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H.R. 710 – Charlie W. Norwood Living Organ Donation Act

FLOOR SITUATION

H.R. 710 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by the late Representative Charlie Norwood (R-GA) on January 29, 2007, and has not been considered by any committee in the 110th Congress.

> *Note: Similar legislation, S. 487 authored by Senator Carl Levin, passed the Senate by unanimous consent on February 15, 2007.*

H.R. 710 passed the House under suspension of the rules on March 7, 2007, by a vote of 422 to 0 (Roll Call Vote 126).

The Senate passed the bill by unanimous consent on July 9, 2007, with an amendment offered by Senator Levin, which was agreed to by unanimous consent. The amended text is expected to be considered on the floor on the House of Representatives on December 4, 2007.

SUMMARY

H.R. 710 amends the National Organ Transplant Act (P.L. 98-507) to state that paired organ donations are allowable and not to be considered as a violation of the valuable consideration clause of the National Organ Transplant Act (see description below).

> *Note: The original text of H.R. 710 specifically addressed paired kidney donations.*
>
> *The amended text removed a provision that would have directed money saved to be used toward the cost of changing Medicare's physician payment formula.*

The amended text also requires the Secretary of Health and Human Services (HHS) to report to Congress within one year on the progress made towards understanding the long-term health effects of living organ donation. Additionally, the amended text includes a statement to reiterate that nothing in the bill "shall be construed to alter or amend the Social Security Act."

BACKGROUND

The National Organ Transplant Act prohibits the transfer of a human organ "for valuable consideration," which is meant to prohibit the buying or selling of human organs.

A paired donation can be employed when a person who wants to donate a kidney to a family member or friend cannot do so because they are not biologically compatible. When there are two such incompatible pairs (or more), paired donation allows biologically compatible willing donors to be matched with compatible patients.

Paired donations have never been ruled unlawful and in fact are currently occurring, but the legal status has been clouded somewhat by an earlier Health and Human Services ruling that paired donations may be in violation of the valuable consideration clause. The intent of this legislation is to clarify the legal status of paired kidney donations.

COST

There was no Congressional Budget Office score available at time of publication.

STAFF CONTACT

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