

106TH CONGRESS  
2D SESSION

# H. R. 3885

To amend the Public Health Service Act to revise and extend the programs relating to organ procurement and transplantation.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2000

Mr. LAHOOD (for himself and Mr. RUSH) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend the Public Health Service Act to revise and extend the programs relating to organ procurement and transplantation.

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 and  
5 Transplantation Improvements Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 (a) IN GENERAL.—The Congress finds as follows:

8 (1) It is in the public interest to maintain and  
9 improve a system for promoting and supporting a  
10 central network to assure the fair and effective dis-

1       tribution of organs among patients on the national  
2       waiting list, and to assure quality and facilitate col-  
3       laboration among network members and individual  
4       medical practitioners participating in the network  
5       activities.

6               (2) The Organ Procurement and Transplan-  
7       tation Network (“Network”) was created in 1984 by  
8       the National Organ Transplant Act in order to fa-  
9       cilitate an equitable allocation of organs among pa-  
10      tients.

11              (3) The Federal Government should continue to  
12      provide Federal oversight of the Network and is re-  
13      sponsible for protecting the public’s health care in-  
14      terest and assuring that the policies of the Network  
15      meet the goals established by this Act.

16              (4) The responsibility for developing, estab-  
17      lishing, and maintaining medical criteria and stand-  
18      ards for organ procurement and transplantation is a  
19      function of the Network established under contract  
20      with the Federal Government.

21              (5) The Federal Government is responsible for  
22      assuring that the efforts of the Network serve the  
23      patients and donor families in the procurement and  
24      distribution of organs.

1           (6) The Federal Government should take immediate  
2           action to improve organ donation rates and increase  
3           the number of organs available for transplantation.  
4           tation.

5           (7) There is a significant disparity between the  
6           number of organ donors and the number of individuals  
7           waiting for organ transplants so that it is in the  
8           public's best interest to have a system of organ allocation  
9           that is fair and equitable to all individuals.

10          (b) **SENSE OF CONGRESS REGARDING ORGAN DONATION.**—The Congress finds as follows:  
11

12           (1) The factors that impact organ donation  
13           rates are complex and require a multifaceted approach  
14           to increase organ donation rates.

15           (2) The Federal Government should lead the  
16           national effort to increase organ donation and develop  
17           programs with the transplant community to research and  
18           implement a best practices approach to increasing organ  
19           donation.

20           (3) A generous contribution has been made by  
21           each living individual who has donated an organ to  
22           save a life.

23 **SEC. 3. ORGAN PROCUREMENT ORGANIZATIONS.**

24          Section 371 of the Public Health Service Act (42  
25          U.S.C. 273) is amended to read as follows:

1 **“SEC. 371. ORGAN PROCUREMENT ORGANIZATIONS.**

2 “(a) **AUTHORITY OF THE SECRETARY.—**

3 “(1) The Secretary may make grants for the  
4 planning of qualified organ procurement organiza-  
5 tions described in subsection (b) of this section.

6 “(2) The Secretary may make grants for the es-  
7 tablishment, initial operation, consolidation, and ex-  
8 pansion of qualified organ procurement organiza-  
9 tions described in subsection (b) of this section.

10 “(3) The Secretary may make grants to, and  
11 enter into contracts with, qualified organ procure-  
12 ment organizations described in subsection (b) of  
13 this section and other nonprofit private entities for  
14 the purpose of carrying out special projects designed  
15 to increase the number of organ donors.

