and that a number of other reli-
16 gious and ethnic minorities may also have been tar-
17 geted.

18 (12) On November 20, 2004, Xin Ren from
19 California State University stated to the Inter-
20 national Bureau for Children’s Rights Conference in
21 Montreal, that, “[In India, Pakistan, and some other
22 Asian countries in 2003] [c]hildren were often either
23 sold by their parents for little money or kidnapped
24 and abducted by the traffickers to have their
25 organ(s) removed for transplant purpose . . .

1 [S]ome people were even murdered in the process of
2 forcible removal of their organs.”.

3 (13) The website of the Organ Transplant Cen-
4 ter of the Armed Police General Hospital in Beijing,
5 China touted that, “Our Organ Transplant Center is
6 our main department for making money . . . This
7 year (2004) there is a chance to break through
8 30,000,000 yuan.”.

9 (14) Canadian researchers David Matas, human
10 rights attorney, and David Kilgour, former Cana-
11 dian Secretary of State for Asia-Pacific, conducted
12 an investigation into allegations of organ harvesting
13 from Falun Gong prisoners of conscience in 2006,
14 and based on extensive circumstantial evidence, their
15 report concluded that the allegations were true and
16 that tens of thousands of Falun Gong practitioners
17 may have been killed for their organs.

18 (15) In mid-November 2006, China’s Deputy
19 Health Minister Huang Jiefu acknowledged that
20 condemned prisoners are sources for organ trans-
21 plants, and Asia News reported that Deputy Health
22 Minister Huang had said he was cognizant of the
23 fact that too often organs come from non-consenting
24 parties and are sold for high fees to foreigners.

1 (16) In May 2006, the website for the China
2 International Transplantation Network Assistance
3 Centre posted the following statements in its fre-
4 quently asked questions section: “The First Affili-
5 ated Hospital of China was established in 2003 spe-
6 cifically for our foreign friends . . . Viscera pro-
7 viders can be found immediately! . . . Our organs
8 do not come from brain death victims because the
9 organ may not be good.”.

10 (17) In November 2008, the United Nations
11 Committee on Torture reported concern over the al-
12 legations of organ harvesting from Falun Gong pris-
13 oners and called on the Government of the People’s
14 Republic of China to increase accountability and
15 transparency in the organ transplant system and
16 punish those individuals responsible for abuses.

17 (18) In 2005, the United States ratified the
18 Protocol to Prevent, Suppress and Punish Traf-
19 ficking in Persons, Especially Women and Children,
20 a supplement to the United Nations Convention
21 against Transnational Organized Crime, which in-
22 cludes the removal of organs as a form of exploi-
23 tation under the definition of “trafficking in per-
24 sons”.

1 (19) On March 30, 2006, the Police Super-
2 intendent of Paranaque, Philippines, arrested a sus-
3 pect alleged to have ties to a regional kidnapping
4 syndicate involved with abducting children in order
5 to remove their organs and sell them on the global
6 black market, as in the case of a child discovered
7 dead in Cavite, Philippines, with his internal organs
8 missing.

9 (20) On April 12, 2008, police raided a black
10 market organ transplant house near Manila, Phil-
11 ippines, arresting three traffickers and discovering
12 nine donors in the house, one of whom stated to au-
13 thorities that he had been promised \$2,800 for his
14 kidney, and he was doing it because, “I can barely
15 provide for my wife and children.”.

16 (21) In November 2008, the National Bureau
17 of Investigation’s Human Trafficking Division in the
18 Philippines reported, “the abducted children are
19 housed somewhere in Mindanao where victims are
20 supplied with vitamin supplements to keep their in-
21 ternal organs healthy, and are then transported out-
22 side the country to undergo surgery for organ trans-
23 plants”.

1 (22) In 2007, Pakistan was identified by the
2 WHO as one of the top destinations for “transplant
3 tourism”.

4 (23) Pakistani authorities in April 2007 raided
5 a black market organ ring in Lahore that consisted
6 of doctors, officials, and middlemen who had ab-
7 ducted potential donors, drugged them and removed
8 their kidneys without consent to then sell for profit.

9 (24) Dr. Zafar ul Ahsan, a top urologist at
10 Fatima Jinnah Hospital in Lahore, Pakistan, stated
11 in September 2007, “A mafia is running Pakistan’s
12 kidney transplant business with agents paying
13 \$1,000 to poor donors and then selling their kidneys
14 on the black market for thousands of dollars.”.

15 (25) In 2007, five employees of the tissue bank
16 at the Faculty Hospital in Brno-Bohunice, the Czech
17 Republic, were arrested and charged with illegal
18 organ trafficking for selling more than \$340,000
19 worth of illegally obtained skin grafts to a tissue
20 bank in the Netherlands.

21 (26) In January 2008, the Government of In-
22 dia’s Health Ministry released an estimate that more
23 than 100,000 kidney transplants are needed in India
24 each year, but only 5,000 are performed legally.

