

114TH CONGRESS
1ST SESSION

H. R. 2472

To amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2015

Mr. CLAY (for himself and Mr. GRAVES of Missouri) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry Resource Center, to authorize grants for State organ and tissue donor registries, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Everson Walls and
5 Ron Springs Gift for Life Act of 2015”.

1 **SEC. 2. NATIONAL ORGAN AND TISSUE DONOR REGISTRY**
2 **RESOURCE CENTER.**

3 Part H of title III of the Public Health Service Act
4 (42 U.S.C. 273 et seq.) is amended by inserting after sec-
5 tion 371A the following:

6 **“SEC. 371B. NATIONAL ORGAN AND TISSUE DONOR REG-**
7 **ISTRY RESOURCE CENTER.**

8 “(a) IN GENERAL.—The Secretary, acting through
9 the Administrator of the Health Resources and Services
10 Administration, shall establish a National Organ and Tis-
11 sue Donor Registry Resource Center (referred to in this
12 section as the ‘Center’).

13 “(b) DUTIES.—The Center shall—

14 “(1) advance the development, expansion, and
15 evaluation of State organ and tissue donor reg-
16 istries;

17 “(2) facilitate timely access to and exchange of
18 accurate donor information between State registries
19 7 days each week on a 24-hour basis;

20 “(3) ensure that State organ and tissue donor
21 registries funded through section 371C are in com-
22 pliance with the requirements described in such sec-
23 tion, including the operating standards described in
24 section 371C(d);

1 “(4) provide technical assistance to States for
 2 the establishment and operation of State organ and
 3 tissue registries; and

4 “(5) maintain a registry information clearing-
 5 house, including by maintaining a Web site, to col-
 6 lect, synthesize, and disseminate best practices infor-
 7 mation about organ and tissue donor registries.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—No ad-
 9 ditional funds are authorized to be appropriated for the
 10 purpose of carrying out this section. This section shall be
 11 carried out, for fiscal years 2016 through 2020, using
 12 amounts otherwise available for such purpose.”.

13 **SEC. 3. GRANTS FOR STATE ORGAN AND TISSUE DONOR**
 14 **REGISTRIES.**

15 Part H of title III of the Public Health Service Act
 16 (42 U.S.C. 273 et seq.) is amended by inserting after sec-
 17 tion 371B, as inserted by section 2, the following:

18 **“SEC. 371C. GRANTS FOR STATE ORGAN AND TISSUE**
 19 **DONOR REGISTRIES.**

20 “(a) PROGRAM AUTHORIZED.—The Secretary shall
 21 award grants or cooperative agreements to eligible entities
 22 to support the development, enhancement, expansion, and
 23 evaluation of State organ and tissue donor registries.

24 “(b) DEFINITION.—In this section, the term ‘eligible
 25 entity’ means a State agency or a State contracted entity.

1 “(c) USE OF FUNDS.—As a condition on the receipt
2 of a grant or cooperative agreement under this section,
3 an eligible entity shall agree to use the grant or coopera-
4 tive agreement—

5 “(1) to develop, expand, or maintain a State
6 organ and tissue donor registry; and

7 “(2) to establish benchmarks for improvement
8 in organ and tissue donation in the State.

9 “(d) OPERATING STANDARDS.—As a condition on the
10 receipt of a grant or cooperative agreement under this sec-
11 tion for a State organ and tissue donor registry, an eligible
12 entity shall agree to maintain the registry in accordance
13 with the following:

14 “(1) The registry must allow a donor or any
15 other person authorized by the donor to include in
16 the registry a statement or symbol that the donor
17 has made, amended, or revoked an anatomical gift.

18 “(2) The registry must be accessible to any
19 qualified organ procurement organization described
20 in section 371(b) to allow the organization to obtain
21 relevant information on the registry to determine, at
22 or near the death of the donor or a prospective
23 donor, whether the donor or prospective donor has
24 made, amended, or revoked an anatomical gift.

1 “(3) The registry must be accessible as de-
2 scribed in paragraphs (1) and (2) 7 days each week
3 on a 24-hour basis.

4 “(4) The registry must ensure that personally
5 identifiable information on the registry about a
6 donor or prospective donor may not be used or dis-
7 closed without the express consent of the donor or
8 prospective donor for any purpose other than to de-
9 termine, at or near the death of the donor or pro-
10 spective donor, whether the donor or prospective
11 donor has made, amended, or revoked an anatomical
12 gift.

13 “(e) APPLICATION.—To seek a grant or cooperative
14 agreement under this section, an entity shall submit an
15 application to the Secretary at such time, in such manner,
16 and containing such information as the Secretary may rea-
17 sonably require.

18 “(f) REPORT.—As a condition on the receipt of a
19 grant or cooperative agreement under this section, not
20 later than 180 days after receipt of the grant or coopera-
21 tive agreement, and every 180 days thereafter (through
22 the date of completion of the activities funded through the
23 grant or cooperative agreement), an eligible entity shall
24 prepare and submit a report to the Secretary that—

1 “(1) describes the manner in which such entity
 2 has used amounts received through the grant or co-
 3 operative agreement; and

4 “(2) assesses initiatives that may be replicated
 5 in other States.

6 “(g) AUTHORIZATION OF APPROPRIATIONS.—No ad-
 7 ditional funds are authorized to be appropriated for the
 8 purpose of carrying out this section. This section shall be
 9 carried out, for fiscal years 2016 through 2020, using
 10 amounts otherwise available for such purpose.”.

11 **SEC. 4. LIMITATION ON LIABILITY.**

12 Part H of title III of the Public Health Service Act
 13 (42 U.S.C. 273 et seq.) is amended by inserting after sec-
 14 tion 371C, as inserted by section 3, the following:

15 **“SEC. 371D. LIMITATION ON LIABILITY.**

16 “No person may be held civilly liable by reason of
 17 having harvested or taken an individual’s organs or tissues
 18 without having obtained valid consent for the harvesting
 19 or taking, if—

20 “(1) such person has verified that, at the time
 21 of the harvesting or taking, the individual is reg-
 22 istered as a donor with a State organ and tissue
 23 donor registry; and

1 “(2) the harvesting or taking is within the
2 scope of the consent given by such individual for
3 purposes of such registration.”.

4 **SEC. 5. STUDY ON FEASIBILITY OF ESTABLISHING A LIVING**
5 **DONOR DATABASE.**

6 Section 371A of the Public Health Service Act (42
7 U.S.C. 273a) is amended—

8 (1) by striking “The Secretary may establish”
9 and inserting “(a) IN GENERAL.—The Secretary
10 may establish”; and

11 (2) by adding at the end the following:

12 “(b) STUDY.—Not later than 1 year after the date
13 of the enactment of the Everson Walls and Ron Springs
14 Gift for Life Act of 2015, the Comptroller General of the
15 United States shall—

16 “(1) complete a study to determine the feasi-
17 bility of establishing a living donor database for the
18 purpose of tracking the short- and long-term health
19 effects for such donors associated with living organ
20 donation; and

21 “(2) submit a report to the Congress on the re-
22 sults of such study.”.

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