

for fiscal year 2005, and such sums as may be necessary for each of fiscal years 2006 through 2009.

(July 1, 1944, ch. 373, title III, §377C, as added Pub. L. 108-216, §5, Apr. 5, 2004, 118 Stat. 587.)

**§ 274f-4. Report relating to organ donation and the recovery, preservation, and transportation of organs**

**(a) In general**

Not later than December 31, 2005, and every 2 years thereafter, the Secretary shall report to the appropriate committees of Congress on the activities of the Department carried out pursuant to this part, including an evaluation describing the extent to which the activities have affected the rate of organ donation and recovery.

**(b) Requirements**

To the extent practicable, each report submitted under subsection (a) shall—

- (1) evaluate the effectiveness of activities, identify effective activities, and disseminate such findings with respect to organ donation and recovery;
- (2) assess organ donation and recovery activities that are recently completed, ongoing, or planned; and
- (3) evaluate progress on the implementation of the plan required under subsection (c)(5).

**(c) Initial report requirements**

The initial report under subsection (a) shall include the following:

- (1) An evaluation of the organ donation practices of organ procurement organizations, States, other countries, and other appropriate organizations including an examination across all populations, including those with low organ donation rates, of—

- (A) existing barriers to organ donation; and
- (B) the most effective donation and recovery practices.

- (2) An evaluation of living donation practices and procedures. Such evaluation shall include an assessment of issues relating to informed consent and the health risks associated with living donation (including possible reduction of long-term effects).

- (3) An evaluation of—

- (A) federally supported or conducted organ donation efforts and policies, as well as federally supported or conducted basic, clinical, and health services research (including research on preservation techniques and organ rejection and compatibility); and

- (B) the coordination of such efforts across relevant agencies within the Department and throughout the Federal Government.

- (4) An evaluation of the costs and benefits of State donor registries, including the status of existing State donor registries, the effect of State donor registries on organ donation rates, issues relating to consent, and recommendations regarding improving the effectiveness of State donor registries in increasing overall organ donation rates.

- (5) A plan to improve federally supported or conducted organ donation and recovery activi-

ties, including, when appropriate, the establishment of baselines and benchmarks to measure overall outcomes of these programs. Such plan shall provide for the ongoing coordination of federally supported or conducted organ donation and research activities.

(July 1, 1944, ch. 373, title III, §377D, as added Pub. L. 108-216, §6, Apr. 5, 2004, 118 Stat. 588.)

**§ 274f-5. Criteria, standards, and regulations with respect to organs infected with HIV**

**(a) In general**

Not later than 2 years after November 21, 2013, the Secretary shall develop and publish criteria for the conduct of research relating to transplantation of organs from donors infected with human immunodeficiency virus (in this section referred to as “HIV”) into individuals who are infected with HIV before receiving such organ.

**(b) Corresponding changes to standards and regulations applicable to research**

Not later than 2 years after November 21, 2013, to the extent determined by the Secretary to be necessary to allow the conduct of research in accordance with the criteria developed under subsection (a)—

- (1) the Organ Procurement and Transplantation Network shall revise the standards of quality adopted under section 274(b)(2)(E) of this title; and

- (2) the Secretary shall revise section 121.6 of title 42, Code of Federal Regulations (or any successor regulations).

**(c) Revision of standards and regulations generally**

Not later than 4 years after November 21, 2013, and annually thereafter, the Secretary,<sup>1</sup> shall—

- (1) review the results of scientific research in conjunction with the Organ Procurement and Transplantation Network to determine whether the results warrant revision of the standards of quality adopted under section 274(b)(2)(E) of this title with respect to donated organs infected with HIV and with respect to the safety of transplanting an organ with a particular strain of HIV into a recipient with a different strain of HIV;

- (2) if the Secretary determines under paragraph (1) that such results warrant revision of the standards of quality adopted under section 274(b)(2)(E) of this title with respect to donated organs infected with HIV and with respect to transplanting an organ with a particular strain of HIV into a recipient with a different strain of HIV, direct the Organ Procurement and Transplantation Network to revise such standards, consistent with section 274 of this title and in a way that ensures the changes will not reduce the safety of organ transplantation; and

- (3) in conjunction with any revision of such standards under paragraph (2), revise section 121.6 of title 42, Code of Federal Regulations (or any successor regulations).

