AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

In the Senate of the United States,

November 19, 2026.

Resolved, That the bill from the House of Representatives (H.R. 1520) entitled ''An Act to prohibit discrimination on the basis of mental or physical disability in cases of organ transplants.'', do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Charlotte Woodward Organ Transplant Discrimination Prevention Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AUXILIARY AIDS AND SERVICES.—The term ''auxiliary aids and services'' has the meaning given the term in section 4 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12103).

(2) COVERED ENTITY.—The term "covered entity" means any—

(A) entity operating a program or activity, involving an organ transplant or related services, receiving Federal financial assistance; or

(B) public entity covered by title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) that carries out activities relating to such a transplant or services.

(3) DISABILITY.—The term "disability" has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(4) ORGAN.—The term "organ" has the meaning given the term "human organ" in section 301(c) of the National Organ Transplant Act (42 U.S.C. 274e(c)).

(5) QUALIFIED INDIVIDUAL WITH A DISABILITY.—The term "qualified individual with a disability" means such individual within the meaning of the term as used in title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and any other applicable Federal law, including their implementing regulations.

(6) REASONABLE MODIFICATIONS.—The term "reasonable modifications" means such modifications within the meaning of the term as used in or for the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and any other applicable Federal law, including their implementing regulations.

(7) RELATED SERVICES.—The term "related services" means services, including the process by which an individual receives such services, related to an organ transplant that consist of—

(A) evaluation and listing on the transplant waiting lists;

(B) counseling;

(C) treatment, including postoperative treatment, and care;

(D) provision of information; and

(E) any other service recommended or required by a physician.

SEC. 3. PROHIBITION OF DISCRIMINATORY POLICY.

Section 372(b)(2)(B) of the Public Health Service Act (42 U.S.C. 274(b)(2)(B)) is amended to read as follows:

"(B) establish membership criteria and medical criteria for allocating organs, which

shall not include medical criteria that would discriminate on the basis of disability in access to an organ transplant, and provide to members of the public an opportunity to comment with respect to such membership and medical criteria;".

SEC. 4. PROHIBITION OF DISCRIMINATION.

(a) IN GENERAL.—Consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and any other applicable Federal law, including their implementing regulations, and, subject to subsection (b), a covered entity shall not, on the basis of the disability of a qualified individual with a disability—

(1) determine that the individual is ineligible to receive an organ transplant or related services;

(2) deny the individual an organ transplant or related services;

(3) refuse to refer the individual to an organ transplant center or other related specialist for the purpose of receipt of an organ transplant or other related services;

(4) refuse to place the individual on the transplant waiting lists; or

(5) otherwise discriminate based on disability with respect to the provision of an organ transplant or related services.

(b) EXCEPTION.—

(1) PROFESSIONAL JUDGMENT IN TREATMENT.—Notwithstanding subsection (a), following an individualized assessment by a covered entity, the covered entity may take the disability of a qualified individual with a disability into account in carrying out a program or activity consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and any other applicable Federal law, including their implementing regulations, including section 84.56 of title 45, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(2) CLARIFICATION.—If a qualified individual with a disability would be able to comply with the health requirements following an organ transplant or provision of related services if given the necessary reasonable modifications to policies, practices, or procedures, or appropriate auxiliary aids and services, the individual's inability to independently comply with those requirements may not be taken into account for purposes of paragraph (1).

(c) CLARIFICATIONS.—

(1) REASONABLE MODIFICATIONS.—

(A) IN GENERAL.—Consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and any other applicable Federal law, and their implementing regulations, a covered entity shall make reasonable modifications to policies, practices, or procedures when such modifications are necessary to avoid discrimination on the basis of disability as described in subsection (a) except as provided in subsection (b), unless the entity can demonstrate that making such modifications would fundamentally alter the nature of the program or activity involved.

(B) INCLUSION.—For the purposes of subsection (b)(2) and subparagraph (A), the reasonable modifications may include the use of supported decision-making, when needed, by a qualified individual with a disability.

(2) AUXILIARY AIDS AND SERVICES.—Consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and any other appli-

cable Federal law, and their implementing regulations, a covered entity shall take such steps as may be necessary to ensure that no qualified individual with a disability is excluded, denied services, segregated, or otherwise discriminated against, based on disability, from or for a procedure associated with the receipt of an organ transplant or related services because of the absence of appropriate auxiliary aids and services, unless the covered entity can demonstrate that taking such steps would fundamentally alter the nature of the program or activity involved or would result in an undue burden.

(3) PRIVACY AND SECURITY OF HEALTH INFORMATION.—Nothing in this subsection shall be construed to modify or alter the requirements for privacy or security of individually identifiable health information under the privacy, security, and breach notification rules under parts 160 and 164 of title 45, Code of Federal Regulations (or a successor regulation) or for the confidentiality of substance use disorder patient records under part 2 of title 42, Code of Federal Regulations (or a successor regulation).

(d) ENFORCEMENT.—When a complaint regarding an allegation of discrimination on the basis of disability with respect to the provision of an organ transplant or related

services is brought to the Office for Civil Rights of the Department of Health and Human Services, such Office shall consider the complaint, consistent with the Office's practices and procedures, for expedited complaint resolution or early complaint resolution, as appropriate and as appropriate, may require a remedy, consistent with the enforcement remedies for a violation of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and any other applicable Federal law, including their implementing regulations.

(e) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to the committees specified in paragraph (2) a report that contains—

(A) a description of the activities carried out under this section, which shall, at a minimum, contain—

(i) information concerning the number of complaints received related to discrimination as described in subsection (a);

(ii) a description of the process by which the Office for Civil Rights of the De-

partment of Health and Human Services carried out the expedited complaint resolution or early complaint resolution, where appropriate;

(iii) the results of such complaints; and

(iv) information stating the resources necessary for such Office to carry out such activities; and

(B) recommendations by the Secretary to improve enforcement of this Act.

(2) SUBMISSION.—The Secretary shall submit the report to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to invalidate or limit the rights, remedies, and procedures, including legal standards, available to an individual aggrieved under—

(1) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(2) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); or

(3) any other applicable Federal or State law that provides additional protections against discrimination on the basis of disability with respect to organ transplants or related services.

Attest:

Secretary.

119TH CONGRESS
2D SESSION

H.R. 1520

AMENDMENT