

**AMENDMENT TO RULES COMM. PRINT 119-33**  
**OFFERED BY MR. SMITH OF NEW JERSEY**

At the end of subtitle B of title XVII, insert the following:

1 **SEC. 17\_\_\_. STOP FORCED ORGAN HARVESTING AND**  
2 **ORGAN-REMOVAL TRAFFICKING.**

3 (a) STATEMENT OF POLICY.—It shall be the policy  
4 of the United States—

5 (1) to combat forced organ harvesting and traf-  
6 ficking in persons for purposes of the removal of or-  
7 gans wherever such conduct occurs;

8 (2) to promote the establishment of trans-  
9 parent, voluntary, consent-based organ donation sys-  
10 tems with effective enforcement mechanisms in bilat-  
11 eral diplomatic engagements and in international  
12 health forums;

13 (3) to promote the dignity and security of  
14 human life in accordance with the Universal Dec-  
15 laration of Human Rights, adopted on December 10,  
16 1948;

17 (4) to hold accountable foreign persons, includ-  
18 ing officials of foreign governments, members of se-  
19 curity services, military personnel, medical profes-

1       sionals, medical institutions, brokers, non-state ac-  
2       tors, and other persons, that engage in, fund, spon-  
3       sor, materially assist, facilitate, or otherwise support  
4       forced organ harvesting or trafficking in persons for  
5       purposes of the removal of organs;

6             (5) to expose and respond to forced organ har-  
7       vesting targeting prisoners of conscience and other  
8       vulnerable persons, including practitioners of Falun  
9       Gong, Uyghurs, Tibetans, house church Christians,  
10      and members of other ethnic, religious, or political  
11      groups; and

12            (6) to encourage allies and partners of the  
13      United States to adopt sanctions, visa restrictions,  
14      medical ethics rules, transplant-tourism restrictions,  
15      and transparency measures to prevent complicity in  
16      forced organ harvesting and trafficking in persons  
17      for purposes of the removal of organs.

18      (b) DEFINITIONS.—In this section:

19            (1) The term “appropriate congressional com-  
20      mittees” means—

21                  (A) the Committee on Foreign Relations,  
22                  the Committee on Banking, Housing, and  
23                  Urban Affairs, the Committee on the Judiciary,  
24                  and the Select Committee on Intelligence of the  
25                  Senate; and

1 (B) the Committee on Foreign Affairs, the  
2 Committee on Financial Services, the Com-  
3 mittee on the Judiciary, and the Permanent Se-  
4 lect Committee on Intelligence of the House of  
5 Representatives.

6 (2) The term “forced organ harvesting” means  
7 the removal of one or more organs from a person by  
8 means of coercion, abduction, deception, fraud,  
9 abuse of power, or abuse of a position of vulner-  
10 ability.

11 (3) The term “foreign person” means an indi-  
12 vidual or entity that is not a United States person.

13 (4) The term “knowingly”, with respect to con-  
14 duct, a circumstance, or a result, means that a per-  
15 son had actual knowledge, or should have known, of  
16 the conduct, the circumstance, or the result.

17 (5) The term “organ” has the meaning given  
18 the term “human organ” in section 301(c)(1) of the  
19 National Organ Transplant Act (42 U.S.C.  
20 274e(c)(1)).

21 (6) The term “person”—

22 (A) means an individual or entity; and

23 (B) includes a non-state actor, as such  
24 term is defined in section 3 of the Elie Wiesel

1           Genocide and Atrocities Prevention Act of 2018  
2           (Public Law 115–441; 22 U.S.C. 2656 note).

3           (7) The term “trafficking in persons for pur-  
4           poses of the removal of organs” means the recruit-  
5           ment, transportation, transfer, harboring, or receipt  
6           of a person for the purpose of removing one or more  
7           of such person’s organs, by means of—

8                   (A) coercion;

9                   (B) abduction;

10                  (C) deception;

11                  (D) fraud;

12                  (E) abuse of power or a position of vulner-  
13                  ability; or

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

18           (8) The term “United States person” means—

19                   (A) a United States citizen or an alien law-  
20                   fully admitted for permanent residence to the  
21                   United States;

22                   (B) an entity organized under the laws of  
23                   the United States or of any jurisdiction within  
24                   the United States, including a foreign branch of  
25                   such an entity; or

1 (C) any person located in the United  
2 States.

3 (c) AUTHORITY TO DENY OR REVOKE PASSPORTS.—

4 (1) IN GENERAL.—The Secretary of State may  
5 refuse to issue a passport to any individual who—

6 (A) has been convicted of an offense under  
7 section 301 of the National Organ Transplant  
8 Act (42 U.S.C. 274e);

9 (B) is subject to imprisonment, parole, su-  
10 pervised release, or other court-ordered super-  
11 vision as a result of such conviction; and

12 (C) in the commission of such offense,  
13 used a passport or crossed an international bor-  
14 der.