16 “(b) **QUALIFIED ORGANIZATIONS.—**

17 “(1) A qualified organ procurement organiza-  
18 tion for which grants may be made under subsection  
19 (a) of this section is an organization which, as deter-  
20 mined by the Secretary, will carry out the functions  
21 described in paragraph (2) and—

22 “(A) is a nonprofit entity;

23 “(B) has accounting and other fiscal proce-  
24 dures (as specified by the Secretary) necessary  
25 to assure the fiscal stability of the organization;

1           “(C) has an agreement with the Secretary  
2 to be reimbursed under title XVIII of the Social  
3 Security Act for the procurement of kidneys;

4           “(D) notwithstanding any other provision  
5 of law, has met the other requirements of this  
6 subsection and has been certified or recertified  
7 by the Secretary as meeting the performance  
8 standards to be a qualified organ procurement  
9 organization through a process which—

10           “(i) granted certification or recertifi-  
11 cation within the previous 4 years with  
12 such certification in effect as of October 1,  
13 2000, and remaining in effect through the  
14 earlier of—

15                   “(I) January 1, 2002; or

16                   “(II) the completion of recertifi-  
17 cation under the requirements of  
18 clause (ii); or

19           “(ii) is defined through regulations  
20 promulgated by the Secretary not later  
21 than January 1, 2002, which—

22                   “(I) require recertification of  
23 qualified organ procurement organiza-  
24 tions not more frequently than once  
25 every 4 years;

1           “(II) rely on performance meas-  
2           ures that are based on empirical evi-  
3           dence of organ donor potential and  
4           other related factors in each service  
5           area of the qualified organ procure-  
6           ment organizations;

7           “(III) provide for the filing and  
8           approval of a corrective action plan by  
9           a qualified organ procurement organi-  
10          zation that fails to meet the perform-  
11          ance standards and a grace period of  
12          not less than 2 years during which  
13          such organization can implement the  
14          corrective action plan without risk of  
15          decertification; and

16          “(IV) provide for a qualified  
17          organ procurement organization to  
18          appeal a decertification to the Sec-  
19          retary on substantive and procedural  
20          grounds;

21          “(E) has procedures to obtain payment for  
22          nonrenal organs provided to transplant centers;

23          “(F) has a defined service area that is of  
24          sufficient size to assure maximum effectiveness  
25          in the procurement of organs;

1           “(G) has a director and other such staff,  
2 including the organ donation coordinators and  
3 organ procurement specialists necessary to ef-  
4 fectively obtain organs from donors in its serv-  
5 ice area; and

6           “(H) has a board of directors or an advi-  
7 sory board which—

8                   “(i) is composed of—

9                           “(I) members who represent hos-  
10 pital administrators, intensive care or  
11 emergency room personnel, tissue  
12 banks, and voluntary health organiza-  
13 tions in its service area;

14                           “(II) members who represent the  
15 public residing in such area;

16                           “(III) a physician with knowl-  
17 edge, experience, or skill in the field  
18 of histocompatibility or an individual  
19 with a doctorate degree in biological  
20 science with knowledge, experience, or  
21 skill in the field of histocompatibility;

22                           “(IV) a physician with knowledge  
23 or skill in the field of neurology; and

24                           “(V) from each transplant center  
25 in its service area, a member who is

1 a surgeon who has practicing privi-  
2 leges in such center and who performs  
3 organ transplant surgery;

4 “(ii) has the authority to recommend  
5 policies for the procurement of organs and  
6 the other functions described in paragraph  
7 (2); and

8 “(iii) has no authority over any other  
9 activity of the organization.

10 “(2) An organ procurement organization  
11 shall—

12 “(A) have effective agreements, to identify  
13 potential organ donors, with all of the hospitals  
14 and other health care entities in its service area  
15 which have facilities for organ donation;

16 “(B) conduct and participate in systematic  
17 efforts, including professional education, to ac-  
18 quire all usable organs from potential donors;

19 “(C) arrange for the acquisition and pres-  
20 ervation of donated organs and provide quality  
21 standards for the acquisition of organs which  
22 are consistent with the standards adopted by  
23 the Organ Procurement and Transplantation  
24 Network under section 372(b)(2)(E), including  
25 arranging for testing with respect to preventing



1 the acquisition of organs that are infected with  
2 the etiologic agent for acquired immune defi-  
3 ciency syndrome;

4 “(D) arrange for the appropriate tissue  
5 typing of donated organs;

6 “(E) have a system to distribute organs  
7 equitably among transplant patients according  
8 to the requirements established by the Organ  
9 Procurement and Transplantation Network,  
10 and approved by the Secretary, under section  
11 372(c);

