

111TH CONGRESS
2^D SESSION

H. R. 6148

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2010

Ms. ROS-LEHTINEN 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 “Trafficking in Organs
5 Victims Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) World Health Organization (WHO) officials
9 have estimated that approximately 10 percent of all
10 transplanted kidneys worldwide are illegally ob-
11 tained, often bought from impoverished persons who

1 sell their organs out of desperation or harvested
2 from prisoners.

3 (2) The Council of Europe is investigating alle-
4 gations made by Ms. Carla del Ponte, a former chief
5 prosecutor at the International Criminal Tribunal of
6 the Former Yugoslavia, that approximately 300 eth-
7 nic Serbs in Kosovo were kidnapped in 1999 with
8 their organs being forcibly removed for sale by their
9 captors.

10 (3) The Special Rapporteur for the Council of
11 Europe's Social, Health and Family Affairs Com-
12 mittee, Mrs. Ruth-Gaby Vermot-Mangold, inter-
13 viewed a number of coerced kidney donors during a
14 May 2003 visit to Moldova, who were all young men
15 driven by extreme poverty to sell their kidneys for a
16 sum of \$2,500 to \$3,000, and reported that the
17 medical follow-up of these illegal organ harvesting
18 operations lasted no more than five days, after
19 which the donors were sent back on a bus to their
20 home country, frequently causing permanent disabil-
21 ities due to complications from the operations.

22 (4) The Council of Europe's Special
23 Rapporteur, Vermot-Mangold, also reported that the
24 recipients of these kidneys were estimated to have

1 paid between \$100,000 and \$250,000 for kidney
2 transplants.

3 (5) On June 3, 2003, the Council of Europe’s
4 Special Rapporteur, Vermot-Mangold, testified that
5 international criminal organizations had exploited
6 those in extreme poverty in nations in Eastern Eu-
7 rope in order to harvest their organs for sale on the
8 black market.

9 (6) Between 2001 and 2003, a South African
10 black market kidney transplant ring coerced over
11 109 impoverished people, mostly from Brazil and
12 Romania, to travel to Durban, South Africa to for-
13 feit a kidney for the promise of approximately
14 \$120,000, with that payment sometimes not being
15 provided following the operation.

16 (7) According to the January 2007 report by
17 David Matas and David Kilgore entitled, “Bloody
18 Harvest: Revised Report into Allegations of Organ
19 Harvesting of Falun Gong Practitioners in China”,
20 the website of the Organ Transplant Center of the
21 Armed Police General Hospital in Beijing, China
22 stated in 2004 that, “Our Organ Transplant Center
23 is our main department for making money. Its gross
24 income in 2003 was 16,070,000 yuan. From Janu-
25 ary to June of 2004, income was 13,570,000 yuan.

1 This year (2004) there is a chance to break through
2 30,000,000 yuan.”.

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

7 (9) On May 3, 2004, Radio Free Europe-Radio
8 Liberty reported that Afghanistan’s Interior Min-
9 ister Ali Ahmed Lakali announced that in 2003 the
10 Interior department had made over 100 arrests on
11 charges of child abduction, and stated that the prob-
12 lem was growing as children were being taken to be
13 sold for “sex or labor, or to provide human organs”.

14 (10) On November 20, 2004, Xin Ren from
15 California State University stated to the Inter-
16 national Bureau for Children’s Rights Conference in
17 Montreal, that, “[In 2003] [c]hildren were often ei-
18 ther sold by their parents for little money or kid-
19 napped and abducted by the traffickers to have their
20 organ(s) removed for transplant purpose. . . .
21 [S]ome people were even murdered in the process of
22 forcible removal of their organs.”.

23 (11) According to the January 2007 report by
24 David Matas and David Kilgore, from 2000 through
25 2005, the sources of the organs used were not iden-

1 tified in an estimated 41,500 organ transplants that
2 were performed in China during that period.

3 (12) On March 30, 2006, the Police Super-
4 intendent of Paranaque, Philippines announced the
5 arrest of a suspect alleged to have been involved
6 with a kidnapping syndicate in the region which had
7 been abducting children to remove and sell their or-
8 gans on the global black market, as in the case of
9 one child who was discovered dead in Cavite, Phil-
10 ippines with his internal organs missing.

11 (13) In March 2006, a children's rights expert
12 at the Afghan Independent Human Rights Commis-
13 sion, Hengameh Anwari, stated, "Other reports that
14 cause concern indicate that a number of children are
15 abducted because of their body organs; they become
16 victims of trafficking to foreign countries especially
17 for their kidneys."