15 (2) REVOCATION.—The Secretary of State may  
16 revoke a passport previously issued to any individual  
17 described in paragraph (1).

18 (d) TRAFFICKING FOR THE PURPOSES OF ORGAN  
19 HARVESTING.—Section 110(b)(1) of the Trafficking Vic-  
20 tims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is  
21 amended—

22 (1) in subparagraph (G), by striking “and” at  
23 the end;

24 (2) in subparagraph (H), by striking the period  
25 at the end and inserting “; and”; and

1           (3) by inserting after subparagraph (H) the fol-  
2           lowing:

3                   “(I) information about trafficking in per-  
4                   sons for the purpose of organ removal, includ-  
5                   ing cases and steps governments are under-  
6                   taking to prevent, identify, and eliminate such  
7                   trafficking.”.

8           (e) IMPOSITION OF SANCTIONS WITH RESPECT TO  
9           FORCED ORGAN HARVESTING AND TRAFFICKING IN PER-  
10          SONS FOR PURPOSES OF THE REMOVAL OF ORGANS.—

11                   (1) LIST REQUIRED.—

12                           (A) IN GENERAL.—Not later than 180  
13                           days after the date of the enactment of this  
14                           Act, the President shall submit to the appro-  
15                           priate congressional committees a list of each  
16                           foreign person that the President determines  
17                           knowingly—

18                                   (i) engaged in forced organ harvesting  
19                                   or trafficking in persons for purposes of  
20                                   the removal of organs;

21                                   (ii) directly or indirectly facilitated,  
22                                   funded, sponsored, or materially assisted  
23                                   forced organ harvesting or trafficking in  
24                                   persons for purposes of the removal of or-  
25                                   gans;

1 (iii) provided financial, material, tech-  
2 nological, or other support for, or goods or  
3 services in support of, forced organ har-  
4 vesting or trafficking in persons for pur-  
5 poses of the removal of organs; or

6 (iv) acted or purported to act for or  
7 on behalf of a foreign person described in  
8 clause (i), (ii), or (iii).

9 (B) UPDATES.—The President shall sub-  
10 mit to the appropriate congressional committees  
11 an updated list under subparagraph (A)—

12 (i) as new information becomes avail-  
13 able;

14 (ii) not later than 1 year after the  
15 date of the enactment of this Act; and

16 (iii) annually thereafter.

17 (C) FORM.—The list required by subpara-  
18 graph (A), and any update thereto under sub-  
19 paragraph (B), shall be submitted in unclassi-  
20 fied form, but may include a classified annex.

21 (2) IMPOSITION OF SANCTIONS.—The President  
22 shall impose the sanctions described in paragraph  
23 (3) with respect to each foreign person included in  
24 the most recent list submitted under paragraph (1).

1           (3) SANCTIONS DESCRIBED.—The sanctions de-  
2           scribed in this paragraph are the following:

3                   (A) BLOCKING OF PROPERTY.—The Presi-  
4                   dent shall exercise all of the powers granted to  
5                   the President by the International Emergency  
6                   Economic Powers Act (50 U.S.C. 1701 et seq.),  
7                   except that the requirements of section 202 of  
8                   such Act (50 U.S.C. 1701) shall not apply, to  
9                   the extent necessary to block and prohibit all  
10                  transactions in all property and interests in  
11                  property of a foreign person described in para-  
12                  graph (1) if such property and interests in  
13                  property are in the United States, come within  
14                  the United States, or are or come within the  
15                  possession or control of a United States person.

16                  (B) INELIGIBILITY FOR VISAS, ADMISSION,  
17                  OR PAROLE.—In the case of an individual in-  
18                  cluded in the most recent list submitted under  
19                  paragraph (1), such individual is—

- 20                               (i) inadmissible to the United States;  
21                               (ii) ineligible to receive a visa or other  
22                               documentation to enter the United States;  
23                               and  
24                               (iii) otherwise ineligible to be admitted  
25                               or paroled into the United States or to re-

1           ceive any other benefit under the Immigra-  
2           tion and Nationality Act (8 U.S.C. 1101 et  
3           seq.).

4           (C) CURRENT VISAS REVOKED.—

5                 (i) IN GENERAL.—The visa or other  
6           entry documentation of an individual de-  
7           scribed in subparagraph (B) shall be re-  
8           voked, regardless of when such visa or  
9           other entry documentation is or was  
10          issued.

11                (ii) IMMEDIATE EFFECT.—A revoca-  
12          tion under clause (i) shall—

13                         (I) take effect immediately; and

14                         (II) automatically cancel any  
15           other valid visa or entry documenta-  
16           tion that is in the individual's posses-  
17           sion.