12 “(F) provide or arrange for the transpor-  
13 tation of donated organs to transplant centers;

14 “(G) have arrangements to coordinate its  
15 activities with transplant centers in its service  
16 area;

17 “(H) participate in the Organ Procure-  
18 ment and Transplantation Network established  
19 under section 372;

20 “(I) have arrangements to cooperate with  
21 tissue banks for the retrieval, processing, pres-  
22 ervation, storage, and distribution of tissues as  
23 may be appropriate to assure that all usable tis-  
24 sues are obtained from potential donors;

1           “(J) evaluate annually the effectiveness of  
2           the organization in acquiring potentially avail-  
3           able organs; and

4           “(K) assist hospitals in establishing and  
5           implementing protocols for making routine in-  
6           quiries about organ donations by potential do-  
7           nors.”.

8 **SEC. 4. ORGAN PROCUREMENT AND TRANSPLANTATION**  
9           **NETWORK.**

10          Section 372 of the Public Health Service Act (42  
11 U.S.C. section 274) is amended to read as follows:

12 **“SEC. 372. ORGAN PROCUREMENT AND TRANSPLANTATION**  
13           **NETWORK.**

14          “(a) **CONTRACT AUTHORITY OF SECRETARY.**—The  
15 Secretary shall by contract provide for the establishment  
16 and operation of an Organ Procurement and Transplan-  
17 tation Network which meets the requirements of sub-  
18 section (b) of this section.

19          “(b) **FUNCTIONS.**—

20                 “(1) The Organ Procurement and Transplan-  
21 tation Network shall carry out the functions de-  
22 scribed in paragraph (2) and shall—

23                         “(A) be operated by a private nonprofit en-  
24 tity that has an expertise in organ procurement  
25 and transplantation; and

1 “(B) have a board of directors—

2 “(i) that includes representatives of  
3 organ procurement organizations (includ-  
4 ing organizations that have received grants  
5 under section 371), transplant centers, vol-  
6 untary health associations, transplant re-  
7 cipients or their family members, donor  
8 family members, and the general public;  
9 and

10 “(ii) that shall establish an executive  
11 committee and other committees, whose  
12 chairpersons shall be selected to ensure  
13 continuity of the board.

14 “(2) The Organ Procurement and Transplan-  
15 tation Network shall—

16 “(A) establish in one location—

17 “(i) a national list of individuals who  
18 need organs; and

19 “(ii) a national system, through the  
20 use of computers and in accordance with  
21 established medical criteria, to match or-  
22 gans and individuals included on the list,  
23 especially—

1                   “(I) individuals whose immune  
2                   system makes it difficult for them to  
3                   receive organs; and

4                   “(II) individuals considered to  
5                   have the highest medical urgency;

6                   “(B) establish membership criteria for hos-  
7                   pitals and other health care entities performing  
8                   organ transplants;

9                   “(C) maintain a twenty-four-hour tele-  
10                  phone service to facilitate matching organs with  
11                  individuals included in the list;

12                  “(D) assist organ procurement organiza-  
13                  tions in the nationwide distribution of organs  
14                  equitably among transplant patients;

15                  “(E) adopt and use standards of quality  
16                  for the acquisition and transportation of do-  
17                  nated organs, including standards for pre-  
18                  venting the acquisition of organs that are in-  
19                  fected with the etiologic agent for acquired im-  
20                  mune deficiency syndrome;

21                  “(F) prepare and distribute, on a national  
22                  basis, samples of blood sera from individuals  
23                  who are included on the list and whose immune  
24                  system makes it difficult for them to receive or-

1           gans, in order to facilitate matching the com-  
2           patibility of such individuals with organ donors;

3           “(G) coordinate, as appropriate, the trans-  
4           portation of organs from organ procurement or-  
5           ganizations to transplant centers;

6           “(H) provide information to physicians and  
7           other health professionals regarding organ do-  
8           nation;