18 (14) In mid-November 2006, China's Deputy
19 Health Minister Huang Jiefu acknowledged that ex-
20 ecuted prisoners sentenced to death are sources for
21 organ transplants, and Asia News reported that
22 Deputy Health Minister Huang had said he was cog-
23 nizant of the fact that too often organs come from
24 non-consenting parties and are sold for high fees to
25 foreigners.

1 (15) Senator Patrik Vankrunkelsven of Belgium
2 reported that in November 2006 he called two hos-
3 pitals in China and was offered a kidney by each fa-
4 cility for the price of 50,000 Euros.

5 (16) According to the January 2007 report by
6 David Matas and David Kilgore, the website for the
7 China International Transplantation Network As-
8 sistance Centre in May 2006 posted the following
9 statements in its frequently asked questions section:
10 “The First Affiliated Hospital of China was estab-
11 lished in 2003 specifically for our foreign friends
12 . . . Viscera providers can be found immediately!
13 . . . The supreme demotic [“people’s”] court, su-
14 preme demotic law-officer, police, judiciary, depart-
15 ment of health and civil administration have enacted
16 law together to make sure organ donations are sup-
17 ported by the government . . . Our organs do not
18 come from brain death victims because the organ
19 may not be good.”.

20 (17) On January 8, 2007, the Sun newspaper
21 of London reported that a severe shortage of avail-
22 able organs for transplant in the United Kingdom
23 had contributed to that country becoming one of the
24 top recipients of illegally trafficked organs.

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

4 (19) 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 (20) Dr. Zafar ul Ahsan, a top urologist at
10 Fatima Jinnah Hospital in Lahore, Pakistan, stated
11 in September 2007, “Nearly 2,000 kidneys are
12 transplanted in Pakistan every year, and seventy
13 percent are bought by foreigners from Saudi Arabia,
14 the UAE, Britain and Canada . . . A mafia is run-
15 ning Pakistan’s kidney transplant business with
16 agents paying \$1,000 to poor donors and then sell-
17 ing their kidneys on the black market for thousands
18 of dollars.”.

19 (21) According to organ trafficking specialists
20 at the WHO, the country of Moldova ranks third as
21 a source of organs for sale on the global black mar-
22 ket, with such human organs frequently smuggled
23 into neighboring Romania for delivery to under-
24 ground clinics located in several European Union
25 member-states.

1 (22) In 2007, five employees of the tissue bank
2 at the Faculty Hospital in Brno-Bohunice, the Czech
3 Republic, were arrested and charged with illegal
4 organ trafficking for selling more than \$340,000
5 worth of illegally obtained skin grafts to a tissue
6 bank in the Netherlands.

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

11 (24) On February 13, 2008, the United Na-
12 tions Global Initiative to Fight Human Trafficking
13 (UNGIFT) hosted the “Vienna Forum to Fight
14 Human Trafficking”, and cited in its subsequent re-
15 port that a lack of adequate laws against illicit
16 organ trafficking has created the opportunity for
17 such illegal trade to grow and that there were clear
18 indications that organ trafficking was increasing and
19 frequently involved members of international crimi-
20 nal organizations.

21 (25) On April 12, 2008, police raided a black
22 market organ transplant house near Manila, Phil-
23 ippines, arresting three traffickers and discovering
24 nine donors in the house, one of whom stated to au-
25 thorities that he had been promised \$2,800 for his

1 kidney, and he was doing it because, “I can barely
2 provide for my wife and children.”.

3 (26) On April 30, 2008, the Government of the
4 Philippines passed a ban on transplants to foreign
5 citizens, except in cases of familial relations, in re-
6 sponse to data showing that kidney transplants from
7 Filipinos to foreign recipients had increased over 60
8 percent between 2002 and 2006, which confirmed
9 earlier reports of a thriving illegal organ black mar-
10 ket in the Philippines.

11 (27) On November 17, 2008, the Congress of
12 the Philippines passed a resolution which directed a
13 Senate committee to investigate the rising instances
14 of child organ trafficking in the country, and stated
15 that the National Bureau of Investigation’s Human
16 Trafficking Division reported that, “the abducted
17 children are housed somewhere in Mindanao where
18 victims are supplied with vitamin supplements to
19 keep their internal organs healthy, and are then
20 transported outside the country to undergo surgery
21 for organ transplants”.

22 (28) In November 2008, Kosovar police
23 searched a private clinic and found drugs and blood
24 in plastic bags, and charged two doctors for the
25 crime of performing illegal organ transplants.

