H. R. 399

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2003

Received; read twice and referred to the Committee on Health, Education, Labor, and Pensions

AN ACT

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Organ Donation Improvement Act of 2003”.

SEC. 2. SENSE OF CONGRESS.

(a) Public Awareness of Need for Organ Donation.—It is the sense of the Congress that the Federal Government should carry out programs to educate the public with respect to organ donation, including the need to provide for an adequate rate of such donations.

(b) Family Discussions of Organ Donations.—The Congress recognizes the importance of families pledging to each other to share their lives as organ and tissue donors and acknowledges the importance of discussing organ and tissue donation as a family.

(c) Living Donations of Organs.—The Congress—

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

(2) acknowledges the advances in medical technology that have enabled organ transplantation with organs donated by living individuals to become a viable treatment option for an increasing number of patients.
SEC. 3. PAYMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION.

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

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

“Sec. 377. (a) In General.—The Secretary may make awards of grants or contracts to States, transplant centers, qualified organ procurement organizations under section 371, or other public or private entities for the purpose of—

“(1) providing for the payment of travel and subsistence expenses incurred by individuals toward making living donations of their organs (in this section referred to as ‘donating individuals’); and

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

“(b) Eligibility.—

“(1) In General.—Payments under subsection (a) may be made for the qualifying expenses of a donating individual only if—

“(A) the State in which the donating individual resides is a different State than the
State in which the intended recipient of the organ resides; and

“(B) the annual income of the intended recipient of the organ does not exceed $35,000 (as adjusted for fiscal year 2004 and subsequent fiscal years to offset the effects of inflation occurring after the beginning of fiscal year 2003).

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

“(A) The Secretary may consider the term ‘donating individuals’ as including individuals who in good faith incur qualifying expenses toward the intended donation of an organ but with respect to whom, for such reasons as the Secretary determines to be appropriate, no donation of the organ occurs.

“(B) The Secretary may consider the term ‘qualifying expenses’ as including the expenses of having one or more family members of donating individuals accompany the donating individuals for purposes of subsection (a) (subject to making payment for only such types of expenses as are paid for donating individuals).
“(c) LIMITATION ON AMOUNT OF PAYMENT.—

“(1) IN GENERAL.—With respect to the geographic area to which a donating individual travels for purposes of subsection (a), if such area is other than the covered vicinity for the intended recipient of the organ, the amount of qualifying expenses for which payments under such subsection are made may not exceed the amount of such expenses for which payment would have been made if such area had been the covered vicinity for the intended recipient, taking into account the costs of travel and regional differences in the costs of living.

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

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

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

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

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

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

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

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

“(f) AUTHORIZATION OF APPROPRIATIONS.—For the
purpose of carrying out this section, there is authorized
to be appropriated $5,000,000 for each of the fiscal years
2004 through 2008.”.

SEC. 4. PUBLIC AWARENESS; STUDIES AND DEMONSTRA-
TIONS.

Part H of title III of the Public Health Service Act
(42 U.S.C. 273 et seq.) is amended by inserting after sec-
tion 377 the following section:
“PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS

“Sec. 377A. (a) Public Awareness.—The Secretary shall (directly or through grants or contracts) carry out a program to educate the public with respect to organ donation, including the need to provide for an adequate rate of such donations.

“(b) Studies and Demonstrations.—The Secretary may make grants to public and nonprofit private entities for the purpose of carrying out studies and demonstration projects with respect to providing for an adequate rate of organ donation.

“(c) Grants to States.—The Secretary may make grants to States for the purpose of assisting States in carrying out organ donor awareness, public education and outreach activities and programs designed to increase the number of organ donors within the State, including living donors. To be eligible, each State shall—

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

“(2) establish yearly benchmarks for improvement in organ donation rates in the State;

“(3) develop, enhance, or expand a State donor registry, which shall be available to hospitals, organ procurement organizations, tissue banks, eye banks, and other States upon a search request; and
“(4) report to the Secretary on an annual basis a description and assessment of the State’s use of these grant funds, accompanied by an assessment of initiatives for potential replication in other States. Funds may be used by the State or in partnership with other public agencies or private sector institutions for education and awareness efforts, information dissemination, activities pertaining to the State donor registry, and other innovative donation specific initiatives, including living donation.

“(d) Annual Report to Congress.—The Secretary shall annually submit to the Congress a report on the activities carried out under this section, including provisions describing the extent to which the activities have affected the rate of organ donation.

“(e) Authorization of Appropriations.—

“(1) In general.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2004, and such sums as may be necessary for each of the fiscal years 2005 through 2008. Such authorization of appropriations is in addition to any other authorizations of appropriations that are available for such purpose.
“(2) STUDIES AND DEMONSTRATIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than $2,000,000 for carrying out subsection (b).”.

SEC. 5. EFFECTIVE DATE.

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


Attest: JEFF TRANDAHL, Clerk.