9           “(I) collect, analyze, and publish data con-  
10          cerning organ donation and transplants;

11          “(J) carry out studies and demonstration  
12          projects for the purpose of improving proce-  
13          dures for organ procurement and allocation;

14          “(K) work actively to increase the supply  
15          of donated organs;

16          “(L) submit to the Secretary an annual re-  
17          port containing information on the comparative  
18          costs and patient outcomes at each transplant  
19          center affiliated with the organ procurement  
20          and transplantation network; and

21          “(M) submit to the Secretary an annual  
22          report containing such financial information, as  
23          determined by the Secretary, to be necessary to  
24          evaluate the cost of operating the Organ Pro-  
25          curement and Transplantation Network.

1 “(c) ORGAN ALLOCATION.—

2 “(1) The Organ Procurement and Transplan-  
3 tation Network shall develop organ specific policies  
4 (including combinations of organs, such as for kid-  
5 ney-pancreas transplants), subject to the review of  
6 the Secretary, for the equitable allocation of  
7 cadaveric organs to individuals on the national wait-  
8 ing list.

9 “(2) Standardized minimum listing criteria for  
10 including individuals on the national list shall be es-  
11 tablished and, to the extent possible, shall—

12 “(A) contain explicit thresholds for listing  
13 a patient;

14 “(B) include thresholds to avoid futile  
15 transplants or the wasting of organs;

16 “(C) be expressed through objective and  
17 measurable medical criteria; and

18 “(D) be reviewed periodically and revised  
19 as appropriate.

20 “(3) Where appropriate for the specific organ,  
21 transplant candidates shall—

22 “(A) be grouped by status categories from  
23 most to least medically urgent with—

1           “(i) sufficient categories to avoid  
2           grouping together individuals with substan-  
3           tially different medical urgency;

4           “(ii) explicit thresholds for differen-  
5           tiating among patients; and

6           “(iii) explicit standards for the move-  
7           ment of individuals among the status cat-  
8           egories;

9           “(B) be expressed through objective and  
10          measurable medical criteria; and

11          “(C) be reviewed periodically and revised  
12          as appropriate.

13          “(4) Organ allocation policies and procedures  
14          shall be established in accordance with sound med-  
15          ical judgment and shall—

16                 “(A) be designed and implemented to allo-  
17                 cate organs among transplant candidates—

18                         “(i) in order of decreasing medical ur-  
19                         gency status;

20                         “(ii) over the largest geographic area  
21                         so that neither place of residence nor place  
22                         of listing shall be a major determinant;  
23                         and

24                         “(iii) so as to maintain organ viability  
25                         and avoid organ wastage; and

1           “(B) be reviewed periodically and revised  
2           as appropriate.

3           “(5) Where medical urgency is not an appro-  
4           priate measurement for organ allocation, policies  
5           and procedures shall be established in accordance  
6           with sound medical judgment and shall be designed  
7           and implemented—

8           “(A) to allocate organs among individuals  
9           on the waiting list based upon their time on the  
10          waiting list; and

11          “(B) to reduce the inter-transplant pro-  
12          gram waiting time variance to be as small as  
13          possible.

14          “(d) AUTHORITY OF THE SECRETARY.—The policies  
15          and rules established by the Organ Procurement and  
16          Transplantation Network shall be subject to review and  
17          approval by the Secretary. The Secretary shall—

18          “(1) in consultation with the Organ Procure-  
19          ment and Transplantation Network, develop mecha-  
20          nisms to promote and review compliance with the re-  
21          quirements of this section;

22          “(2) establish and approve all fees, dues, or  
23          similar costs charged in the operation of the Organ  
24          Procurement and Transplantation Network;



1           “(3) establish procedures for receiving from in-  
2           terested persons critical comments relating to the  
3           manner in which the Organ Procurement and Trans-  
4           plantation Network is carrying out the duties of the  
5           Network under subsection (b) of this section; and

6           “(4) take such action, as determined by the  
7           Secretary, to enforce the requirements of this section  
8           as well as the requirements under title XVIII of the  
9           Social Security Act.