1 (29) A February 2008 police raid on an organ
2 trafficking ring in Gurgaon, India found that men
3 posing as doctors to remove kidneys from migrant
4 laborers conducted approximately five hundred ille-
5 gal kidney transplants over nine years, and pos-
6 sessed a waiting list of potential recipients of those
7 organs from Canada, Greece, Saudi Arabia, Dubai,
8 the United Kingdom, the United Arab Emirates and
9 the United States.

10 (30) On April 8, 2009, the Global Post in Cairo
11 reported that the Egyptian Government was consid-
12 ering legal measures to increase the number of legal
13 organ donations to meet demand, which included a
14 proposal supported by some in the religious commu-
15 nity to harvest organs from executed criminals, with
16 or without their consent, as Ministry of Health
17 spokesman, Dr. Abdel Rahman Shahin stated,
18 “They [some religious clerics in favor of the meas-
19 ure] are saying that when [convicts’] organs are
20 taken, they’re compensating for the bad they did.”.

21 (31) According to a June 1989 report by
22 Georgetown University’s Joseph and Rose Kennedy
23 Institute of Ethics entitled, “Anencephalic Infants
24 as Potential Organ Sources: Ethical and Legal
25 Issues”, some European physicians have addressed

1 the shortage of human organs available for trans-
2 plant by disregarding bioethical standards and re-
3 moving the vital organs from anencephalic infants,
4 prior to the medical determination of whether total
5 brain death or cardiac death had occurred, on the
6 ground that these infants were “brain-absent” and
7 could be treated as if they were brain dead or, alter-
8 natively, that they were sufficiently lacking in cog-
9 nitive capacity that the usual moral constraints on
10 killing persons did not apply, which in effect author-
11 ized them to actively cause the death of these in-
12 fants.

13 **SEC. 3. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) the kidnapping or coercion of individuals for
16 the purpose of extracting their organs for profit is
17 abhorrent and in contradiction of the ideals and
18 standards for ethical behavior upon which the
19 United States has based its laws;

20 (2) the harvesting of organs from living chil-
21 dren, regardless of the level of brain activity, is a
22 violation of the human rights of the child and is a
23 breach of internationally-accepted medical ethical
24 standards described in World Health Organization
25 Assembly Resolution 57.18 (May 22, 2004); and

1 (3) the illegal harvesting and trafficking of
2 human organs violates the Universal Declaration of
3 Human Rights, in Article 3 which states, “Every-
4 one has the right to life, liberty and security of per-
5 son.”, and Article 4 which states, “No one shall be
6 held in slavery or servitude.”.

7 **SEC. 4. STATEMENT OF POLICY.**

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

9 (1) seek to end the offensive practice of exploit-
10 ing the poor and vulnerable for the purpose of har-
11 vesting and trafficking their organs;

12 (2) combat criminal trade in human organs;
13 and

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

17 **SEC. 5. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT**
18 **OF 1961.**

19 (a) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
20 PRACTICES.—Section 116(f)(1)(B)(v) of the Foreign As-
21 sistance Act of 1961 (22 U.S.C. 2151n(f)(1)(B)(v)) is
22 amended by inserting after “mental and physical health
23 care” the following: “, post-operative and rehabilitation
24 care for victims of trafficking in human organs (as defined

1 in section 103 of the Trafficking Victims Protection Act
2 of 2000),”.

3 (b) ASSISTANCE TO FOREIGN COUNTRIES TO MEET
4 MINIMUM STANDARDS FOR THE ELIMINATION OF TRAF-
5 FICKING.—Section 134(a) of the Foreign Assistance Act
6 of 1961 (22 U.S.C. 2152d(a)) is amended by inserting
7 after “of 2000)” the following: “, including the elimination
8 of trafficking in human organs (as defined in section 103
9 of the Trafficking Victims Protection Act of 2000)”.

