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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Ms. DELBENE introduced the following bill; which was referred to the
Committee on _____

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 2026”.

6 **SEC. 2. EXPANDING SUPPORT FOR LIVING DONORS.**

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

1 (1) by redesignating subsections (f) through (h)
2 as subsections (h) through (j), respectively;

3 (2) by inserting after subsection (e) the fol-
4 lowing:

5 “(f) ELIGIBILITY OF DONATING INDIVIDUALS BASED
6 ON HOUSEHOLD INCOME.—

7 “(1) IN GENERAL.—In providing reimburse-
8 ment to donating individuals using funds from grant
9 awards under this section, the recipient of the grant
10 award shall not limit the eligibility of a donating in-
11 dividual for such reimbursement based on the indi-
12 vidual’s income if the individual’s household income
13 is at or below 700 percent of the poverty line.

14 “(2) DEFINITION.—In this subsection, the term
15 ‘poverty line’ means the applicable poverty line as
16 set forth in the most recent poverty guidelines of the
17 Department of Health and Human Services pub-
18 lished under the authority of section 673(2) of the
19 Community Services Block Grant Act.

20 “(g) REIMBURSEMENT AMOUNT.—

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

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

3 “(B) the maximum permissible amount de-
4 scribed in paragraph (2).

5 “(2) MAXIMUM PERMISSIBLE AMOUNT.—

6 “(A) RULE.—Subject to subparagraph
7 (B), the maximum permissible amount de-
8 scribed in this section is—

9 “(i) for fiscal year 2027, \$10,000; and

10 “(ii) for subsequent fiscal years, the
11 maximum permissible amount allowed
12 under this subsection for the preceding fis-
13 cal year adjusted by the total percentage
14 change (rounded to the nearest hundredth)
15 that occurred in the Consumer Price Index
16 for all urban consumers (all items; United
17 States city average) for the preceding fis-
18 cal year.

19 “(B) EXCEPTION FOR RECIPIENTS BASED
20 ON INSUFFICIENT FUNDS.—The Secretary may,
21 with respect to reimbursement provided by a re-
22 cipient of a grant award under this section to
23 donating individuals, lower the maximum per-
24 missible amount under subparagraph (A) for a
25 fiscal year if the Secretary—

1 “(i) determines that such recipient
2 has insufficient funds to provide the full
3 amount that would otherwise apply under
4 paragraph (1) to all donating individuals;
5 and

6 “(ii) at least 30 days before making
7 such determination effective, provides to
8 the Congress written notice of such deter-
9 mination, including a justification.

10 “(C) SPECIAL RULES.—If the Secretary,
11 with respect to reimbursement provided by a re-
12 cipient of a grant award under this section to
13 donating individuals, makes a determination
14 under subparagraph (B) to lower the maximum
15 permissible amount under subparagraph (A) for
16 a fiscal year—

17 “(i) such determination shall not af-
18 fect the amount of reimbursement for any
19 approved donating individual prior to the
20 effective date of such determination; and

21 “(ii) the maximum permissible
22 amount under subparagraph (A)(ii) for
23 any subsequent year shall be calculated
24 without regard to such lowered amount.”;

1 (3) in subsection (i), as so redesignated, by
2 striking “is authorized to be appropriated
3 \$5,000,000 for each of the fiscal years 2005 through
4 2009” and inserting “are authorized to be appro-
5 priated such sums as may be necessary for fiscal
6 years 2028 through 2037”; and

7 (4) by amending subsection (j), as so redesign-
8 ated, to read as follows:

9 “(j) ANNUAL REPORT.—Not later than December 31
10 of each year, beginning in fiscal year 2027, the Secretary
11 shall—

12 “(1) prepare, submit to the Congress, and make
13 public a report on—

14 “(A) whether grants under this section
15 provided adequate funding during the preceding
16 fiscal year to reimburse all donating individuals
17 participating in the grant program under this
18 section for all qualifying expenses; and

19 “(B) the impacts, ongoing activities, chal-
20 lenges, and future needs of the program under
21 this section; and

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

24 “(A) the estimated number of all donating
25 individuals participating in the grant program

1 under this section who did not receive reim-
2 bursement for all qualifying expenses;

3 “(B) the total amount of funding that is
4 estimated to be necessary to fully reimburse all
5 donating individuals participating in the grant
6 program under this section for all qualifying ex-
7 penses;

8 “(C) an overview of the program under
9 this section;

10 “(D) current and trended historical infor-
11 mation about the program under this section,
12 including—

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

15 “(ii) the average and median reim-
16 bursement amount provided to donating in-
17 dividuals;

18 “(iii) demographic information regard-
19 ing—

20 “(I) donating individuals apply-
21 ing for reimbursement; and

22 “(II) donating individuals ap-
23 proved for reimbursement;

24 “(iv) the types of expenses for which
25 reimbursement was requested (including

1 requests for reimbursement of non-quali-
2 fying expenses);

3 “(v) the amount of funding provided
4 to donating individuals with respect to
5 each such type of expenses;

6 “(vi) the amount of funding provided
7 to donating individuals with respect to
8 each organ category;

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

11 “(I) the amount expended by the
12 Secretary and the recipients of grants
13 under this section on administrative
14 expenses; and

15 “(II) the amount provided to do-
16 nating individuals as reimbursement;

17 “(E) the impacts of the program under
18 this section, including—

19 “(i) the number of completed dona-
20 tions for which reimbursement was pro-
21 vided;

22 “(ii) the proportion of living donor
23 transplants in the United States in which
24 the donor received reimbursement through
25 the program under this section;

1 “(iii) an estimate of the savings to the
2 Medicare program under title XVIII of the
3 Social Security Act resulting from the pro-
4 gram under this section, both—

5 “(I) for the fiscal year covered by
6 the report; and

7 “(II) cumulatively since the pro-
8 gram’s creation;

9 “(F) the types of donations made by do-
10 nating individuals receiving reimbursement,
11 disaggregated according to—

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

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

15 “(G) a description of any efforts to expand
16 or improve the program under this section;

17 “(H) a description of the efforts of the
18 Secretary and recipients of grants under this
19 section to increase awareness of the program
20 under this section;

21 “(I) a description of challenges experienced
22 by the program under this section, including—

23 “(i) the number and percentage of do-
24 nating individuals applying for reimburse-
25 ment whose qualifying expenses ap-

1 proached or exceeded the maximum
2 amount allowed under subsection (g); and

3 “(ii) an estimate of the total funding
4 needed to fully reimburse, without regard
5 to the maximum amount allowed under
6 subsection (g) or donor income eligibility
7 caps, all donating individuals in the United
8 States for all qualifying expenses;

9 “(J) areas of concern regarding, and iden-
10 tified barriers to, the elimination of financial
11 disincentives to living organ donation; and

12 “(K) such other matters as the Secretary
13 determines appropriate.”.

14 **SEC. 3. GAO STUDY.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Comptroller General of the United States
17 shall—

18 (1) conduct a study on how the Medicare pro-
19 gram under title XVIII of the Social Security Act
20 (42 U.S.C. 1395 et seq.) could, under existing statu-
21 tory authorities, pay costs that would otherwise be
22 paid through the Living Organ Donation Reimburse-
23 ment Program under section 377 of the Public
24 Health Service Act (42 U.S.C. 274f); and

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