10          “(e) NATIONAL TRANSPLANT ADVISORY BOARD.—

11           “(1) The Secretary shall provide for the estab-  
12           lishment of a National Organ Transplant Advisory  
13           Board (referred to in this subsection as the ‘Board’).

14           “(2) The National Organ Transplant Advisory  
15           Board shall carry out the functions described in  
16           paragraph (3) and shall be comprised of individuals  
17           that—

18           “(A) include a broad spectrum of rep-  
19           resentatives of the medical and scientific com-  
20           munity, including epidemiologists and health  
21           service researchers, as well as representatives  
22           from organ procurement organizations and the  
23           community of transplant patients, family mem-  
24           bers and donor families;

1           “(B) are selected by the Secretary in con-  
2           sultation with the Organ Procurement and  
3           Transplantation Network; and

4           “(C) serve terms of not less than three  
5           years.

6           “(3) The National Organ Transplant Advisory  
7           Board shall assist the Secretary in ensuring that the  
8           Organ Procurement and Transplantation Network is  
9           grounded on the best available medical science and  
10          is effective and equitable as possible and shall—

11           “(A) at the request of the Secretary, re-  
12           view the policies and rules of the Organ Pro-  
13           curement and Transplantation Network;

14           “(B) at the request of the Secretary, re-  
15           view and consider policies and regulations af-  
16           fecting organ transplantation developed by the  
17           Secretary;

18           “(C) advise and propose to the Secretary  
19           policies, rules, and regulations affecting organ  
20           procurement and transplantation;

21           “(D) advise the Secretary with respect to  
22           comments received by the Secretary under sec-  
23           tion 372(d)(3) of this title;

24           “(E) meet at the request of the Secretary,  
25           but not less than two times every year; and

1           “(F) elect a Chairperson and Vice-chair-  
2           person as well as any other officers as deter-  
3           mined by the Board.

4           “(4) For the purpose of carrying out this sub-  
5           section, there are authorized to be appropriated  
6           \$500,000 for each of the fiscal years 2000 through  
7           2005.”.

8   **SEC. 5. SCIENTIFIC REGISTRY.**

9           Section 373 of the Public Health Service Act (42  
10   U.S.C. 274a) is amended to read as follows:

11   **“SEC. 373. SCIENTIFIC REGISTRY.**

12           “The Secretary shall, by grant or contract, develop  
13   and maintain a scientific registry of the recipients of organ  
14   transplants. The registry shall include such information  
15   respecting patients and transplant procedures as the Sec-  
16   retary deems necessary to an ongoing evaluation to the  
17   scientific and clinical status of organ transplantation. The  
18   registry shall also include such information respecting  
19   both donors and patients in transplants involving living  
20   donors. The Secretary shall prepare for inclusion in the  
21   report under section 376 an analysis of information de-  
22   rived from the registry.”.

23   **SEC. 6. ADMINISTRATION.**

24           Section 375 of the Public Health Service Act (42  
25   U.S.C. section 274c) is amended to read as follows:

1 **“SEC. 375. ADMINISTRATION.**

2 “The Secretary shall designate and maintain an iden-  
3 tifiable administrative unit in the Public Health Service  
4 to—

5 “(1) administer this part and coordinate with  
6 organ procurement activities under title XVIII of the  
7 Social Security Act;

8 “(2) administer and coordinate programs, as  
9 determined by the Secretary, to increase organ dona-  
10 tion rates;

11 “(3) provide technical assistance to organ pro-  
12 curement organizations, the Organ Procurement and  
13 Transplantation Network established under section  
14 372, and other entities in the health care system in-  
15 volved in organ donations, procurements, and trans-  
16 plants; and

17 “(4) provide information—

18 “(A) to patients, their families, and their  
19 physicians about transplantation; and

20 “(B) to patients and their families about  
21 resources available nationally and in each State,  
22 and the comparative costs and patient outcomes  
23 at each transplant center affiliated with the  
24 organ procurement and transplantation net-  
25 work, in order to assist the patients and fami-

1           lies with the costs associated with transplan-  
2           tation.”.

