

AMENDMENT TO H.R. 2418, AS REPORTED

OFFERED BY MR. LAHOOD OF ILLINOIS

**(or by Mr. Rush of Illinois, Mr. Moakley of Massachusetts, or
Mr. Peterson of Pennsylvania)**

Page 14, strike line 21 and all that follows through
page 17, line 17, and insert the following:

1 “(h) CERTAIN SCIENTIFIC AND ADMINISTRATIVE
2 PRINCIPLES.—

3 “(1) SCIENTIFIC PRINCIPLES.—Policies under
4 subsection (b) for the allocation of organs—

5 “(A) shall be based on sound medical prin-
6 ciples;

7 “(B) shall be based on valid scientific data;

8 “(C) shall be equitable and seek to achieve
9 the best use of donated organs;

10 “(D) shall be designed to avoid wasting or-
11 gans, to avoid futile transplants, to promote pa-
12 tient access to transplantation, and to promote
13 the efficient management of organ placement;

14 “(E) shall be specific for each organ type
15 or combination of organ types;

16 “(F) shall, where appropriate for the spe-
17 cific organ, provide status categories that group

1 transplant candidates from most to least medi-
2 cally urgent;

3 “(G) shall not use patient waiting time as
4 a criterion unless medically appropriate; and

5 “(H) shall be designed to share organs
6 over as broad a geographic area as feasible,
7 consistent with subparagraphs (A) through (G).

8 “(2) PATIENT LISTING AND STATUS.—Policies
9 under subsection (b) for listing patients shall ad-
10 dress the suitability of patients for transplants, ap-
11 propriate priority status of each candidate, and the
12 situations for removing candidates from the waiting
13 list. Such policies shall be uniform for each organ
14 type, objective, and medically appropriate.

15 “(3) REVIEW AND APPROVAL OF POLICIES;
16 CONSISTENCY WITH SCIENTIFIC PRINCIPLES.—The
17 policies and rules established by the Network shall
18 be subject to review and approval by the Secretary
19 (after consultation with the advisory committee
20 under paragraph (4)), and no policy or rule estab-
21 lished under subsection (b) may be inconsistent with
22 paragraph (1) or (2). The applicability of sanctions
23 under subsection (g) to any Network participant is
24 subject to review and approval by the Secretary.

1 “(4) INDEPENDENT SCIENTIFIC REVIEW.—The
2 Secretary shall establish (consistent with the Federal
3 Advisory Committee Act) an advisory committee to
4 provide recommendations to the Secretary on the
5 policies and rules of the Network, and on such other
6 matters as the Secretary determines to be appro-
7 priate.

8 “(5) PATIENT LISTING AND OTHER FEES.—

9 “(A) AVAILABILITY; RESTRICTION.—Fees
10 collected by the Network—

11 “(i) are available to the Network,
12 without fiscal year limitation, for use in
13 carrying out the functions of the Network
14 under this section; and

15 “(ii) may not be used for any activity
16 for which contract funds awarded under
17 subsection (a) may not be used.

18 “(B) APPLICABILITY.—Subparagraph (A)
19 applies only to patient listing fees of the Net-
20 work and to fees imposed as a condition of
21 being a Network participant, and such fees are
22 subject to the approval of the Secretary. Such
23 subparagraph does not prohibit the Network
24 from collecting other fees and using such fees

1 for purposes other than those specified in such
2 subparagraph.

3 “(C) GIFTS.—This section does not pro-
4 hibit the Network from accepting gifts of money
5 or services, including for purposes other than
6 those specified in subparagraph (A). The Net-
7 work may accept gifts of money or services to
8 carry out activities to provide for an increase in
9 the rate of organ donation.

10 “(6) INFORMATION.—The Network shall pro-
11 vide to the Secretary such information and data re-
12 garding the Network and Network participants as
13 the Secretary determines to be appropriate. The
14 Network shall provide data in a timely manner, with
15 suitable patient confidentiality protections, to inde-
16 pendent investigators and scientific reviewers.

17 “(7) LIMITATION ON AMOUNT OF CONTRACT.—
18 The amount provided under a contract under sub-
19 section (a) in any fiscal year may not exceed
20 \$6,000,000 for the operation of the Network, includ-
21 ing the scientific registry under subsection (c). Such
22 limitation does not apply to amounts provided under
23 the contract for increasing organ donation and pro-
24 curement.