

118TH CONGRESS  
2D SESSION

# H. R. 10282

To amend the Public Health Service Act with respect to the Living Organ Donation Reimbursement Program.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2024

Ms. DELBENE (for herself, Mr. BUCSHON, Ms. SCHRIER, Mrs. MILLER of West Virginia, Mr. NADLER, and Ms. KELLY of Illinois) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

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## A BILL

To amend the Public Health Service Act with respect to the Living Organ Donation Reimbursement Program.

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 “Expanding Support  
5 for Living Donors Act of 2024”.

1 **SEC. 2. NO CONSIDERATION OF INCOME OF ORGAN RECIPI-**  
2 **ENT.**

3 Section 377 of the Public Health Service Act (42  
4 U.S.C. 274f) is amended—

5 (1) by redesignating subsections (c), (d), (e),  
6 and (f) as subsections (d), (e), (i), and (j), respec-  
7 tively;

8 (2) by inserting after subsection (b) the fol-  
9 lowing:

10 “(c) NO CONSIDERATION OF INCOME OF ORGAN RE-  
11 CIPIENT.—The recipient of a grant under this section, in  
12 providing reimbursement to a donating individual through  
13 such grant, shall not give any consideration to the income  
14 of the organ recipient.”; and

15 (3) in subsection (i), as so redesignated—

16 (A) in paragraph (1), by striking “sub-  
17 section (c)(1)” and inserting “subsection  
18 (d)(1)”; and

19 (B) in paragraph (2), by striking “sub-  
20 section (c)(2)” and inserting “subsection  
21 (d)(2)”.

22 **SEC. 3. REMOVAL OF EXPECTATION OF PAYMENTS BY**  
23 **ORGAN RECIPIENTS.**

24 Section 377(e) of the Public Health Service Act (42  
25 U.S.C. 274f(e)), as redesignated by section 2, is amend-  
26 ed—

1           (1) in paragraph (1), by adding “or” at the  
2           end;

3           (2) in paragraph (2), by striking “; or” and in-  
4           serting a period; and

5           (3) by striking paragraph (3).

6 **SEC. 4. ENSURING ELIGIBILITY OF DONATING INDIVIDUALS**

7                           **WHOSE HOUSEHOLD INCOME IS AT OR**

8                           **BELOW 700 PERCENT OF THE POVERTY LINE.**

9           Section 377 of the Public Health Service Act (42  
10 U.S.C. 274f), as amended by section 2, is further amended  
11 by inserting after subsection (e) the following:

12           “(f) **ELIGIBILITY OF DONATING INDIVIDUALS BASED**  
13 **ON HOUSEHOLD INCOME.—**

14                   “(1) **IN GENERAL.—**In providing reimburse-  
15                   ment to donating individuals using funds from grant  
16                   awards under this section, the recipient of the grant  
17                   award shall not limit the eligibility of a donating in-  
18                   dividual for such reimbursement based on the indi-  
19                   vidual’s income if the individual’s household income  
20                   is at or below 700 percent of the poverty line.

21                   “(2) **DEFINITION.—**In this section, the term  
22                   ‘poverty line’ means the applicable poverty line as  
23                   set forth in the most recent poverty guidelines of the  
24                   Department of Health and Human Services pub-

1 lished under the authority of section 673(2) of the  
2 Community Services Block Grant Act.”.

3 **SEC. 5. MAXIMUM AMOUNT OF REIMBURSEMENT.**

4 Section 377 of the Public Health Service Act (42  
5 U.S.C. 274f), as amended by section 4, is further amended  
6 by inserting after subsection (f) the following:

7 “(g) REIMBURSEMENT AMOUNT.—

8 “(1) IN GENERAL.—The amount of reimburse-  
9 ment of qualifying expenses provided by a recipient  
10 of a grant award under this section to each such do-  
11 nating individual shall be the lesser of—

12 “(A) the total amount of the donating indi-  
13 vidual’s qualifying expenses; and

14 “(B) the maximum permissible amount de-  
15 scribed in paragraph (2).

16 “(2) MAXIMUM PERMISSIBLE AMOUNT.—

17 “(A) RULE.—Subject to subparagraph  
18 (B), the maximum permissible amount de-  
19 scribed in this section is—

20 “(i) for fiscal year 2026, \$10,000; and

21 “(ii) for subsequent fiscal years, the  
22 maximum permissible amount allowed  
23 under this subsection for the preceding fis-  
24 cal year adjusted by the total percentage  
25 change (rounded to the nearest hundredth)

1           that occurred in the Consumer Price Index  
2           for all urban consumers (all items; United  
3           States city average) for the preceding fis-  
4           cal year.

5           “(B) EXCEPTION FOR RECIPIENTS BASED  
6           ON INSUFFICIENT FUNDS.—The Secretary may,  
7           with respect to reimbursement provided by a re-  
8           cipient of a grant award under this section to  
9           donating individuals, lower the maximum per-  
10          missible amount under subparagraph (A) for a  
11          fiscal year if the Secretary—

12                 “(i) determines that such recipient  
13                 has insufficient funds to provide the full  
14                 amount that would otherwise apply under  
15                 paragraph (1) to all donating individuals;  
16                 and

17                 “(ii) at least 30 days before making  
18                 such determination effective, provides to  
19                 the Congress written notice of such deter-  
20                 mination, including a justification.