3 **SEC. 7. ADDITIONAL AMENDMENTS.**

4           (a) PART H.—Part H of title III of the Public Health  
5 Service Act (42 U.S.C. 273 et seq.) is amended—

6           (1) in section 374—

7                   (A) in subsection (b)(1), by striking all  
8                   after “organization” and inserting the fol-  
9                   lowing: “and other organizations for the pur-  
10                   pose of increasing the supply of transplantable  
11                   organs.”; and

12                   (B) in subsection (b)(2), by striking all  
13                   after “two years.”;

14           (2) in section 376, by striking “Committee on  
15           Energy and Commerce” and inserting “Committee  
16           on Commerce”; and

17           (3) by striking section 377.

18           (b) PART J.—Part J of title III of the Public Health  
19 Service Act (42 U.S.C. 274k et seq.) is amended by redес-  
20 ignating sections 379 through 379(a) as sections 380  
21 through 380(a).

1 **SEC. 8. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES**  
2 **INCURRED TOWARD LIVING ORGAN DONA-**  
3 **TION.**

4 Part H of title III of the Public Health Service Act  
5 is amended by inserting after section 376 the following  
6 section:

7 **“SEC. 377. TRAVEL AND SUBSISTENCE PAYMENTS FOR LIV-**  
8 **ING ORGAN DONATION.**

9 “(a) IN GENERAL.—The Secretary may make awards  
10 of grants or contracts to States, transplant centers, quali-  
11 fied organ procurement organizations under section 371,  
12 or other public or private entities for the purpose of—

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

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

21 “(b) ELIGIBILITY.—

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

25 “(A) the State in which the donating indi-  
26 vidual resides is a different State than the

1 State in which the intended recipient of the  
2 organ resides; and

3 “(B) the annual income of the intended re-  
4 cipient of the organ does not exceed \$35,000  
5 (as adjusted for fiscal year 2002 and subse-  
6 quent fiscal years to offset the effects of infla-  
7 tion occurring after the beginning fiscal year  
8 2001).

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

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

19 (B) The Secretary may consider the term  
20 ‘qualifying expenses’ as including the expenses  
21 of having one or more family members of do-  
22 nating individuals accompany the donating indi-  
23 viduals for purposes of subsection (a) (subject  
24 to making payment for only such types of ex-  
25 penses as are paid for donating individuals).

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

2               “(1) IN GENERAL.—With respect to the geo-  
3       graphic area to which a donating individual travels  
4       for purposes of section (a), if such area is other than  
5       the covered vicinity for the intended recipient of the  
6       organ, the amount of qualifying expenses for which  
7       payments under such subsection are made may not  
8       exceed the amount of such expenses for which pay-  
9       ment would have been made if such area had been  
10      the covered vicinity for the intended recipient, taking  
11      into account the costs of travel and regional dif-  
12      ferences in the cost of living.

13              “(2) COVERED VICINITY.—For purposes of this  
14      section, the term ‘covered vicinity’ with respect to an  
15      intended recipient of an organ from a donating indi-  
16      vidual, means the vicinity of the nearest transplant  
17      center to the residence of the intended recipient that  
18      regularly performs transplants of that type of organ.

19              “(d) RELATIONSHIP TO PAYMENTS UNDER OTHER  
20      PROGRAMS.—An award may be made under subsection (a)  
21      only if the applicant agrees that the award will not be ex-  
22      pended to pay the qualifying expenses of a donating indi-  
23      vidual to the extent that payment has been made, or can  
24      reasonably be expected to be made, with respect to such  
25      expenses—



1           “(1) under any State compensation program,  
2           under an insurance policy, or under any Federal or  
3           State health benefits program; or

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

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

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

9           “(2) The term ‘donating individual’ has the  
10          meaning indicated for such term in subsection  
11          (a)(1), subject to subsection (b)(2)(A).