1 (27) A February 2008 police raid on an organ
2 trafficking ring in Gurgaon, India, found that men
3 posed as doctors to remove kidneys from migrant la-
4 borers, and conducted approximately 500 illegal kid-
5 ney transplants over nine years.

6 (28) On April 8, 2009, the Global Post in Cairo
7 reported that the Egyptian Government was consid-
8 ering measures to increase the number of legal
9 organ donations to meet demand, which included a
10 proposal to harvest organs from executed criminals,
11 with or without their consent, as then Ministry of
12 Health spokesman, Dr. Abdel Rahman Shahin stat-
13 ed, “They are saying that when [convicts’] organs
14 are taken, they’re compensating for the bad they
15 did.”.

16 (29) In November 2010, Netcare KwaZulu, a
17 hospital in South Africa’s eastern KwaZulu-Natal
18 province, pleaded guilty to illegally removing kidneys
19 from five minors between 2001 and 2003.

20 (30) On January 12, 2011, Doctor Yusuf
21 Sonmez, who has been dubbed the “Turkish Frank-
22 enstein”, was arrested in Pristina for his alleged
23 participation in illegal organ trafficking in Kosovo
24 and Azerbaijan.

1 (31) In April 2013, a Kosovo court convicted
2 five defendants for conducting over 30 illegal harvest
3 operations in an organ trafficking ring at the
4 Medicus clinic, where impoverished people from Tur-
5 key, Russia, Moldova, and Kazakhstan were coerced
6 into selling their kidneys.

7 (32) In 2011, Egypt passed a law prohibiting
8 the exchange of money for human organs and re-
9 stricting human organ donations to relatives up to
10 four degrees removed.

11 (33) In February 2015, the Iraqi Ambassador
12 to the United Nations alleged that the Islamic State
13 was illegally harvesting organs from murdered civil-
14 ians to finance their operations.

15 (34) According to a 2013 United Nations re-
16 port from the Special Rapporteur on trafficking in
17 persons, especially women and children, the eco-
18 nomic and social divisions within and among coun-
19 tries is notably reflected in the illicit organ traf-
20 ficking market, in which the victims are commonly
21 poor, unemployed, and more susceptible to deceit
22 and extortion.

23 **SEC. 3. SENSE OF CONGRESS.**

24 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 harvesting of organs from living chil-
7 dren, regardless of the level of brain activity, is a
8 violation of the human rights of the child and is a
9 breach of internationally accepted medical ethical
10 standards described in WHO Assembly Resolution
11 57.18 (May 22, 2004);

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

18 (4) efficient national organ donation systems
19 with effective enforcement mechanisms that ensure
20 voluntary organ donations are the most effective way
21 to combat trafficking in human organs.

22 **SEC. 4. STATEMENT OF POLICY.**

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

24 (1) combat the international trafficking in
25 human organs;

1 (2) promote the adoption of national transplan-
2 tation systems that ensure voluntary organ donation
3 processes in bilateral diplomatic meetings, as well as
4 in international health forums; and

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

8 **SEC. 5. AMENDMENTS TO THE STATE DEPARTMENT BASIC**
9 **AUTHORITIES ACT OF 1956.**

10 Section 42 of the State Department Basic Authorities
11 Act of 1956 (22 U.S.C. 2714) is amended—

12 (1) in the section heading, by adding at the end
13 the following: “**AND ORGAN TRAFFICKERS**”;

14 (2) in subsection (a)(1), by striking “convicted
15 of an offense described in subsection (b) of this sec-
16 tion during the period described in subsection (c) of
17 this section” and inserting “convicted of an offense
18 described in subsection (b) or (c) of this section dur-
19 ing the period described in subsection (d) of this sec-
20 tion”;

21 (3) by redesignating subsections (c), (d), and
22 (e) as subsections (d), (e), and (f), respectively; and

23 (4) by inserting after subsection (b) the fol-
24 lowing new subsection:

1 “(c) HUMAN ORGAN TRAFFICKING OFFENSES.—
 2 Subsection (a) of this section applies with respect to any
 3 individual convicted of an offense under section 301 of the
 4 National Organ Transplant Act (42 U.S.C. 274e) if such
 5 individual used a passport or otherwise crossed an inter-
 6 national border in the commission of such an offense.”.

7 **SEC. 6. ACTIONS UNDER THE INTERNATIONAL EMERGENCY**
 8 **ECONOMIC POWERS ACT AND AMENDMENTS**
 9 **TO THE TRAFFICKING VICTIMS PROTECTION**
 10 **ACT OF 2000.**

11 (a) INTERNATIONAL EMERGENCY ECONOMIC POW-
 12 ERS ACT.—The President may exercise the authorities
 13 specified in section 203 of the International Emergency
 14 Economic Powers Act (50 U.S.C. 1702) without regard
 15 to section 202 of such Act (50 U.S.C. 1701) in the case
 16 of travel abroad by United States citizens for the purpose
 17 of participation in any activity relating to trafficking in
 18 human organs.