18          (f) EXCEPTIONS; WAIVER; IMPLEMENTATION; PEN-  
19          ALTIES.—

20                 (1) EXCEPTION RELATING TO IMPORTATION OF  
21          GOODS.—

22                 (A) IN GENERAL.—The authorities and re-  
23           quirements to impose sanctions under sub-  
24           section (e) shall not include the authority or a

1 requirement to impose sanctions on the impor-  
2 tation of goods.

3 (B) GOOD DEFINED.—In this paragraph,  
4 the term “good” means any article, natural or  
5 man-made substance, material, supply, or man-  
6 ufactured product, including inspection and test  
7 equipment, and excluding technical data.

8 (2) EXCEPTION TO COMPLY WITH INTER-  
9 NATIONAL OBLIGATIONS.—subsection (e)(3)(B) shall  
10 not apply to the admission of an individual if the ad-  
11 mission of such individual is necessary to permit the  
12 United States to comply with the Agreement be-  
13 tween the United Nations and the United States of  
14 America regarding the Headquarters of the United  
15 Nations, signed at Lake Success June 26, 1947, and  
16 entered into force November 21, 1947, the Vienna  
17 Convention on Consular Relations, done at Vienna  
18 April 24, 1963, and entered into force March 19,  
19 1967, or other applicable international obligations of  
20 the United States.

21 (3) EXCEPTION RELATING TO INTELLIGENCE  
22 AND LAW ENFORCEMENT ACTIVITIES.—Sanctions  
23 under subsection (e) shall not apply with respect  
24 to—

1 (A) activities subject to the reporting re-  
2 quirements under title V of the National Secu-  
3 rity Act of 1947 (50 U.S.C. 3091 et seq.); or

4 (B) any authorized intelligence, law en-  
5 forcement, or national security activity of the  
6 United States.

7 (4) EXCEPTION RELATING TO HUMANITARIAN  
8 ASSISTANCE.—Sanctions under subsection (e) may  
9 not be imposed with respect to transactions or the  
10 facilitation of transactions for—

11 (A) the sale of agricultural commodities,  
12 food, or medicine;

13 (B) the provision of humanitarian assist-  
14 ance;

15 (C) financial transactions relating to hu-  
16 manitarian assistance or for humanitarian pur-  
17 poses; or

18 (D) transporting goods or services that are  
19 necessary to carry out operations relating to  
20 humanitarian assistance or humanitarian pur-  
21 poses.

22 (5) WAIVER.—

23 (A) IN GENERAL.—The President may, on  
24 a case-by-case basis and for periods not to ex-  
25 ceed 180 days each, waive the application of

1 sanctions or restrictions imposed with respect to  
2 a foreign person under subsection (e) if the  
3 President certifies to the appropriate congress-  
4 sional committees not later than 15 days before  
5 such waiver is to take effect that the waiver is  
6 vital to the national security interests of the  
7 United States.

8 (B) REPORT.—A certification submitted  
9 under subparagraph (A) shall include—

10 (i) the name of the foreign person  
11 with respect to which the waiver is to  
12 apply;

13 (ii) a description of the sanctions to  
14 be waived;

15 (iii) the expected duration of the waiv-  
16 er; and

17 (iv) a detailed justification for the  
18 waiver.

19 (6) IMPLEMENTATION.—The President may ex-  
20 ercise all authorities provided under sections 203  
21 and 205 of the International Emergency Economic  
22 Powers Act (50 U.S.C. 1702 and 1704) to carry out  
23 subsection (e).

24 (7) PENALTIES.—A person that violates, at-  
25 tempts to violate, conspires to violate, or causes a

1 violation of subsection (e) or any regulation, license,  
2 or order issued to carry out subsection (e) shall be  
3 subject to the penalties set forth in subsections (b)  
4 and (c) of section 206 of the International Emer-  
5 gency Economic Powers Act (50 U.S.C. 1705) to the  
6 same extent as a person that commits an unlawful  
7 act described in subsection (a) of such section.

8 (g) REPORT ON ORGAN TRANSPLANT POLICIES AND  
9 PRACTICES OF THE PEOPLE'S REPUBLIC OF CHINA.—

10 (1) IN GENERAL.—Not later than 1 year after  
11 the date of the enactment of this Act, the Secretary  
12 of State, in consultation with the Secretary of  
13 Health and Human Services, the Director of the Na-  
14 tional Institutes of Health, and the heads of relevant  
15 elements of the intelligence community, shall submit  
16 to the appropriate congressional committees a report  
17 on the organ transplant policies and practices of the  
18 People's Republic of China.

