

Union Calendar No. 7

107TH CONGRESS
1ST SESSION

H. R. 624

[Report No. 107-11]

To amend the Public Health Service Act to promote organ donation.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

Mr. BILIRAKIS (for himself, Mr. BARRETT, Mr. UPTON, Mr. BROWN of Ohio, Mr. EHRLICH, Mrs. THURMAN, Mr. WAXMAN, Mr. PALLONE, Mr. DEUTSCH, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Energy and Commerce

MARCH 6, 2001

Additional sponsors: Mr. HILLIARD, Mr. KIND, Ms. BALDWIN, Mr. BURR of North Carolina, Mr. DEAL of Georgia, Mr. SESSIONS, Mr. CANTOR, Mr. BENTSEN, Mr. CAMP, Mr. GREEN of Wisconsin, Ms. MCCARTHY of Missouri, Mr. KLECZKA, Mr. LUCAS of Kentucky, Mr. SNYDER, Mr. SMITH of New Jersey, Mr. GREEN of Texas, Mr. KENNEDY of Rhode Island, Mr. GORDON, Mr. HANSEN, Mrs. MORELLA, Mr. STARK, and Mr. NEY

MARCH 6, 2001

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Public Health Service Act to promote organ donation.

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 “Organ Donation Im-
5 provement Act of 2001”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 (a) PUBLIC AWARENESS OF NEED FOR ORGAN DO-
8 NATION.—It is the sense of the Congress that the Federal
9 Government should carry out programs to educate the
10 public with respect to organ donation, including the need
11 to provide for an adequate rate of such donations.

12 (b) FAMILY DISCUSSIONS OF ORGAN DONATIONS.—
13 The Congress recognizes the importance of families pledg-
14 ing to each other to share their lives as organ and tissue
15 donors and acknowledges the importance of discussing
16 organ and tissue donation as a family.

17 (c) LIVING DONATIONS OF ORGANS.—The
18 Congress—

19 (1) recognizes the generous contribution made
20 by each living individual who has donated an organ
21 to save a life; and

22 (2) acknowledges the advances in medical tech-
23 nology that have enabled organ transplantation with
24 organs donated by living individuals to become a via-

1 ble treatment option for an increasing number of pa-
2 tients.

3 **SEC. 3. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES**
4 **INCURRED TOWARD LIVING ORGAN DONA-**
5 **TION.**

6 Section 377 of the Public Health Service Act (42
7 U.S.C. 274f) is amended to read as follows:

8 “PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES
9 INCURRED TOWARD LIVING ORGAN DONATION

10 “SEC. 377. (a) IN GENERAL.—The Secretary may
11 make awards of grants or contracts to States, transplant
12 centers, qualified organ procurement organizations under
13 section 371, or other public or private entities for the pur-
14 pose of—

15 “(1) providing for the payment of travel and
16 subsistence expenses incurred by individuals toward
17 making living donations of their organs (in this sec-
18 tion referred as ‘donating individuals’); and

19 “(2) in addition, providing for the payment of
20 such incidental nonmedical expenses that are so in-
21 curred as the Secretary determines by regulation to
22 be appropriate.

23 “(b) ELIGIBILITY.—

24 “(1) IN GENERAL.—Payments under subsection
25 (a) may be made for the qualifying expenses of a do-
26 nating individual only if—

1 “(A) the State in which the donating indi-
2 vidual resides is a different State than the
3 State in which the intended recipient of the
4 organ resides; and

5 “(B) the annual income of the intended re-
6 cipient of the organ does not exceed \$35,000
7 (as adjusted for fiscal year 2001 and subse-
8 quent fiscal years to offset the effects of infla-
9 tion occurring after the beginning of fiscal year
10 2000).

11 “(2) CERTAIN CIRCUMSTANCES.—Subject to
12 paragraph (1), the Secretary may in carrying out
13 subsection (a) provide as follows:

14 “(A) The Secretary may consider the term
15 ‘donating individuals’ as including individuals
16 who in good faith incur qualifying expenses to-
17 ward the intended donation of an organ but
18 with respect to whom, for such reasons as the
19 Secretary determines to be appropriate, no do-
20 nation of the organ occurs.

21 “(B) The Secretary may consider the term
22 ‘qualifying expenses’ as including the expenses
23 of having one or more family members of do-
24 nating individuals accompany the donating indi-
25 viduals for purposes of subsection (a) (subject

1 to making payment for only such types of ex-
2 penses as are paid for donating individuals).