21           “(C) SPECIAL RULES.—If the Secretary,  
22           with respect to reimbursement provided by a re-  
23           cipient of a grant award under this section to  
24           donating individuals, makes a determination  
25           under subparagraph (B) to lower the maximum

1           permissible amount under subparagraph (A) for  
2           a fiscal year—

3                   “(i) such determination shall not af-  
4                   fect the amount of reimbursement for any  
5                   approved donating individual prior to the  
6                   effective date of such determination; and

7                   “(ii) the maximum permissible  
8                   amount under subparagraph (A)(ii) for  
9                   any subsequent year shall be calculated  
10                  without regard to such lowered amount.”.

11 **SEC. 6. ANNUAL REPORT.**

12           Section 377 of the Public Health Service Act (42  
13 U.S.C. 274f), as amended by section 5, is amended by in-  
14 serting after subsection (g) the following:

15           “(h) ANNUAL REPORT.—Not later than the end of  
16 fiscal year 2025 and annually thereafter, the Secretary—

17                   “(1) shall submit to the Congress, and make  
18                   publicly available, a report on the impacts, ongoing  
19                   activities, challenges, and future needs of the pro-  
20                   gram under this section;

21                   “(2) shall include in each such report, for the  
22                   year covered by the report—

23                           “(A) an overview of the program under  
24                           this section;

1           “(B) current and trended historical infor-  
2 mation about the program under this section,  
3 including—

4                   “(i) the total number of donating indi-  
5 viduals applying for reimbursement;

6                   “(ii) the average and median reim-  
7 bursment amount provided to donating in-  
8 dividuals;

9                   “(iii) demographic information regard-  
10 ing—

11                           “(I) donating individuals apply-  
12 ing for reimbursement; and

13                           “(II) donating individuals ap-  
14 proved for reimbursement;

15                   “(iv) the types of expenses for which  
16 reimbursement was requested (including  
17 requests for reimbursement of non-quali-  
18 fying expenses);

19                   “(v) the amount of funding provided  
20 to donating individuals with respect to  
21 each such type of expenses;

22                   “(vi) the amount of funding provided  
23 to donating individuals with respect to  
24 each organ category;

1           “(vii) the total amount expended to  
2 carry out this section, disaggregated by—

3                   “(I) the amount expended by the  
4 Secretary and the recipients of grants  
5 under this section on administrative  
6 expenses; and

7                   “(II) the amount provided to do-  
8 nating individuals as reimbursement;

9           “(C) the impacts of the program under  
10 this section, including—

11                   “(i) the number of completed dona-  
12 tions for which reimbursement was pro-  
13 vided;

14                   “(ii) the proportion of living donor  
15 transplants in the United States in which  
16 the donor received reimbursement through  
17 the program under this section;

18                   “(iii) an estimate of the savings to the  
19 Medicare program under title XVIII of the  
20 Social Security Act resulting from the pro-  
21 gram under this section, both—

22                   “(I) for the year covered by the  
23 report; and

24                   “(II) cumulatively since the pro-  
25 gram’s creation;



1           “(D) the types of donations made by do-  
2 nating individuals receiving reimbursement,  
3 disaggregated according to—

4                   “(i) the type of organ donated; and

5                   “(ii) whether the donations were di-  
6 rected, non-directed, or a paired exchange;

7           “(E) a description of any efforts to expand  
8 or improve the program under this section;

9           “(F) a description of the efforts of the  
10 Secretary and recipients of grants under this  
11 section to increase awareness of the program  
12 under this section;

13           “(G) a description of challenges experi-  
14 enced by the program under this section, in-  
15 cluding—

16                   “(i) the number and percentage of do-  
17 nating individuals applying for reimburse-  
18 ment whose qualifying expenses ap-  
19 proached or exceeded the maximum  
20 amount allowed under subsection (g); and

21                   “(ii) an estimate of the total funding  
22 needed to fully reimburse, without regard  
23 to the maximum amount allowed under  
24 subsection (g) or donor income eligibility

1 caps, all donating individuals in the United  
2 States for all qualifying expenses; and

3 “(H) areas of concern regarding, and iden-  
4 tified barriers to, the elimination of financial  
5 disincentives to living organ donation; and

6 “(3) in addition to the matters listed in para-  
7 graph (2), may include other such other matters as  
8 may be specified by the Secretary.”.

9 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

10 Subsection (j) of section 377 of the Public Health  
11 Service Act (42 U.S.C. 274f), as redesignated by section  
12 2, is amended by striking “is authorized to be appro-  
13 priated \$5,000,000 for each of the fiscal years 2005  
14 through 2009” and inserting “are authorized to be appro-  
15 priated such sums as may be necessary for fiscal years  
16 2026 through 2035”.

17 **SEC. 8. GAO STUDY.**

18 Not later than 1 year after the date of enactment  
19 of this Act, the Comptroller General of the United States  
20 shall—

21 (1) conduct a study on how the Medicare pro-  
22 gram under title XVIII of the Social Security Act  
23 (42 U.S.C. 1395 et seq.) could, under existing statu-  
24 tory authorities, pay costs that would otherwise be  
25 paid through the Living Organ Donation Reimburse-

1        ment Program under section 377 of the Public  
2        Health Service Act (42 U.S.C. 274f); and

3                (2) submit to the Congress a report on the re-  
4        sults of such study, including recommendations for  
5        any changes needed to achieve such purpose.

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