

108TH CONGRESS
1ST SESSION

H. R. 3034

AN ACT

To amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registry, and for other purposes.

108TH CONGRESS
1ST SESSION

H. R. 3034

AN ACT

To amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registry, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Bone Marrow
3 Donor Registry Reauthorization Act”.

4 **SEC. 2. NATIONAL BONE MARROW DONOR REGISTRY.**

5 (a) NATIONAL REGISTRY.—Section 379 of the Public
6 Health Service Act (42 U.S.C. 274k) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by striking “except
9 that” and all that follows and inserting “except
10 that—

11 “(A) such limitations shall not apply to the
12 Chair of the board (or the Chair-elect) or to the
13 member of the board who most recently served
14 as the Chair; and

15 “(B) 1 additional consecutive 2-year term
16 may be served by any member of the board who
17 has no employment, governance, or financial af-
18 filiation with any donor center, recruitment
19 group, transplant center, or cord blood bank.”;
20 and

21 (B) in paragraph (4)—

22 (i) by striking “the Naval Medical Re-
23 search and Development Command” and
24 inserting “the Department of Defense
25 Marrow Donor Recruitment and Research

1 Program operated by the Department of
2 the Navy”; and

3 (ii) by striking “Organ” after “Divi-
4 sion of”;

5 (2) in subsection (b)—

6 (A) in paragraph (4), by inserting “at
7 least” before “annually”;

8 (B) in paragraph (7), by striking “and
9 comparisons of transplant centers regarding
10 search and other costs that prior to transplan-
11 tation are charged to patients by transplant
12 centers; and”;

13 (C) in paragraph (8), by inserting “and
14 outreach” after “and demonstration”;

15 (D) at the end of paragraph (8), by strik-
16 ing the period and inserting a semicolon;

17 (E) by redesignating paragraphs (3)
18 through (8) as paragraphs (4) through (9);

19 (F) by inserting after paragraph (2), the
20 following:

21 “(3) maintain and expand medical emergency
22 contingency response capabilities in concert with
23 Federal programs for response to threats of use of
24 terrorist or military weapons that can damage mar-
25 row, such as ionizing radiation or chemical agents

1 containing mustard, so that the capability of sup-
2 porting patients with marrow damage from disease
3 can be used to support casualties with marrow dam-
4 age;” and

5 (G) by adding at the end the following:

6 “(10) conduct and support research to improve
7 the availability, efficiency, safety, and cost of trans-
8 plants from unrelated donors and the effectiveness
9 of Registry operations;

10 “(11) increase the number of umbilical cord
11 blood units listed in the Registry and assist cord
12 blood banks in the Registry program in accordance
13 with subsection (c); and

14 “(12) establish bylaws and procedures—

15 “(A) to prohibit any member of the board
16 of directors of the Registry who has an employ-
17 ment, governance, or financial affiliation with a
18 donor center, recruitment group, transplant
19 center, or cord blood bank from participating in
20 any decision that materially affects the center,
21 recruitment group, transplant center, or cord
22 blood bank; and

23 “(B) to limit the number of members of
24 the board with any such affiliation.”;

25 (3) in subsection (c)—

1 (A) in clause (ii) of paragraph (2)(A), by
2 striking “, including providing updates”; and

3 (B) in paragraph (3), by striking “the
4 availability, as a potential treatment option, of
5 receiving a transplant of bone marrow from an
6 unrelated donor” and inserting “transplants
7 from unrelated donors as a treatment option
8 and resources for identifying and evaluating
9 other therapeutic alternatives”;

10 (4) in subsection (d)—

11 (A) in paragraph (2)(C), by inserting “and
12 assist with information regarding third party
13 payor matters” after “ongoing search for a
14 donor”;

15 (B) in paragraph (2)(F)—

16 (i) by redesignating clause (v) as
17 clause (vi); and

18 (ii) by inserting after clause (iv) the
19 following:

20 “(v) Information concerning issues
21 that patients may face after a transplant
22 regarding continuity of care and quality of
23 life.”; and

24 (C) in paragraph (3)(B), by striking “Of-
25 fice may” and inserting “Office shall”;

1 (5) in subsection (g), by striking “the bone
2 marrow donor program of the Department of the
3 Navy” and inserting “the Department of Defense
4 Marrow Donor Recruitment and Research Program
5 operated by the Department of the Navy”;

6 (6) in subsection (h)—

7 (A) by striking “APPLICATION.—” and in-
8 sserting “CONTRACTS.—”;

9 (B) by striking “To be eligible” and insert-
10 ing the following:

11 “(1) APPLICATION.—To be eligible”; and

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

13 “(2) CONSIDERATIONS.—In awarding contracts
14 under this section, the Secretary shall give substan-
15 tial weight to the continued safety of donors and pa-
16 tients and other factors deemed appropriate by the
17 Secretary.”;

18 (7) in subsection (i), by striking “include” and
19 inserting “be”; and

20 (8) by striking subsection (l).

21 (b) BONE MARROW SCIENTIFIC REGISTRY.—Section
22 379A of the Public Health Service Act (42 U.S.C. 274l)
23 is amended—

24 (1) in subsection (a), by adding at the end the
25 following: “The scientific registry shall participate in

1 medical research that has the potential to improve
2 transplant outcomes.”;

3 (2) in subsection (c), by striking “Each such re-
4 port shall in addition include the data required in
5 section 379(l) (relating to pretransplant costs).”;
6 and

7 (3) by adding after subsection (c) the following:

8 “(d) PUBLICLY AVAILABLE DATA.—The scientific
9 registry shall make relevant scientific information not con-
10 taining individually identifiable information available to
11 the public in the form of summaries and data sets to en-
12 courage medical research and to provide information to
13 transplant programs, physicians, and patients.”.

14 (e) BONE MARROW AND MARROW DEFINED.—Part
15 I of title III of the Public Health Service Act (42 U.S.C.
16 274k et seq.) is amended—

17 (1) by redesignating section 379B as section
18 379C; and

19 (2) by inserting after section 379A the fol-
20 lowing:

21 **“SEC. 379B. BONE MARROW AND MARROW DEFINED.**

22 “For purposes of this part, the terms ‘bone marrow’
23 and ‘marrow’ include bone marrow and any other source
24 of hematopoietic progenitor cells the acquisition or use of
25 which is not inconsistent with Federal law.”.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
2 379C of the Public Health Service Act, as redesignated
3 by subsection (c), is amended to read as follows:

4 **“SEC. 379C. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) IN GENERAL.—For the purpose of carrying out
6 this part, there are authorized to be appropriated
7 \$32,000,000 for fiscal year 2004, and such sums as may
8 be necessary for each of the fiscal years 2005 through
9 2008.

10 “(b) EMERGENCY CONTINGENCY RESPONSE CAPA-
11 BILITIES.—In addition to the amounts authorized to be
12 appropriated under subsection (a), there are authorized to
13 be appropriated such sums as may be necessary for the
14 maintenance and expansion of emergency contingency re-
15 sponse capabilities under section 379(b)(3).”.

Passed the House of Representatives October 1,
2003.

Attest:

Clerk.