

107TH CONGRESS  
1ST SESSION

# H. R. 624

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

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## 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

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## 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

1 public with respect to organ donation, including the need  
2 to provide for an adequate rate of such donations.

3 (b) FAMILY DISCUSSIONS OF ORGAN DONATIONS.—

4 The Congress recognizes the importance of families pledg-  
5 ing to each other to share their lives as organ and tissue  
6 donors and acknowledges the importance of discussing  
7 organ and tissue donation as a family.

8 (c) LIVING DONATIONS OF ORGANS.—The  
9 Congress—

10 (1) recognizes the generous contribution made  
11 by each living individual who has donated an organ  
12 to save a life; and

13 (2) acknowledges the advances in medical tech-  
14 nology that have enabled organ transplantation with  
15 organs donated by living individuals to become a via-  
16 ble treatment option for an increasing number of pa-  
17 tients.

18 **SEC. 3. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES**  
19 **INCURRED TOWARD LIVING ORGAN DONA-**  
20 **TION.**

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

23 “PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES  
24 INCURRED TOWARD LIVING ORGAN DONATION

25 “SEC. 377. (a) IN GENERAL.—The Secretary may  
26 make awards of grants or contracts to States, transplant

1 centers, qualified organ procurement organizations under  
2 section 371, or other public or private entities for the pur-  
3 pose of—

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

8 “(2) in addition, providing for the payment of  
9 such incidental nonmedical expenses that are so in-  
10 curred as the Secretary determines by regulation to  
11 be appropriate.

12 “(b) ELIGIBILITY.—

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

16 “(A) the State in which the donating indi-  
17 vidual resides is a different State than the  
18 State in which the intended recipient of the  
19 organ resides; and

20 “(B) the annual income of the intended re-  
21 cipient of the organ does not exceed \$35,000  
22 (as adjusted for fiscal year 2001 and subse-  
23 quent fiscal years to offset the effects of infla-  
24 tion occurring after the beginning of fiscal year  
25 2000).

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

4           “(A) The Secretary may consider the term  
5 ‘donating individuals’ as including individuals  
6 who in good faith incur qualifying expenses to-  
7 ward the intended donation of an organ but  
8 with respect to whom, for such reasons as the  
9 Secretary determines to be appropriate, no do-  
10 nation of the organ occurs.

11           “(B) The Secretary may consider the term  
12 ‘qualifying expenses’ as including the expenses  
13 of having one or more family members of do-  
14 nating individuals accompany the donating indi-  
15 viduals for purposes of subsection (a) (subject  
16 to making payment for only such types of ex-  
17 penses as are paid for donating individuals).

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

19           “(1) IN GENERAL.—With respect to the geo-  
20 graphic area to which a donating individual travels  
21 for purposes of subsection (a), if such area is other  
22 than the covered vicinity for the intended recipient  
23 of the organ, the amount of qualifying expenses for  
24 which payments under such subsection are made  
25 may not exceed the amount of such expenses for

1       which payment would have been made if such area  
2       had been the covered vicinity for the intended recipi-  
3       ent, taking into account the costs of travel and re-  
4       gional differences in the costs of living.

5               “(2) COVERED VICINITY.—For purposes of this  
6       section, the term ‘covered vicinity’, with respect to  
7       an intended recipient of an organ from a donating  
8       individual, means the vicinity of the nearest trans-  
9       plant center to the residence of the intended recipi-  
10      ent that regularly performs transplants of that type  
11      of organ.

12              “(d) RELATIONSHIP TO PAYMENTS UNDER OTHER  
13      PROGRAMS.—An award may be made under subsection (a)  
14      only if the applicant involved agrees that the award will  
15      not be expended to pay the qualifying expenses of a donat-  
16      ing individual to the extent that payment has been made,  
17      or can reasonably be expected to be made, with respect  
18      to such expenses—

19              “(1) under any State compensation program,  
20      under an insurance policy, or under any Federal or  
21      State health benefits program; or

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

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



1 onstration projects with respect to providing for an ade-  
2 quate rate of organ donation.

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

9 “(1) submit an application to the Department  
10 in the form prescribed;

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

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

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

21 Funds may be used by the State or in partnership with  
22 other public agencies or private sector institutions for edu-  
23 cation and awareness efforts, information dissemination,  
24 activities pertaining to the State organ donor registry, and

1 other innovative donation specific initiatives, including liv-  
2 ing donation.

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

8 “(e) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—For the purpose of car-  
10 rying out this section, there are authorized to be ap-  
11 propriated \$15,000,000 for fiscal year 2000, and  
12 such sums as may be necessary for each of the fiscal  
13 years 2001 through 2005. Such authorization of ap-  
14 propriations is in addition to any other authoriza-  
15 tions of appropriations that is available for such  
16 purpose.

17 “(2) STUDIES AND DEMONSTRATIONS.—Of the  
18 amounts appropriated under paragraph (1) for a fis-  
19 cal year, the Secretary may not obligate more than  
20 \$2,000,000 for carrying out subsection (b).”.

21 **SEC. 5. EFFECTIVE DATE.**

22 The amendments made by this Act take effect on the  
23 date of the enactment of this Act.

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