

SEC. 2. REAUTHORIZATION OF VOLUNTEER PROGRAMS AND COMMUNITY PARTNERSHIPS UNDER FISH AND WILDLIFE ACT OF 1956.

Section 7(f) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(f)) is amended to read as follows:

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d), and (e) \$2,000,000 for each of fiscal years 2004 through 2009.”.

SEC. 3. AUTHORIZATION OF PROJECTS UNDER NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ENHANCEMENT ACT OF 1998.

Section 4(a) of the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f note) is amended—

(1) in the heading by striking “PILOT”;

(2) by striking “pilot project” each place it appears and inserting “project”;

(3) in paragraph (1) by striking “, but not more than 20 pilot projects nationwide”;

(4) in paragraph (3)—

(A) by striking “pilot projects” and inserting “projects”; and

(B) by striking “after the date of the enactment of this Act” and inserting “after the date of the enactment of the National Wildlife Refuge Volunteer Act of 2003, and every 3 years thereafter”; and

(5) in paragraph (4) by striking “each of fiscal years 1999 through 2002” and inserting “for each fiscal year through fiscal year 2009”.

SEC. 4. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY.

Section 7(d)(2) (A) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(d)(2)(A)) is amended to read as follows:

“(A) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary of the Interior may negotiate and enter into a cooperative agreement with a partner organization, academic institution, State or local government agency, or other person to implement one or more projects or programs for a refuge or complex of geographically related refuges in accordance with the purposes of this subsection and in compliance with the policies of other relevant authorities, regulations, and policy guidance.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2408.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced the bill, H.R. 2408, to reauthorize the National Wildlife Refuge System Volunteer and Community Partnership Act, which I authored in 1998.

There is no question that volunteers play an invaluable role in the successful operation of hundreds of National Wildlife Refuges throughout the United States. Since 1982, the number of refuge volunteers has grown from about

4,200 individuals to over 39,000 people. In the past year alone, volunteers have contributed over 1.4 million man-hours of their own time to the refuge system. From operating a backhoe, assisting in the banding of birds or providing education to the public, to many other functions, volunteers can do it all.

At the hearing of the Subcommittee on Fisheries Conservation, Wildlife and Oceans held in June of this year, significant support for the volunteer program was very evident. A number of suggestions were made to improve the existing 1998 landmark law, and at the subcommittee markup these suggestions were incorporated into the bill. Included in these changes is the authority of the Secretary of the Interior to enter into cooperative agreements outside the Federal Grant and Cooperative Agreements Act of 1977 with academic institutions, State and local agencies, and partner organizations, like the “Friends” groups that exist at many refuges. The Cooperative Agreement Act has been a hindrance to the Secretary in entering into these agreements. H.R. 2408 would clarify that Congress intended to give the Secretary the same flexibility that the Secretary has to enter into these agreements under the North American Wetlands Conservation Act.

I urge all Members to support the Refuge Volunteer Program by voting yes on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, as noted by the previous speaker, H.R. 2408 is noncontroversial legislation that would reauthorize the existing authority that promotes volunteer programs and community partnerships across our National Wildlife Refuge System.

Volunteers provide truly indispensable hours of service to augment the yeoman labor of our Federal resource managers, rangers, and biologists stretched thin by the day-to-day demands of managing 98 million acres of fish and wildlife habitat. Congress should do all that it can to encourage the expansion of volunteer opportunities at our National Wildlife Refuges.

I commend the act's author and the bill's sponsor, my good friend, the gentleman from New Jersey (Mr. SAXTON), for his continued steadfast leadership in promoting our refuges as places for both people to enjoy and wildlife to have a proper habitat.

I also congratulate the chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, the gentleman from Maryland (Mr. GILCHREST), and the ranking Democratic member of that subcommittee, the gentleman from New Jersey (Mr. PALLONE), for developing mutually acceptable language to clarify the authority for the Fish and Wildlife Serv-

ice to enter into cooperative agreements in support of volunteer activities.

This clarification should not only help spur the creation of new partnerships, but also enhance private sources of support for our refuges.

This is good legislation, Mr. Speaker, and I urge all Members to support the bill.

