

111TH CONGRESS
1ST SESSION

H. R. 218

To amend the Internal Revenue Code of 1986 to provide a nonrefundable personal credit to individuals who donate certain life-saving organs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. WILSON of South Carolina introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Internal Revenue Code of 1986 to provide a nonrefundable personal credit to individuals who donate certain life-saving organs.

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 “Living Organ Donor
5 Tax Credit Act of 2009”.

1 **SEC. 2. CREDIT FOR DONATION OF CERTAIN LIFE-SAVING**
 2 **ORGANS.**

3 (a) IN GENERAL.—Subpart A of part IV of sub-
 4 chapter A of chapter 1 of the Internal Revenue Code of
 5 1986 (relating to nonrefundable personal credits) is
 6 amended by inserting after section 25D the following new
 7 section:

8 **“SEC. 25E. DONATION OF CERTAIN LIFE-SAVING ORGANS.**

9 “(a) IN GENERAL.—In the case of an individual who
 10 donates a qualified life-saving organ of such individual for
 11 transplantation into another individual during the taxable
 12 year, there shall be allowed as a credit against the tax
 13 imposed by this chapter for the taxable year the sum of—

14 “(1) unreimbursed costs paid by the taxpayer in
 15 connection with such transplantation, and

16 “(2) any lost wages of the individual in connec-
 17 tion with such transplantation.

18 “(b) LIMITATION.—The credit allowed under sub-
 19 section (a) with respect to any individual for any taxable
 20 year shall not exceed \$5,000.

21 “(c) DEFINITIONS AND SPECIAL RULES.—For pur-
 22 poses of this section—

23 “(1) QUALIFIED LIFE-SAVING ORGAN.—The
 24 term ‘qualified life-saving organ’ means kidney, liver,
 25 lung, pancreas, intestine, bone marrow, or any part
 26 thereof.

1 “(2) RESTRICTION TO LIVING DONORS.—Credit
2 shall not be allowed under subsection (a) unless the
3 individual is alive when the qualified life-saving
4 organ is removed from such individual.

5 “(3) DONATION.—Except as provided in regula-
6 tions by the Secretary, an organ shall not be treated
7 as donated unless and until such organ is removed
8 from the donor.”.

9 (b) PUBLIC HEALTH SERVICE ACT AND NATIONAL
10 ORGAN TRANSPLANT ACT AMENDMENTS.—

11 (1) FEDERAL LIVING ORGAN DONATION GRANTS
12 REDUCED BY TAX CREDIT.—Section 377(d) of the
13 Public Health Service Act is amended by inserting
14 “that a tax credit is allowed, or can reasonably be
15 expected to be allowed, under section 25E of the In-
16 ternal Revenue Code of 1986 or” before “that pay-
17 ment has been made”.

18 (2) TAX CREDIT NOT UNLAWFUL COMPENSA-
19 TION.—Section 301(c)(2) of the National Organ
20 Transplant Act is amended by inserting “the tax
21 credit allowed under section 25E of the Internal
22 Revenue Code of 1986 or” after “does not include”.

23 (c) CLERICAL AMENDMENT.—The table of sections
24 of such subpart is amended by inserting after the item
25 relating to section 25D the following new item:

“Sec. 25E. Donation of certain life-saving organs.”.

1 (d) EFFECTIVE DATE.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the amendments made by this section
4 shall apply to taxable years beginning after the date
5 of the enactment of this Act.

6 (2) PUBLIC HEALTH SERVICE ACT AND NA-
7 TIONAL ORGAN TRANSPLANT ACT AMENDMENTS.—
8 The amendments made by subsection (b) shall take
9 effect on the date of the enactment of this Act.

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