

118TH CONGRESS
1ST SESSION

S. 761

To combat forced organ harvesting and trafficking in persons for purposes of the removal of organs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2023

Mr. COTTON (for himself, Mr. COONS, Mr. CORNYN, Mr. MERKLEY, Mr. TILLIS, Mr. KING, Mrs. BLACKBURN, Mr. BOOKER, Mr. YOUNG, Ms. CORTEZ MASTO, Mr. HAGERTY, Mr. BRAUN, Mr. LANKFORD, Mr. RUBIO, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To combat forced organ harvesting and trafficking in persons for purposes of the removal of 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 “Stop Forced Organ
5 Harvesting Act of 2023”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It shall be the policy of the United States—

1 (1) to combat international trafficking in per-
2 sons for purposes of the removal of organs;

3 (2) to promote the establishment of voluntary
4 organ donation systems with effective enforcement
5 mechanisms in bilateral diplomatic meetings and in
6 international health forums;

7 (3) to promote the dignity and security of
8 human life in accordance with the Universal Dec-
9 laration of Human Rights, adopted on December 10,
10 1948; and

11 (4) to hold accountable persons implicated, in-
12 cluding members of the Chinese Communist Party,
13 in forced organ harvesting and trafficking in persons
14 for purposes of the removal of organs.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—The term “appropriate committees of Con-
19 gress” means—

20 (A) the Committee on Foreign Relations
21 and the Committee on the Judiciary of the Sen-
22 ate; and

23 (B) the Committee on Foreign Affairs and
24 the Committee on the Judiciary of the House of
25 Representatives.

1 (2) FORCED ORGAN HARVESTING.—The term
2 “forced organ harvesting” means the removal of one
3 or more organs from a person by means of coercion,
4 abduction, deception, fraud, or abuse of power or a
5 position of vulnerability.

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

10 (4) TRAFFICKING IN PERSONS FOR PURPOSES
11 OF THE REMOVAL OF ORGANS.—The term “traf-
12 ficking in persons for purposes of the removal of or-
13 gans” means the recruitment, transportation, trans-
14 fer, harboring, or receipt of a person for the purpose
15 of removing one or more of such person’s organs, by
16 means of—

17 (A) coercion;

18 (B) abduction;

19 (C) deception;

20 (D) fraud;

21 (E) abuse of power or a position of vulner-
22 ability; or

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

1 over a person described in the matter preceding
2 subparagraph (A).

3 **SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORTS.**

4 (a) IN GENERAL.—The Secretary of State may
5 refuse to issue a passport to any individual who has been
6 convicted of an offense under section 301 of the National
7 Organ Transplant Act (42 U.S.C. 274e) and is subject
8 to imprisonment or parole or other supervised release as
9 the result of such conviction if such individual, in the com-
10 mission of such an offense, used a passport or crossed an
11 international border.

12 (b) REVOCATION.—The Secretary of State may re-
13 voke a passport previously issued to any individual de-
14 scribed in subsection (a).

15 **SEC. 5. REPORTS ON FORCED ORGAN HARVESTING AND**
16 **TRAFFICKING IN PERSONS FOR PURPOSES**
17 **OF THE REMOVAL OF ORGANS IN FOREIGN**
18 **COUNTRIES.**

19 The Foreign Assistance Act of 1961 (22 U.S.C. 2151
20 et seq.) is amended—

21 (1) in section 116 (22 U.S.C. 2151n), by add-
22 ing at the end the following:

23 “(h) FORCED ORGAN HARVESTING AND TRAF-
24 FICKING IN PERSONS FOR PURPOSES OF THE REMOVAL
25 OF ORGANS.—

1 “(1) IN GENERAL.—The report required by
2 subsection (d) shall include an assessment of forced
3 organ harvesting and trafficking in persons for pur-
4 poses of the removal of organs in each foreign coun-
5 try.

6 “(2) DEFINITIONS.—In this subsection:

7 “(A) FORCED ORGAN HARVESTING.—The
8 term ‘forced organ harvesting’ means the re-
9 moval of one or more organs from a person by
10 means of coercion, abduction, deception, fraud,
11 or abuse of power or a position of vulnerability.

12 “(B) ORGAN.—The term ‘organ’ has the
13 meaning given the term ‘human organ’ in sec-
14 tion 301(c)(1) of the National Organ Trans-
15 plant Act (42 U.S.C. 274e(c)(1)).

16 “(C) TRAFFICKING IN PERSONS FOR PUR-
17 POSES OF THE REMOVAL OF ORGANS.—The
18 term ‘trafficking in persons for purposes of the
19 removal of organs’ means the recruitment,
20 transportation, transfer, harboring, or receipt of
21 a person for the purpose of removing one or
22 more of such person’s organs, by means of—

23 “(i) coercion;

24 “(ii) abduction;

25 “(iii) deception;

1 “(iv) fraud;

2 “(v) abuse of power or a position of
3 vulnerability; or

4 “(vi) transfer of payments or benefits
5 to achieve the consent of a person having
6 control over a person described in the mat-
7 ter preceding clause (i).”; and

8 (2) in section 502B (22 U.S.C. 2304)—

9 (A) by redesignating the second subsection
10 (i) (relating to child marriage status) as sub-
11 section (j); and

12 (B) by adding at the end the following:

13 “(k) FORCED ORGAN HARVESTING AND TRAF-
14 FICKING IN PERSONS FOR PURPOSES OF THE REMOVAL
15 OF ORGANS.—

16 “(1) IN GENERAL.—The report required by
17 subsection (b) shall include an assessment of forced
18 organ harvesting and trafficking in persons for pur-
19 poses of the removal of organs in each foreign coun-
20 try.