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

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

19       **SEC. 9. PROGRAMS AND DEMONSTRATION PROJECTS TO**  
20               **INCREASE ORGAN DONATION.**

21          Part H of title III of the Public Health Service Act  
22          is amended by inserting after section 377 the following  
23          section:

1 **“SEC. 378. INITIATIVES TO INCREASE ORGAN DONATION.**

2       “(a) PUBLIC AWARENESS.—The Secretary shall (di-  
3 rectly or through grants or contracts) carry out a program  
4 to educate the public with respect to organ donation.

5       “(b) STUDIES AND DEMONSTRATIONS.—The Sec-  
6 retary may make grants to public and nonprofit entities  
7 for the purpose of carrying out studies and demonstration  
8 projects with respect to increasing rates of organ donation.

9 The Secretary shall—

10           “(1) give priority to those studies and dem-  
11 onstration projects that are founded upon a ‘best  
12 practices’ approach to increasing organ donation  
13 consent rates;

14           “(2) give priority to those geographic areas  
15 with lower organ donation consent rates, especially  
16 among minorities;

17           “(3) provide assistance to qualified organ pro-  
18 curement organizations described under section 371  
19 to implement programs and projects, that as deter-  
20 mined by Secretary through studies and demonstra-  
21 tion projects, have proven to be effective in increas-  
22 ing organ donation rates; and

23           “(4) provide assistance to the study and consid-  
24 eration of ‘presumed consent’ as an opportunity to  
25 increase organ donation rates.

1       “(c) GRANTS TO STATES.—The Secretary may make  
2 grants to states for the purpose of carrying out public edu-  
3 cation and outreach programs designed to increase the  
4 number of organ donors within the state. To be eligible,  
5 each state shall—

6           “(1) submit an application to the Secretary, in  
7 such form as prescribed by the Secretary; and

8           “(2) establish yearly benchmarks for improve-  
9 ment in organ donation rates in the State.

10       “(d) CONGRESSIONAL MEDAL.—

11           “(1) The Secretary shall design a bronze medal  
12 with suitable emblems, devices, and inscriptions, to  
13 be determined by the Secretary, to commemorate  
14 organ donors and their families.

15           “(2) Any organ donor, or the family of any  
16 organ donor, shall be eligible for a medal.

17           “(3) The Secretary shall direct the Organ Pro-  
18 curement and Transplantation Network, established  
19 under section 372, to—

20           “(A) establish an application procedure re-  
21 quiring the relevant organ procurement organi-  
22 zations, described in section 371 of this title,  
23 through which an individual of their family  
24 made an organ donation, to submit documenta-

1           tion supporting the eligibility of that individual  
2           or their family to receive a medal.

3                   “(B) determine through the documentation  
4           provided, and, if necessary, independent inves-  
5           tigation, whether the individual or family is eli-  
6           gible to receive a medal.

7                   “(4) The Secretary shall make suitable arrange-  
8           ments as necessary with the Secretary of the Treas-  
9           ury to strike and deliver the medals described in  
10          paragraph (3).

11                   “(5) The Secretary shall provide for the presen-  
12          tation to the relevant organ procurement organiza-  
13          tions all medals struck pursuant to this section to  
14          individuals or families that, in accordance with para-  
15          graph (3), the Organ Procurement and Transplan-  
16          tation Network has determined eligible to receive  
17          medals.

18                   “(6)(A) Except as provided in subparagraph  
19          (B), only 1 medal may be presented to a family  
20          under paragraph (5). Such medal shall be presented  
21          to the donating family member, or in the case of a  
22          deceased donor, the family member who signed the  
23          consent form authorizing, or who otherwise author-  
24          ized, the donation of the organ involved.

1           “(B) In the case of a family in which more than  
2           1 member is an organ donor, an additional medal  
3           may be presented to each such organ donor or their  
4           family.

5           “(7) The Secretary or the Organ Procurement  
6           and Transplantation Network may provide dupli-  
7           cates of a medal—

8                   “(A) to any recipient of a medal under  
9                   subsection (4) under such regulation as the  
10                  Secretary may issue; and

11                   “(B) the cost of which shall be sufficient  
12                  to cover the costs of such duplicates.