19 (2) MATTERS TO BE INCLUDED.—The report  
20 required under paragraph (1) shall include—

21 (A) a formal determination as to whether  
22 the Government of the People's Republic of  
23 China engages, or formerly engaged, in sys-  
24 temic forced organ harvesting practices and  
25 policies;

1 (B) a summary of de jure and de facto  
2 policies toward organ transplantation in the  
3 People's Republic of China, including with re-  
4 spect to prisoners of conscience, including prac-  
5 titioners of Falun Gong, other prisoners, and  
6 victims of forced organ harvesting;

7 (C)(i) the number of organ transplants  
8 that are known to occur or are estimated to  
9 occur on an annual basis in the People's Repub-  
10 lic of China;

11 (ii) the number of known or estimated  
12 voluntary organ donors in the People's Re-  
13 public of China;

14 (iii) an assessment of the sources of  
15 organs for transplant in the People's Re-  
16 public of China;

17 (iv) an assessment of the number of  
18 organ transplants that occur in medical fa-  
19 cilities run by the People's Liberation  
20 Army (PLA); and

21 (iv) an assessment of the time, in  
22 days, that it takes to procure an organ for  
23 transplant within the medical system of  
24 the People's Republic of China and an as-  
25 sessment of whether such timetable is pos-

1           sible based on the number of known or es-  
2           timated voluntary organ donors in the Peo-  
3           ple’s Republic of China;

4           (D) a list of all United States grants dur-  
5           ing the 10 years before the date of the enact-  
6           ment of this Act that have supported research  
7           on organ transplantation in the People’s Repub-  
8           lic of China, including any entity associated  
9           with the PLA, or in collaboration between an  
10          entity of the People’s Republic of China and a  
11          United States entity; and

12          (E) if the determination made under sub-  
13          paragraph (A) is that the Government of the  
14          People’s Republic of China engages, or formerly  
15          engaged, in systemic forced organ harvesting  
16          practices and policies, a determination as to  
17          whether forced organ harvesting within the Peo-  
18          ple’s Republic of China constitutes an “atroc-  
19          ity”, as such term is defined in section 6 of the  
20          Elie Wiesel Genocide and Atrocities Prevention  
21          Act of 2018 (Public Law 115–441; 22 U.S.C.  
22          2656 note).

23          (3) FORM.—The report required under para-  
24          graph (1) shall be submitted in unclassified form,  
25          but may include a classified annex.

1 (h) CONSIDERATION OF PEOPLE'S REPUBLIC OF  
2 CHINA-RELATED INFORMATION FOR SANCTIONS DETER-  
3 MINATIONS.—In determining whether to include a foreign  
4 person on the list required under subsection (e)(1), the  
5 President shall consider credible information contained in  
6 the report required under subsection (g), including infor-  
7 mation relating to—

8 (1) officials of the Chinese Communist Party,  
9 the Government of the People's Republic of China,  
10 the People's Liberation Army, the Ministry of Public  
11 Security, the Ministry of State Security, or other se-  
12 curity services;

13 (2) medical professionals, medical institutions,  
14 transplant centers, hospitals, universities, research  
15 institutions, and other entities located in the Peo-  
16 ple's Republic of China;

17 (3) brokers, facilitators, or intermediaries in-  
18 volved in organ transplantation involving organs  
19 sourced in the People's Republic of China;

20 (4) persons responsible for the detention, perse-  
21 cution, medical testing, transfer, or abuse of pris-  
22 oners of conscience, including practitioners of Falun  
23 Gong, Uyghurs, Tibetans, house church Christians,  
24 and members of other ethnic, religious, or political  
25 groups; and

1           (5) persons acting for or on behalf of, or pro-  
2           viding material support to, a person described in any  
3           of paragraphs (1) through (4).

4           (i) FORM OF REPORTS.—Each report required under  
5           this section shall be submitted in unclassified form, but  
6           may include a classified annex.

7           (j) REWARDS FOR INFORMATION.—The Secretary of  
8           State shall assess whether existing rewards authorities are  
9           available to provide rewards for credible information that  
10          leads to the disruption of trafficking in persons for the  
11          purpose of organ removal or forced organ harvesting, the  
12          identification or designation of persons responsible for  
13          such conduct, or the dismantling of networks engaged in  
14          such conduct. Not later than 180 days after the date of  
15          enactment of this Act, the Secretary shall brief the appro-  
16          priate congressional committees on the use or proposed  
17          use of such authorities and on any additional authorities  
18          needed.

19          (k) NO LIMITATION ON OTHER AUTHORITIES.—  
20          Nothing in this section may be construed to limit the au-  
21          thority of the President to impose sanctions, visa restric-  
22          tions, export controls, or other measures under any other  
23          provision of law.

24          (l) RULE OF CONSTRUCTION.—Nothing in this sec-  
25          tion may be construed to authorize sanctions with respect

1 to legitimate organ transplantation, organ donation, med-  
2 ical care, humanitarian assistance, or medical research  
3 that is conducted with informed consent and in accordance  
4 with applicable law and internationally recognized medical  
5 ethics standards.