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

22 (1) in paragraph (3)—

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

1 (B) in subparagraph (C), 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 “(D) exploitation of a person through the
6 promise of the granting of payments or benefits
7 in order to compel or entice the person to con-
8 sent to the removal of one or more of the per-
9 son’s organs for a transplant operation, in a
10 manner contrary to the standards described in
11 WHO Assembly Resolution WHA 57.18 (May
12 22, 2004).”;

13 (2) 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 in human organs (as de-
21 fined in paragraph (13)).”;

22 (3) by redesignating paragraphs (13) through
23 (15) as paragraphs (14) through (16), respectively;

24 (4) by inserting after paragraph (12) the fol-
25 lowing new paragraph:

1 “(13) TRAFFICKING IN HUMAN ORGANS.—

2 “(A) IN GENERAL.—The term ‘trafficking
3 in human organs’ means—

4 “(i) the recruitment, transportation,
5 transfer, harboring, or receipt of a person,
6 either living or deceased, for the purpose of
7 removing one or more of the person’s or-
8 gans, by means of—

9 “(I) coercion;

10 “(II) abduction;

11 “(III) deception;

12 “(IV) abuse of power or a posi-
13 tion of vulnerability; or

14 “(V) transfer of payments or
15 benefits to achieve the consent of a
16 person having control over a person
17 described in the matter preceding sub-
18 clause (I); or

19 “(ii) the illicit transportation and
20 transplantation of organs in one or more
21 other persons for profit or any other pur-
22 pose.

23 “(B) ORGAN DEFINED.—In subparagraph
24 (A), the term ‘organ’ means the human (includ-
25 ing fetal) kidney, liver, heart, lung, pancreas,

1 bone marrow, cornea, eye, bone, and skin or
2 any subpart thereof and any other human
3 organ (or any subpart thereof, including that
4 derived from a fetus) specified by the President
5 by regulation for purposes of this division.”;
6 and

7 (5) in paragraph (15), as so redesignated, by
8 inserting before the period at the end the following:
9 “or (13)”.

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

19 **SEC. 7. REPORTING.**

20 (a) IN GENERAL.—Not later than six months after
21 the date of the enactment of this Act and annually there-
22 after, the Secretary of State shall submit to the appro-
23 priate congressional committees a report that includes the
24 following information:

1 (1) A list of the ten countries determined to be
2 the greatest sources, facilitators, or recipients of
3 trafficking in human organs during the period cov-
4 ered by each such report.

5 (2) Any actions taken by each country included
6 on a list under paragraph (1) to address and prevent
7 trafficking in human organs.

8 (3) Any cooperative efforts by the United
9 States and each country included on a list under
10 paragraph (1) to address and prevent trafficking in
11 human organs through joint public awareness cam-
12 paigns.

13 (4) Information regarding practices of traf-
14 ficking in human organs of each country included on
15 a list under paragraph (1) in the Department of
16 State's travel advisories.

17 (b) **ADDITIONAL INFORMATION.**—The reports re-
18 quired under subsection (a) shall include the collection and
19 organization of data from human rights officers at United
20 States diplomatic and consular posts on host countries'
21 laws against trafficking in human organs and any in-
22 stances of violations of such laws.

23 **SEC. 8. DEFINITIONS.**

24 In this Act:

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

6 (2) COERCION.—The term “coercion” means
7 the exploitation of a person through the promise or
8 granting of payments or benefits in order to compel
9 or entice such person to consent to the removal of
10 one or more of such person’s organs for a transplant
11 operation, in a manner contrary to the standards de-
12 scribed in WHO Assembly Resolution WHA 57.18
13 (May 22, 2004).

14 (3) HUMAN ORGAN.—The term “human organ”
15 means the human (including fetal) kidney, liver,
16 heart, lung, pancreas, bone marrow, cornea, eye,
17 bone, and skin or any subpart thereof and any other
18 human organ (or any subpart thereof, including that
19 derived from a fetus).

20 (4) TRAFFICKING IN HUMAN ORGANS.—The
21 term “trafficking in human organs” means—

22 (A) the recruitment, transportation, trans-
23 fer, harboring, or receipt of a person, either liv-
24 ing or deceased, for the purpose of removing

1 one or more of such person's human organs, by
2 means of—

3 (i) coercion;

4 (ii) abduction;

5 (iii) deception;

6 (iv) abuse of power or a position of
7 vulnerability; or

8 (v) transfer of payments or benefits to
9 achieve the consent of a person having con-
10 trol over a person described in the matter
11 preceding subparagraph (A); and

12 (B) the illicit transportation and trans-
13 plantation of such human organs in one or
14 more other persons for profit or any other pur-
15 pose.

16 **SEC. 9. LIMITATION ON FUNDS.**

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

○