

118TH CONGRESS  
2D SESSION

# S. 5437

To authorize the Secretary of Health and Human Services to collect registration fees from members of the Organ Procurement and Transplantation Network.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2024

Mr. GRASSLEY (for himself and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To authorize the Secretary of Health and Human Services to collect registration fees from members of the Organ Procurement and Transplantation Network.

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 “OPTN Fee Collection  
5 Authority Act”.

6 **SEC. 2. ORGAN PROCUREMENT AND TRANSPLANTATION**  
7 **NETWORK REGISTRATION FEES.**

8 Section 372 of the Public Health Service Act (42  
9 U.S.C. 274) is amended—

1 (1) in subsection (b)(2)—

2 (A) by moving the margins of subpara-  
3 graphs (M) through (O) 2 ems to the left;

4 (B) in subparagraph (A)—

5 (i) in clause (i), by striking “, and”  
6 and inserting “; and”; and

7 (ii) in clause (ii), by striking the  
8 comma at the end and inserting a semi-  
9 colon;

10 (C) in subparagraph (C), by striking  
11 “twenty-four-hour telephone service” and in-  
12 serting “24-hour telephone or information tech-  
13 nology service”;

14 (D) in each of subparagraphs (B) through  
15 (M), by striking the comma at the end and in-  
16 serting a semicolon;

17 (E) in subparagraph (N), by striking  
18 “transportation, and” and inserting “transporta-  
19 tion;”;

20 (F) in subparagraph (O), by striking the  
21 period and inserting a semicolon; and

22 (G) by adding at the end the following:

23 “(P) encourage the integration of elec-  
24 tronic health records systems through applica-  
25 tion programming interfaces (or successor tech-

1 nologies) among hospitals, organ procurement  
2 organizations, and transplant centers, including  
3 the use of automated electronic hospital refer-  
4 rals and the grant of remote, electronic access  
5 to hospital electronic health records of potential  
6 donors by organ procurement organizations;

7 “(Q) consider establishing a dashboard to  
8 display the number of transplants performed,  
9 the types of transplants performed, the number  
10 and types of organs that entered the Organ  
11 Procurement and Transplantation Network sys-  
12 tem and failed to be transplanted, and other  
13 appropriate statistics, which should be updated  
14 more frequently than annually; and

15 “(R) ensure compliance with the HIPAA  
16 privacy regulations (as defined in section  
17 1180(b)(3) of the Social Security Act), as appli-  
18 cable, subject to regular audits by the Office for  
19 Civil Rights of the Department of Health and  
20 Human Services.”; and

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

22 “(d) REGISTRATION FEES.—

23 “(1) IN GENERAL.—The Secretary may collect  
24 registration fees from any member of the Organ  
25 Procurement and Transplantation Network for each

1 transplant candidate such member places on the list  
2 described in subsection (b)(2)(A)(i). Such registra-  
3 tion fees shall be collected and distributed only to  
4 support the operation of the Organ Procurement  
5 and Transplantation Network. Such registration fees  
6 are authorized to remain available until expended.

7 “(2) COLLECTION.—The Secretary may collect  
8 the registration fees under paragraph (1) directly or  
9 through awards made under subsection (b)(1)(A).

10 “(3) DISTRIBUTION.—Any amounts collected  
11 under this subsection shall—

12 “(A) be credited to the currently applicable  
13 appropriation, account, or fund of the Depart-  
14 ment of Health and Human Services as discre-  
15 tionary offsetting collections; and

16 “(B) be available, only to the extent and in  
17 the amounts provided in advance in appropria-  
18 tions Acts, to distribute such fees among the  
19 awardees described in subsection (b)(1)(A).

20 “(4) TRANSPARENCY.—The Secretary shall—

21 “(A) promptly post on the website of the  
22 Organ Procurement and Transplantation Net-  
23 work—

24 “(i) the amount of registration fees  
25 collected under this subsection from each

1 member of the Organ Procurement and  
2 Transplantation Network; and

3 “(ii) a list of activities such fees are  
4 used to support; and

5 “(B) update the information posted pursu-  
6 ant to subparagraph (A), as applicable for each  
7 calendar quarter for which fees are collected  
8 under paragraph (1).

9 “(5) GAO REVIEW.—Not later than 2 years  
10 after the date of enactment of this subsection, the  
11 Comptroller General of the United States shall, to  
12 the extent data are available—

13 “(A) conduct a review concerning the ac-  
14 tivities under this subsection; and

15 “(B) submit to the Committee on Health,  
16 Education, Labor, and Pensions and the Com-  
17 mittee on Finance of the Senate and the Com-  
18 mittee on Energy and Commerce of the House  
19 of Representatives, a report on such review, in-  
20 cluding related recommendations, as applicable.

21 “(6) SUNSET.—The authority to collect reg-  
22 istration fees under paragraph (1) shall expire on  
23 the date that is 5 years after the date of enactment  
24 of the OPTN Fee Collection Authority Act.”.

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