13           “(8) The medals struck pursuant to the section  
14           are national medals for purposes of section 5111 of  
15           title 31, United States Code.

16           “(9) No provision of law governing procurement  
17           or public contracts shall be applicable to the pro-  
18           curement of goods or services necessary for carrying  
19           out the provisions of this section.

20           “(10)(A) The Secretary of the Treasury may  
21           enter into an agreement with the Organ Procure-  
22           ment and Transplantation Network to collect funds  
23           to offset expenditures relating to the issuance of  
24           medals authorized under this section.

1           “(B)(i) Except as provided in clause (ii), all  
2 funds received by the Organ Procurement and  
3 Transplantation Network for this purpose shall be  
4 promptly paid to the Secretary of the Treasury.

5           “(ii) Not more than 5 percent of any funds re-  
6 ceived under this subsection shall be used to pay ad-  
7 ministrative costs incurred by the Organ Procure-  
8 ment and Transplantation Network as a result of an  
9 agreement established under this subsection.

10          “(C) Notwithstanding any other provision of  
11 law—

12           “(i) all amounts received by the Secretary  
13 of the Treasury under subsection (9)(A)(i) shall  
14 be deposited in the Numismatic Public Enter-  
15 prise Fund, as described in section 5134 of title  
16 31, United States Code; and

17           “(ii) the Secretary of the Treasury shall  
18 charge such fund with all expenditures relating  
19 to the issuance of medals authorized under this  
20 section.

21          “(D) A one-time amount not to exceed \$55,000  
22 shall be provided to the Organ Procurement and  
23 Transplantation Network to cover initial start-up  
24 costs to be paid back in full within 3 years of the

1 date of enactment of this section from funds re-  
2 ceived under this subsection.

3 “(11) For the purposes of this section, the term  
4 “organ” means the human kidney, liver, heart, lung,  
5 pancreas, and any other human organ (other than  
6 corneas and eyes) specified by regulation by the Sec-  
7 retary.

8 “(12) This section shall be effective for the 5-  
9 year period beginning on the date of the enactment  
10 of this section.

11 “(e) ANNUAL REPORT TO CONGRESS.—The Sec-  
12 retary shall submit to the Congress a report on the activi-  
13 ties carried out under this section, including provisions de-  
14 scribing the extent to which the activities have affected  
15 the rate of organ donation.

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—

17 “(1) IN GENERAL.—For the purpose of car-  
18 rying out this section, there are authorized to be ap-  
19 propriated \$10,000,000 for fiscal year 2000, and  
20 such sums as may be necessary for each of the fiscal  
21 years 2001 through 2005. Such authorization of ap-  
22 propriations is in addition to any other authoriza-  
23 tions of appropriations that are available for such  
24 purpose.

1           “(2) PUBLIC AWARENESS.—Of the amounts ap-  
2           propriated under paragraph (1) for a fiscal year, the  
3           Secretary may not obligate more than \$2,000,000  
4           for carrying out subsection (a).”.

5 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS**

6           Part H of title III of the Public Health Service Act  
7 is amended by inserting after section 378 the following  
8 section:

9 **“SEC. 379. AUTHORIZATION OF APPROPRIATIONS FOR**  
10                           **ORGAN PROCUREMENT AND TRANSPLAN-**  
11                           **TATION NETWORK.**

12           “For the purpose of providing for the Organ Procure-  
13 ment and Transplantation Network under section 372,  
14 and for the Scientific Registry under section 373, there  
15 are authorized to be appropriated \$4,000,000 for fiscal  
16 year 2000, and such sums as may be necessary for each  
17 of fiscal years 2001 through 2005.”.

18 **SEC. 11. EFFECTIVE DATE.**

19           The amendments made by this Act take effect Octo-  
20 ber 1, 2000, or upon the date of enactment of this Act,  
21 whichever occurs later.

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