Mr. KIND. Mr. Speaker, I rise in enthusiastic support of H.R. 2408, “The National Wildlife Refuge Volunteer Act.”

Since the first refuge was established in my home state in 1912, the Wisconsin refuge system has become an integral part of life for our citizens. Our five wildlife refuges and two wetlands management districts attract nearly 2 million visitors each year. They provide critical habitat for our state's world-renowned wildlife resources, as well as opportunities for recreation and groundbreaking research.

Thankfully, the U.S. Fish and Wildlife Service has help in meeting President Teddy Roosevelt's commitment of protecting our country's diverse wildlife heritage for future generations. Volunteers like my constituent John Wetzel, and the “Friends of the Upper Mississippi River Refuges,” work constantly to improve our local refuges and serve as advocates at the national level.

John Wetzel is only one of over 45,000 individuals across the country who provide support for our refuge system. These “Friends of the Refuge” do whatever is needed—whether it is raising funds, guiding tours, battling invasive species or restoring wetlands. As noted anthropologist, Margaret Mead, once said, “Never doubt that a small thoughtful group of concerned citizens can change the world. Indeed, it is the only thing that ever has.”

I am proud to support the National Fish and Wildlife Service in its vital mission, and I'm pleased this legislation will provide these dedicated activists the tools and information necessary to help them in their efforts on behalf of us all.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2408, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SAXTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COWLITZ INDIAN TRIBE DISTRIBUTION OF JUDGMENT FUNDS ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2489) to provide for the distribution of judgment funds to the Cowlitz Indian Tribe, as amended.

The Clerk read as follows:

H.R. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COWLITZ INDIAN TRIBE DISTRIBUTION OF JUDGMENT FUNDS ACT.

This Act shall be known as the "Cowlitz Indian Tribe Distribution of Judgment Funds Act".

SEC. 2. DEFINITIONS.

For the purpose of this Act—

(1) The term "current judgment fund" means the funds awarded by the Indian Claims Commission Docket No. 218 and all interest accrued thereon as of the date of the enactment of this Act.

(2) The term "initial interest" means the interest on the funds awarded by the Indian Claims Commission Docket No. 218 during the time period from one year before the date of the enactment of this Act through the date of the enactment of this Act.

(3) The term "principal" means the funds awarded by the Indian Claims Commission Docket No. 218 and all interest accrued thereon as of one year before the date of the enactment of this Act.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "tribe" means the Cowlitz Indian Tribe of Washington, which was extended Federal acknowledgment by the United States Department of the Interior on December 31, 2001, pursuant to part 83 of title 25, Code of Federal Regulations.

(6) The term "tribal member" means an individual who is an enrolled member of the Cowlitz Indian Tribe pursuant to tribal enrollment procedures and requirements.

(7) The term "tribe's governing body" means the Cowlitz Tribal Council, which is the tribe's governing body under the tribe's Constitution.

(8) The term "tribal elder" means any tribal member who was 62 years of age or older as of February 14, 2000.

SEC. 3. JUDGMENT DISTRIBUTION PLAN.

Notwithstanding the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401, et seq.), or any plan prepared or promulgated by the Secretary pursuant to that Act, the judgment funds awarded in Indian Claims Commission Docket No. 218 and interest accrued thereon as of the date of the enactment of this Act shall be distributed and used in accordance with this Act.

SEC. 4. DISTRIBUTION AND USE OF FUNDS.

(a) **PRINCIPAL PRESERVED AFTER ELDERLY ASSISTANCE AND TRIBAL ADMINISTRATION PAYMENTS.**—(1) Except as provided in subsection (b), the principal shall not be distributed under this Act. Only the interest earned on the undistributed principal may be used to fund such programs. There will be no distribution of any funds other than as specified in this Act.

(2) The Secretary shall—

(A) maintain undistributed current judgment funds in an interest-bearing account in trust for the tribe; and

(B) disburse principal or interest in accordance with this Act not later than 30 days after receipt by the Northwest Regional Director, Bureau of Indian Affairs, of a request by the tribe's governing body for such disbursement of funds.