21 “(2) DEFINITIONS.—In this subsection, the
22 terms ‘forced organ harvesting’, ‘organ’, and ‘traf-
23 ficking in persons for purposes of the removal of or-
24 gans’ have the meanings given those terms in section
25 116(h)(2).”.

1 **SEC. 6. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **FORCED ORGAN HARVESTING OR TRAF-**
3 **FICKING IN PERSONS FOR PURPOSES OF THE**
4 **REMOVAL OF ORGANS.**

5 (a) LIST REQUIRED.—Not later than 180 days after
6 the date of the enactment of this Act, the President shall
7 submit to the appropriate committees of Congress a list
8 of each person that the President determines funds, spon-
9 sors, or otherwise facilitates forced organ harvesting or
10 trafficking in persons for purposes of the removal of or-
11 gans.

12 (b) IMPOSITION OF SANCTIONS.—The President shall
13 impose the following sanctions with respect to a person
14 on the list required by subsection (a):

15 (1) PROPERTY BLOCKING.—The President shall
16 exercise all of the powers granted by the Inter-
17 national Emergency Economic Powers Act (50
18 U.S.C. 1701 et seq.) (except that the requirements
19 of section 202 of such Act (50 U.S.C. 1701) shall
20 not apply) to the extent necessary to block and pro-
21 hibit all transactions in all property and interests in
22 property of the person if such property and interests
23 in property are in the United States, come within
24 the United States, or are or come within the posses-
25 sion or control of a United States person.

1 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
2 SION, OR PAROLE.—

3 (A) VISAS, ADMISSION, OR PAROLE.—In
4 the case of an individual, that individual is—

5 (i) inadmissible to the United States;

6 (ii) ineligible to receive a visa or other
7 documentation to enter the United States;

8 and

9 (iii) otherwise ineligible to be admitted
10 or paroled into the United States or to re-
11 ceive any other benefit under the Immigra-
12 tion and Nationality Act (8 U.S.C. 1101 et
13 seq.).

14 (B) CURRENT VISAS REVOKED.—

15 (i) IN GENERAL.—The visa or other
16 entry documentation of the individual shall
17 be revoked, regardless of when such visa or
18 other entry documentation is or was
19 issued.

20 (ii) IMMEDIATE EFFECT.—A revoca-
21 tion under clause (i) shall—

22 (I) take effect immediately; and

23 (II) automatically cancel any
24 other valid visa or entry documenta-

1 tion that is in the individual's posses-
2 sion.

3 (c) EXCEPTIONS.—

4 (1) EXCEPTION RELATING TO IMPORTATION OF
5 GOODS.—

6 (A) IN GENERAL.—The authorities and re-
7 quirements to impose sanctions under sub-
8 section (b)(1) shall not include the authority or
9 a requirement to impose sanctions on the im-
10 portation of goods.

11 (B) GOOD DEFINED.—In this paragraph,
12 the term “good” means any article, natural or
13 manmade substance, material, supply or manu-
14 factured product, including inspection and test
15 equipment, and excluding technical data.

16 (2) EXCEPTION TO COMPLY WITH INTER-
17 NATIONAL OBLIGATIONS.—Subsection (b)(2) shall
18 not apply to the admission of an individual if the ad-
19 mission of the individual is necessary to comply with
20 United States obligations under the Agreement be-
21 tween the United Nations and the United States of
22 America regarding the Headquarters of the United
23 Nations, signed at Lake Success June 26, 1947, and
24 entered into force November 21, 1947, under the
25 Convention on Consular Relations, done at Vienna

1 April 24, 1963, and entered into force March 19,
2 1967, or under other applicable international agree-
3 ments or treaties.

4 (3) EXCEPTION RELATING TO THE PROVISION
5 OF HUMANITARIAN ASSISTANCE.—Sanctions under
6 this section may not be imposed with respect to
7 transactions or the facilitation of transactions—

8 (A) for the sale of agricultural commod-
9 ities, food, or medicine;

10 (B) for the provision of vital humanitarian
11 assistance;

12 (C) relating to vital humanitarian assist-
13 ance or for vital humanitarian purposes; or

14 (D) for transporting goods or services that
15 are necessary to carry out operations relating to
16 vital humanitarian assistance.

17 (4) WAIVER.—The President may, on a case-
18 by-case basis and for periods not to exceed 180 days
19 each, waive the application of sanctions imposed
20 with respect to a person under this section if the
21 President certifies to the appropriate committees of
22 Congress not later than 15 days before such waiver
23 is to take effect that the waiver is vital to the na-
24 tional security interests of the United States.

25 (d) IMPLEMENTATION; PENALTIES.—

1 (1) IMPLEMENTATION.—The President may ex-
2 ercise all authorities provided under sections 203
3 and 205 of the International Emergency Economic
4 Powers Act (50 U.S.C. 1702 and 1704) to carry out
5 this section.

6 (2) PENALTIES.—A person that violates, at-
7 tempts to violate, conspires to violate, or causes a
8 violation of this section or any regulation, license, or
9 order issued to carry out this section shall be subject
10 to the penalties set forth in subsections (b) and (c)
11 of section 206 of the International Emergency Eco-
12 nomic Powers Act (50 U.S.C. 1705) to the same ex-
13 tent as a person that commits an unlawful act de-
14 scribed in subsection (a) of that section.

15 (e) DEFINITIONS.—In this section:

16 (1) PERSON.—The term “person”—

17 (A) means an individual or entity; and

18 (B) includes a non-state actor (as such
19 term is defined in section 3 of the International
20 Religious Freedom Act of 1998 (22 U.S.C.
21 6402)).

22 (2) UNITED STATES PERSON.—The term
23 “United States person” means—

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

4 (B) an entity organized under the laws of
5 the United States or any jurisdiction within the
6 United States, including a foreign branch of
7 such an entity.

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