(July 1, 1944, ch. 373, title III, §377E, as added Pub. L. 113-51, §2(b), Nov. 21, 2013, 127 Stat. 580.)

<sup>1</sup> So in original. The comma probably should not appear.

**§ 274g. Authorization of appropriations**

For the purpose of carrying out this part, there are authorized to be appropriated \$8,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993.

(July 1, 1944, ch. 373, title III, § 378, as added Pub. L. 101-616, title II, § 206(a), Nov. 16, 1990, 104 Stat. 3285; amended Pub. L. 105-196, § 4(1), July 16, 1998, 112 Stat. 636.)

**Editorial Notes****AMENDMENTS**

1998—Pub. L. 105-196 made technical amendment relating to placement of section within part H of this subchapter.

**PART H-1—Stephanie Tubbs Jones Gift of Life Medal****Editorial Notes****CODIFICATION**

Part was enacted as part of the Stephanie Tubbs Jones Gift of Life Medal Act of 2008, and not as part of the Public Health Service Act which comprises this chapter.

**§ 274i. Eligibility requirements for Stephanie Tubbs Jones Gift of Life Medal****(a) In general**

Subject to the provisions of this section and the availability of funds under this part, any organ donor, or the family of any organ donor, shall be eligible for a Stephanie Tubbs Jones Gift of Life Medal (hereafter in this part referred to as a “medal”).

**(b) Documentation**

The Secretary of Health and Human Services shall direct the entity operating the Organ Procurement and Transplantation Network to—

(1) establish an application procedure requiring the relevant organ procurement organization through which an individual or family of the individual made an organ donation, to submit to such entity documentation supporting the eligibility of the individual or the family, respectively, to receive a medal;

(2) determine through the documentation provided and, if necessary, independent investigation whether the individual or family, respectively, is eligible to receive such a medal; and

(3) arrange for the presentation to the relevant organ procurement organization all medals struck pursuant to section 274i-2 of this title to individuals or families that are determined to be eligible to receive medals.

**(c) Limitation****(1) In general**

Except as provided in paragraph (2), only 1 medal may be presented to a family under subsection (b). Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

**(2) Exception**

In the case of a family in which more than 1 member is an organ donor, a medal may be presented for each such organ donor.

(Pub. L. 110-413, § 2, Oct. 14, 2008, 122 Stat. 4338.)

**§ 274i-1. Solicitation of donations; prohibition on use of Federal funds****(a) In general**

The Organ Procurement and Transplantation Network may collect funds to offset expenditures relating to the issuance of medals authorized under this part.

**(b) Payment of funds****(1) In general**

Except as provided in paragraph (2), all funds received by the Organ Procurement and Transplantation Network under subsection (a) shall be promptly paid by the Organ Procurement and Transplantation Network to the Secretary of Health and Human Services for purposes of purchasing medals under this part for distribution and paying the administrative costs of the Secretary of Health and Human Services and the Secretary of the Treasury in carrying out this part.

**(2) Limitation**

Not more than 7 percent of any funds received under subsection (a) may be used to pay administrative costs, and fundraising costs to solicit funds under subsection (a), incurred by the Organ Procurement and Transplantation Network in carrying out this part.

**(c) Prohibition on use of Federal funds**

No Federal funds (including amounts appropriated for use by the Organ Procurement and Transplantation Network) may be used for purposes of carrying out this part, including purchasing medals under this part or paying the administrative costs of the Secretary of Health and Human Services or the Secretary of the Treasury in carrying out this part.

(Pub. L. 110-413, § 3, Oct. 14, 2008, 122 Stat. 4339.)

**§ 274i-2. Design and production of medal****(a) In general**

Subject to the provisions of this section, the Secretary of the Treasury shall design and strike the Stephanie Tubbs Jones Gift of Life Medals, each of which shall—

- (1) weigh 250 grams;
- (2) have a diameter of 3 inches; and
- (3) consist of bronze.

**(b) Design****(1) In general**

The design of the medals shall commemorate the compassion and courage manifested by and the sacrifices made by organ donors and their families, and the medals shall bear suitable emblems, devices, and inscriptions.

**(2) Selection**

The design of medals struck under this section shall be—

- (A) selected by the Secretary of the Treasury, in consultation with the Secretary of