3 “(c) LIMITATION ON AMOUNT OF PAYMENT.—

4 “(1) IN GENERAL.—With respect to the geo-
5 graphic area to which a donating individual travels
6 for purposes of subsection (a), if such area is other
7 than the covered vicinity for the intended recipient
8 of the organ, the amount of qualifying expenses for
9 which payments under such subsection are made
10 may not exceed the amount of such expenses for
11 which payment would have been made if such area
12 had been the covered vicinity for the intended recipi-
13 ent, taking into account the costs of travel and re-
14 gional differences in the costs of living.

15 “(2) COVERED VICINITY.—For purposes of this
16 section, the term ‘covered vicinity’, with respect to
17 an intended recipient of an organ from a donating
18 individual, means the vicinity of the nearest trans-
19 plant center to the residence of the intended recipi-
20 ent that regularly performs transplants of that type
21 of organ.

22 “(d) RELATIONSHIP TO PAYMENTS UNDER OTHER
23 PROGRAMS.—An award may be made under subsection (a)
24 only if the applicant involved agrees that the award will
25 not be expended to pay the qualifying expenses of a donat-

1 ing individual to the extent that payment has been made,
2 or can reasonably be expected to be made, with respect
3 to such expenses—

4 “(1) under any State compensation program,
5 under an insurance policy, or under any Federal or
6 State health benefits program; or

7 “(2) by an entity that provides health services
8 on a prepaid basis.

9 “(e) DEFINITIONS.—For purposes of this section:

10 “(1) The term ‘covered vicinity’ has the mean-
11 ing given such term in subsection (c)(2).

12 “(2) The term ‘donating individuals’ has the
13 meaning indicated for such term in subsection
14 (a)(1), subject to subsection (b)(2)(A).

15 “(3) The term ‘qualifying expenses’ means the
16 expenses authorized for purposes of subsection (a),
17 subject to subsection (b)(2)(B).

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—For the
19 purpose of carrying out this section, there is authorized
20 to be appropriated \$5,000,000 for each of the fiscal years
21 2000 through 2005.”.

1 **SEC. 4. PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS.**
2

3 Part H of title III of the Public Health Service Act
4 (42 U.S.C. 273 et seq.) is amended by inserting after sec-
5 tion 377 the following section:

6 “PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS

7 “SEC. 377A. (a) PUBLIC AWARENESS.—The Sec-
8 retary shall (directly or through grants or contracts) carry
9 out a program to educate the public with respect to organ
10 donation, including the need to provide for an adequate
11 rate of such donations.

12 “(b) STUDIES AND DEMONSTRATIONS.—The Sec-
13 retary may make grants to public and nonprofit private
14 entities for the purpose of carrying out studies and dem-
15 onstration projects with respect to providing for an ade-
16 quate rate of organ donation.

17 “(c) GRANTS TO STATES.—The Secretary may make
18 grants to States for the purpose of assisting States in car-
19 rying out organ donor awareness, public education and
20 outreach activities and programs designed to increase the
21 number of organ donors within the State, including living
22 donors. To be eligible, each State shall—

23 “(1) submit an application to the Department
24 in the form prescribed;

25 “(2) establish yearly benchmarks for improve-
26 ment in organ donation rates in the State;

1 “(3) develop, enhance or expand a State donor
2 registry, which shall be available to hospitals, organ
3 procurement organizations, and other States upon a
4 search request; and

5 “(4) report to the Secretary on an annual basis
6 a description and assessment of the State’s use of
7 these grant funds, accompanied by an assessment of
8 initiatives for potential replication in other States.

9 Funds may be used by the State or in partnership with
10 other public agencies or private sector institutions for edu-
11 cation and awareness efforts, information dissemination,
12 activities pertaining to the State organ donor registry, and
13 other innovative donation specific initiatives, including liv-
14 ing donation.

15 “(d) ANNUAL REPORT TO CONGRESS.—The Sec-
16 retary shall annually submit to the Congress a report on
17 the activities carried out under this section, including pro-
18 visions describing the extent to which the activities have
19 affected the rate of organ donation.

20 “(e) AUTHORIZATION OF APPROPRIATIONS.—

21 “(1) IN GENERAL.—For the purpose of car-
22 rying out this section, there are authorized to be ap-
23 propriated \$15,000,000 for fiscal year 2000, and
24 such sums as may be necessary for each of the fiscal
25 years 2001 through 2005. Such authorization of ap-

1 appropriations is in addition to any other authoriza-
2 tions of appropriations that is available for such
3 purpose.

4 “(2) STUDIES AND DEMONSTRATIONS.—Of the
5 amounts appropriated under paragraph (1) for a fis-
6 cal year, the Secretary may not obligate more than
7 \$2,000,000 for carrying out subsection (b).”.

8 **SEC. 5. EFFECTIVE DATE.**

9 The amendments made by this Act take effect on the
10 date of the enactment of this Act.

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