(b) **ELDERLY ASSISTANCE PROGRAM.**—(1) From the current judgment fund, the Secretary shall set aside 20 percent for an elderly assistance payment. The Secretary shall provide one elderly assistance payment to each enrolled tribal elder not later than 30 days after all of the following have occurred:

(A) The tribe's governing body has compiled and reviewed for accuracy a list of all enrolled

tribal members that are both a minimum of one-sixteenth Cowlitz blood and 62 years of age or older as of February 14, 2000.

(B) The Secretary has verified the blood quantum and age of the tribal members identified on the list prepared pursuant to subparagraph (A).

(C) The tribe's governing body has made a request for disbursement of judgment funds for the elderly assistance payment.

(2) If a tribal elder eligible for an elderly assistance payment dies before receiving payment under this subsection, the money which would have been paid to that individual shall be added to and distributed in accordance with the emergency assistance program under subsection (c).

(3) The Secretary shall pay all costs of distribution under this subsection out of the amount set aside under paragraph (1).

(c) **EMERGENCY ASSISTANCE PROGRAM.**—From the principal, the Secretary shall set aside 10 percent for the Emergency Assistance Program. Beginning the second year after the date of the enactment of this Act, interest earned on such sum shall be distributed annually in a lump sum to the tribe's governing body and will be used to provide emergency assistance for tribal members. 10 percent of the initial interest shall be available upon the date of the enactment of this Act to fund the program for the first year after the date of the enactment of this Act.

(d) **EDUCATION, VOCATIONAL, AND CULTURAL TRAINING PROGRAM.**—From the principal, the Secretary shall set aside 10 percent for an Education, Vocational and Cultural Training Program. Beginning the second year after the date of the enactment of this Act, interest earned on such sum shall be distributed annually in a lump sum to the tribe's governing body and will be used to provide scholarships to tribal members pursuing educational advancement, including cultural and vocational training. 10 percent of the initial interest shall be available upon the date of the enactment of this Act to fund the program for the first year after the date of the enactment of this Act.

(e) **HOUSING ASSISTANCE PROGRAM.**—From the principal, the Secretary shall set aside 5 percent for the Housing Assistance Program. Beginning the second year after the date of the enactment of this Act, interest earned on such sum shall be disbursed annually in a lump sum to the tribe's governing body and may be added to any existing tribal housing improvements programs to supplement them or it may be used in a separate Housing Assistance Program to be established by the tribe's governing body. 5 percent of the initial interest shall be available upon the date of the enactment of this Act to fund the program for the first year after the date of the enactment of this Act.

(f) **ECONOMIC DEVELOPMENT, TRIBAL, AND CULTURAL CENTERS.**—From the principal, the Secretary shall set aside 21.5 percent for economic development and, if other funding is not available or not adequate (as determined by the tribe), for the construction and maintenance of tribal and cultural centers. Beginning the second year after the date of the enactment of this Act, interest earned on such sum shall be disbursed annually in a lump sum to the tribe's governing body and shall be used for the following, with 21.5 percent of the initial interest available upon the date of the enactment of this Act to fund the program for the first year after the date of the enactment of this Act:

(1) Property acquisition for business or other activities which are likely to benefit the tribe economically or provide employment for tribal members.

(2) Business development for the tribe, including collateralization of loans for the purchase or operation of businesses, matching funds for economic development grants, joint venture partnerships, and other similar ventures, which are likely to produce profits for the tribe. All business loans shall pay principal and interest back to the Economic Development program for reinvestments and business profits shall go to the

tribe's general fund for uses to be determined by the tribe's governing body.

(3) Design, construction, maintenance, and operation of tribal and cultural centers.

(g) **NATURAL RESOURCES.**—From the principal, the Secretary shall set aside 7.5 percent for natural resources. Beginning the second year after the date of the enactment of this Act, interest earned on such sum shall be disbursed annually in a lump sum to the tribe's governing body and may be added to any existing tribal natural resource program to enhance the tribe's use and enjoyment of existing and renewable natural resources within the tribe's lands. 7.5 percent of the initial interest shall be available upon the date of the enactment of this Act to fund the program for the first year after the date of the enactment of this Act.

(h) **CULTURAL RESOURCES.**—From the principal, the Secretary shall set aside 4 percent for cultural resources. Beginning the second year after the date of the enactment of this Act, interest earned on such sum shall be distributed annually in a lump sum to the tribe's governing body and shall be used to maintain artifacts, collect documents, archive, and identify cultural sites of tribal significance. 4 percent of the initial interest shall be available upon the date of the enactment of this Act to fund the program for the first year after the date of the enactment of this Act.

