

112TH CONGRESS
1ST SESSION

H. R. 3514

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

NOVEMBER 29, 2011

Mr. CLAY (for himself, Mr. GRIJALVA, and Ms. BORDALLO) 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 2011”.

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.—There
9 is authorized to be appropriated to carry out this section
10 \$5,000,000 for each of fiscal years 2012 through 2016.”.

11 **SEC. 3. GRANTS FOR STATE ORGAN AND TISSUE DONOR**
12 **REGISTRIES.**

13 Part H of title III of the Public Health Service Act
14 (42 U.S.C. 273 et seq.) is amended by inserting after sec-
15 tion 371B, as inserted by section 2, the following:

16 **“SEC. 371C. GRANTS FOR STATE ORGAN AND TISSUE**
17 **DONOR REGISTRIES.**

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

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

24 “(c) USE OF FUNDS.—As a condition on the receipt
25 of a grant or cooperative agreement under this section,

1 an eligible entity shall agree to use the grant or coopera-
2 tive agreement—

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

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

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

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

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

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

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

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

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

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

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

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out this section
5 \$10,000,000 for each of fiscal years 2012 through 2016.”.

6 **SEC. 4. LIMITATION ON LIABILITY.**

7 Part H of title III of the Public Health Service Act
8 (42 U.S.C. 273 et seq.) is amended by inserting after sec-
9 tion 371C, as inserted by section 3, the following:

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

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

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

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

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

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

1 (1) by striking “The Secretary may establish”
2 and inserting “(a) IN GENERAL.—The Secretary
3 may establish”; and

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

5 “(b) STUDY.—Not later than 1 year after the date
6 of the enactment of the Everson Walls and Ron Springs
7 Gift for Life Act of 2011, the Comptroller General of the
8 United States shall—

9 “(1) complete a study to determine the feasi-
10 bility of establishing a living donor database for the
11 purpose of tracking the short- and long-term health
12 effects for such donors associated with living organ
13 donation; and

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

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