10 **SEC. 6. AMENDMENTS TO THE TRAFFICKING VICTIMS PRO-**
11 **TECTION ACT OF 2000.**

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

15 (1) in paragraph (2)—

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

18 (B) in subparagraph (C), by striking the
19 period at the end and inserting “; or”; and

20 (C) by adding at the end the following:

21 “(D) exploitation of a person through the
22 promise of granting of payments or benefits in
23 order to compel or entice the person to consent
24 to the removal of one or more of the person’s
25 organs for a transplant operation, in a manner

1 contrary to the standards described in World
2 Health Organization Assembly Resolution WHA
3 57.18 (May 22, 2004).”;

4 (2) in paragraph (8)—

5 (A) in subparagraph (A), by striking “or”
6 at the end;

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

9 (C) by adding at the end the following:

10 “(C) trafficking in human organs (as de-
11 fined in paragraph (12)).”;

12 (3) by redesignating paragraphs (12) through
13 (14) as paragraphs (13) through (15), respectively;
14 and

15 (4) by inserting after paragraph (11) the fol-
16 lowing:

17 “(12) TRAFFICKING IN HUMAN ORGANS.—

18 “(A) IN GENERAL.—The term ‘trafficking
19 in human organs’ means the recruitment, trans-
20 portation, transfer, harboring, or receipt of a
21 person, by means of coercion or abduction, for
22 the purpose of removing one or more of the per-
23 son’s organs, and the illicit transportation and
24 transplantation of those organs in one or more
25 other persons for profit or any other purpose.

1 “(B) ORGAN DEFINED.—In subparagraph
2 (A), the term ‘organ’ means the human (includ-
3 ing fetal) kidney, liver, heart, lung, pancreas,
4 bone marrow, cornea, eye, bone, and skin or
5 any subpart thereof and any other human
6 organ (or any subpart thereof, including that
7 derived from a fetus) specified by the President
8 by regulation for purposes of this division.”.

9 (b) REPORTS TO CONGRESS.—Section 110(b)(1) of
10 the Trafficking Victims Protection Act of 2000 (22 U.S.C.
11 7107(b)(1)) is amended—

12 (1) in subparagraph (E), by striking “and” at
13 the end;

14 (2) in subparagraph (F), by striking the period
15 at the end and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(G) with respect to trafficking in human
18 organs—

19 “(i) a list of the 10 countries deter-
20 mined to be the largest source of illegally
21 trafficked human organs during the period
22 covered by the report and a list of the 10
23 countries determined to be the largest re-
24 cipients of illegally trafficked human or-

1 gans during the period covered by the re-
2 port;

3 “(ii) any actions taken by each coun-
4 try listed under clause (i) to address and
5 prevent trafficking in human organs;

6 “(iii) any cooperative efforts by the
7 United States and each country listed
8 under clause (i) to address and prevent
9 trafficking in human organs through joint
10 public awareness campaigns; and

11 “(iv) information regarding practices
12 of trafficking in human organs of each
13 country listed under clause (i) in the De-
14 partment of State’s travel advisories.”.

15 **SEC. 7. AMENDMENTS TO THE STATE DEPARTMENT BASIC**
16 **AUTHORITIES ACT OF 1956.**

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

19 (1) in subsection (a), by striking “convicted of
20 an offense described in subsection (b) of this section
21 during the period described in subsection (c) of this
22 section” and inserting “convicted of an offense de-
23 scribed in subsection (b) or (c) of this section during
24 the period described in subsection (d) of this sec-
25 tion”;

1 (2) by redesignating subsections (c), (d), and
2 (e) as subsections (d), (e), and (f), respectively; and

3 (3) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) HUMAN ORGAN TRAFFICKING OFFENSES.—
6 Subsection (a) of this section applies with respect to any
7 individual convicted of an offense under section 301 of the
8 National Organ Transplant Act (42 U.S.C. 274e).”.

9 **SEC. 8. ACTIONS UNDER THE INTERNATIONAL EMERGENCY**
10 **ECONOMIC POWERS ACT.**

11 (a) IN GENERAL.—The President may exercise the
12 authorities set forth in section 203 of the International
13 Emergency Economic Powers Act (50 U.S.C. 1702) with-
14 out regard to section 202 of that Act (50 U.S.C. 1701)
15 in the case of any of the following:

16 (1) The export of anti-rejection human organ
17 transplant drugs to countries identified by the Sec-
18 retary of State as the largest source of illegally traf-
19 ficked human organs or the largest recipients of ille-
20 gally trafficked human organs in the report required
21 under section 110(b) of the Trafficking Victims Pro-
22 tection Act of 2000 (22 U.S.C. 7107(b)).

23 (2) The travel abroad by United States citizens
24 for the purpose of participation in any activity relat-
25 ing to human organ trafficking (as defined in section

1 103 of the Trafficking Victims Protection Act of
2 2000).

3 (b) PENALTIES.—The penalties set forth in section
4 206 of the International Emergency Economic Powers Act
5 (50 U.S.C. 1705) apply to violations of any license, order,
6 or regulation issued under this section.

○