(i) **HEALTH.**—From the principal, the Secretary shall set aside 21 percent for health. Beginning the second year after the date of the enactment of this Act, interest earned on such sum shall be disbursed annually in a lump sum to the tribe's governing body and shall be used for the health needs of the tribe. 21 percent of the initial interest shall be available upon the date of the enactment of this Act to fund the program for the first year after the date of the enactment of this Act.

(j) **TRIBAL ADMINISTRATION PROGRAM.**—From the principal, the Secretary shall set aside 21 percent for tribal administration. 21 percent of the initial interest and such of the principal sum set aside for this program as required to fund the first year of this program at \$150,000, the sum of \$150,000 shall be immediately disbursed to the tribe for the purposes of funding tribal administration for the first year after the date of the enactment of this Act. Beginning the second year after the date of the enactment of this Act, interest earned on the remaining principal set aside under this subsection shall be disbursed annually in a lump sum to the tribe's governing body for operating costs of the tribe's governing body, including travel, telephone, cultural, and other expenses incurred in the conduct of the tribe's affairs, and legal fees as approved by the tribe's governing body.

(k) **GENERAL CONDITIONS.**—The following conditions will apply to the management and use of all funds available under this Act by the tribe's governing body:

(1) No amount greater than 10 percent of the interest earned on the principal designated for any program under this Act may be used for the administrative costs of any of that program, except those programs operated pursuant to subsections (i) and (j).

(2) No service area is implied or imposed under any program under this Act. If the costs of administering any program under this Act for the benefit of tribal members living outside the tribe's Indian Health Service area are greater than 10 percent of the interest earned on the principal designated for that program, the tribe's governing body may authorize the expenditure of such funds for that program.

(3) Before any expenditures, the tribe's governing body must approve all programs and shall publish in a publication of general circulation regulations which provide standards and priorities for programs established in this Act.

(4) Section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407) shall apply to funds available under this Act.

(5) Any tribal member who feels he or she has been unfairly denied the right to take part in any program under this Act may appeal to the tribal secretary. The tribal secretary shall bring the appeal to the tribe's governing body for resolution. The resolution shall be made in a timely manner and the tribal secretary at that time shall respond to the tribal member.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2489.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our colleague, the gentleman from the State of Washington (Mr. BAIRD), has introduced legislation to assist a tribe in his district that will finally receive funds they are owed by the Federal Government.

His legislation, H.R. 2489, will provide for the distribution of judgment funds awarded to the Cowlitz Indian Tribe. The Cowlitz Indian Tribe has lands in western Washington and the over 1,000 enrolled members are commonly divided into two groups, the Upper Cowlitz and the Lower Cowlitz.

In 1973, the Indian Claims Commission ruled in favor of the tribe, stating that their aboriginal title of the lands had been taken from them and they deserved compensation for the loss of those lands. H.R. 2489 provides for the distribution of the Commission's judgment.

The legislation is also particularly crafted so that the tribe will use the judgment funds in a manner that follows the Indian Tribal Judgment Funds Use or Distribution Act. Uses of the moneys will include programs administered by the Cowlitz Indian Tribe, bringing assistance to tribal elders and educating younger tribal members in the areas of culture and cultural significance.

Specifically, H.R. 2489 distributes moneys from the judgment fund into areas that plague many tribes and are of concern to the Cowlitz tribe as well. To address these issues, the tribe will be using the funding wisely; for example, they will disburse sums annually for tribal housing improvements and for other purposes.

Recognizing tribal health care needs, the Cowlitz Indian Tribe plans to set aside over 20 percent of the principal funding for various health care needs. This will allow the Tribe's Fir Complex in Longview, Washington, to provide more comprehensive health care to the tribal members.

Again, it is important to emphasize that the Cowlitz Indian Tribe will finally be able to use the moneys they are owed in a manner which best fits their needs and continues their sovereignty as well as their positive working relationship with the Federal Government.

