

108TH CONGRESS
1ST SESSION

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.

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 “Organ Donation Im-
3 provement Act of 2003”.

4 **SEC. 2. SENSE OF CONGRESS.**

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

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

15 (c) LIVING DONATIONS OF ORGANS.—The Con-
16 gress—

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

20 (2) acknowledges the advances in medical tech-
21 nology that have enabled organ transplantation with
22 organs donated by living individuals to become a via-
23 ble treatment option for an increasing number of pa-
24 tients.

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

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

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

8 “SEC. 377. (a) IN GENERAL.—The Secretary may
9 make awards of grants or contracts to States, transplant
10 centers, qualified organ procurement organizations under
11 section 371, or other public or private entities for the pur-
12 pose 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 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 2004 and subse-
6 quent fiscal years to offset the effects of infla-
7 tion occurring after the beginning of fiscal year
8 2003).

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 reasons 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 subsection (a), if such area is other
5 than the covered vicinity for the intended recipient
6 of the organ, the amount of qualifying expenses for
7 which payments under such subsection are made
8 may not exceed the amount of such expenses for
9 which payment would have been made if such area
10 had been the covered vicinity for the intended recipi-
11 ent, taking into account the costs of travel and re-
12 gional differences in the costs of living.

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

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

1 or can reasonably be expected to be made, with respect
 2 to such expenses—

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

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

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

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

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

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

17 “(f) AUTHORIZATION OF APPROPRIATIONS.—For the
 18 purpose of carrying out this section, there is authorized
 19 to be appropriated \$5,000,000 for each of the fiscal years
 20 2004 through 2008.”.

21 **SEC. 4. PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS.**
 22

23 Part H of title III of the Public Health Service Act
 24 (42 U.S.C. 273 et seq.) is amended by inserting after sec-
 25 tion 377 the following section:

1 “PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS

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

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

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

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

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

22 “(3) develop, enhance, or expand a State donor
23 registry, which shall be available to hospitals, organ
24 procurement organizations, tissue banks, eye banks,
25 and other States upon a search request; and

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

5 Funds may be used by the State or in partnership with
6 other public agencies or private sector institutions for edu-
7 cation and awareness efforts, information dissemination,
8 activities pertaining to the State donor registry, and other
9 innovative donation specific initiatives, including living do-
10 nation.

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

16 “(e) 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 \$15,000,000 for fiscal year 2004, and
20 such sums as may be necessary for each of the fiscal
21 years 2005 through 2008. 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) STUDIES AND DEMONSTRATIONS.—Of the
2 amounts appropriated under paragraph (1) for a fis-
3 cal year, the Secretary may not obligate more than
4 \$2,000,000 for carrying out subsection (b).”.

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

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

 Passed the House of Representatives March 12,
2003.

Attest:

JEFF TRANDAHL,
Clerk.