The House can now move this legislation forward and help to strengthen the close relationship the Federal Government has with this tribe. Having been federally recognized in 2000, they can use this funding to more easily help their tribe to grow and become increasingly self-sufficient, while retaining their culture.

This legislation represents another step toward tribal government advancement through the many hours of work put in by the Bureau of Indian Affairs, the Indian Claims Commission and, of course, the Cowlitz Indian Tribe itself. The amendment in the nature of a substitute was supported at the committee level, and I appreciate the bipartisan work of the committee in acting quickly on this legislation.

Finally, I would also like to point out that H.R. 2489, as amended, was passed by the Committee on Resources by a voice vote on October 29, 2003. I hope we can now act in the same bipartisan fashion. I urge adoption of the bill.

Let me commend the gentleman from Washington (Mr. BAIRD) for his fine work in bringing this bill forward to us.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, I am pleased to rise in support of H.R. 2489, legislation that authorizes the distribution plan for the Cowlitz Indian Tribe's judgment funds.

The Cowlitz's compensation will be used to address a variety of tribal priorities, which include a housing assistance program, cultural centers, an elderly assistance program, and both educational and vocational training.

Held in trust by the Bureau of Indian Affairs since 1973, this award furthers the tribe's goal of self-determination, economic development, cultural preservation, and protection of natural resources.

Mr. Speaker, I congratulate the bill's sponsor, the gentleman from Washington (Mr. BAIRD) for his diligence and hard work. I also want to recognize the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL) for their efforts in bringing this legislation to the floor. This legislation is noncontroversial, and I urge all of my colleagues to support H.R. 2489.

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Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank my good friends and distinguished colleagues. I would like to begin by acknowledging the gentleman from West Virginia (Mr. RAHALL) for his good work, as well as my friend and colleague, the gentleman from Michigan (Mr. KILDEE) for their support of this. The gentleman from California (Mr. POMBO) was also extremely supportive, and I appreciate the gentleman from New Jersey's (Mr. SAXTON) work and kind remarks in this regard.

In addition, I would like to acknowledge Marie Howard of the Committee on Resources and the staff of the BIA for their diligent work on this project.

This legislation, as has been mentioned, distributes moneys which were awarded to the tribe in 1973 by the Indian Claims Commission. The ICC awarded the tribe \$1.5 million for ancestral lands forcibly confiscated by the Federal Government.

The tribe initially refused the funds as insufficient, and the \$1.5 million award was sent to BIA to remain in an interest-bearing account until the tribe requested its release. In a wonderful example of the power of compound interest, one which would no doubt make Ben Franklin proud, the original \$1.5 million is now worth \$13 million.

In January of 2002, the tribe was formally recognized, but it has scarce funding with which to manage tribal programs. Accordingly, the tribe unanimously determined to seek the release of its ICC award, to fund tribal programs to care for the elderly, expand health care services, provide housing assistance, cover educational expenses and create economic development opportunities.

The legislation before us today requires the vast majority of the ICC fund to remain permanently in an account collecting interest, and only allows the interest collected from the award, from this date forward, to fund tribal programs. This ensures these funds will be available for future generations of Cowlitz people.

The tribe is free to spend the interest accrued on this award as they wish, consistent with the legislation. However, to the extent to which tribal programs will impact local communities, I strongly encourage the tribe to work with local officials. The ICC allocated this money to the Cowlitz, and they will ultimately decide how to spend it; but those decisions will inevitably impact nontribal members as well. As a consequence, I strongly encourage the tribe to work with local officials and community members to ensure that this money is used to the greatest extent possible to the benefit of all concerned.

Finally, I would say that in seeking this money for the Cowlitz, my goal is to ensure they receive the funds to which they have been entitled. However, the passage of this legislation is

not intended in any way to influence BIA's evaluation of the tribe's pending land trust decision.

Again, I thank the chairman and ranking member. I thank my colleagues.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 2489, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SAXTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ORGAN DONATION AND RECOVERY IMPROVEMENT ACT

Mr. ROGERS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3926) to amend the Public Health Service Act to promote organ donation, and for other purposes.

The Clerk read as follows:

H.R. 3926

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 and Recovery Improvement Act".

SEC. 2. SENSE OF CONGRESS.

(a) PUBLIC AWARENESS OF NEED FOR ORGAN DONATION.—It is the sense of 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.—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.—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. REIMBURSEMENT 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:

"SEC. 377. REIMBURSEMENT OF TRAVEL AND SUBSISTENCE EXPENSES INCURRED TOWARD LIVING ORGAN DONATION.

"(a) IN GENERAL.—The Secretary may award grants 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 reimbursement 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) providing for the reimbursement of such incidental nonmedical expenses that are so incurred as the Secretary determines by regulation to be appropriate.

"(b) PREFERENCE.—The Secretary shall, in carrying out subsection (a), give preference to those individuals that the Secretary determines are more likely to be otherwise unable to meet such expenses.

"(c) CERTAIN CIRCUMSTANCES.—The Secretary may, in carrying out subsection (a), consider—

"(1) 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; and

"(2) the term 'qualifying expenses' as including the expenses of having relatives or other individuals, not to exceed 2, accompany or assist the donating individual for purposes of subsection (a) (subject to making payment for only those types of expenses that are paid for a donating individual).

"(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;

"(2) by an entity that provides health services on a prepaid basis; or

"(3) by the recipient of the organ.

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

"(1) The term 'donating individuals' has the meaning indicated for such term in subsection (a)(1), subject to subsection (c)(1).

"(2) The term 'qualifying expenses' means the expenses authorized for purposes of subsection (a), subject to subsection (c)(2).

"(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 2005 through 2009."

SEC. 4. PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS.

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

"SEC. 377A. PUBLIC AWARENESS; STUDIES AND DEMONSTRATIONS.

"(a) ORGAN DONATION PUBLIC AWARENESS PROGRAM.—The Secretary shall, directly or through grants or contracts, establish a public education program in cooperation with existing national public awareness campaigns to increase awareness about organ donation and the need to provide for an adequate rate of such donations.

"(b) STUDIES AND DEMONSTRATIONS.—The Secretary may make peer-reviewed grants to, or enter into peer-reviewed contracts with, public and nonprofit private entities for the purpose of carrying out studies and demonstration projects to increase organ donation and recovery rates, including living donation.

"(c) GRANTS TO STATES.—

"(1) IN GENERAL.—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.

"(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State shall—

"(A) submit an application to the Department in the form prescribed;

"(B) establish yearly benchmarks for improvement in organ donation rates in the State; and

"(C) report to the Secretary on an annual basis a description and assessment of the State's use of funds received under this subsection, accompanied by an assessment of initiatives for potential replication in other States.

"(3) USE OF FUNDS.—Funds received under this subsection 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) EDUCATIONAL ACTIVITIES.—The Secretary, in coordination with the Organ Procurement and Transplantation Network and other appropriate organizations, shall support the development and dissemination of educational materials to inform health care professionals and other appropriate professionals in issues surrounding organ, tissue, and eye donation including evidence-based proven methods to approach patients and their families, cultural sensitivities, and other relevant issues.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$15,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009. Such authorization of appropriations is in addition to any other authorizations of appropriations that are available for such purpose.

"SEC. 377B. GRANTS REGARDING HOSPITAL ORGAN DONATION COORDINATORS.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary may award grants to qualified organ procurement organizations and hospitals under section 371 to establish programs coordinating organ donation activities of eligible hospitals and qualified organ procurement organizations under section 371. Such activities shall be coordinated to increase the rate of organ donations for such hospitals.

"(2) ELIGIBLE HOSPITAL.—For purposes of this section, the term 'eligible hospital' means a hospital that performs significant trauma care, or a hospital or consortium of hospitals that serves a population base of not fewer than 200,000 individuals.

"(b) ADMINISTRATION OF COORDINATION PROGRAM.—A condition for the receipt of a grant under subsection (a) is that the applicant involved agree that the program under such subsection will be carried out jointly—

"(1) by representatives from the eligible hospital and the qualified organ procurement organization with respect to which the grant is made; and

"(2) by such other entities as the representatives referred to in paragraph (1) may designate.

"(c) REQUIREMENTS.—Each entity receiving a grant under subsection (a) shall—

"(1) establish joint organ procurement organization and hospital designated leadership responsibility and accountability for the project;

"(2) develop mutually agreed upon overall project performance goals and outcome measures, including interim outcome targets; and