

# Congress of the United States

## Washington, DC 20515

The Honorable Alex Azar  
Secretary, Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20416

Dear Secretary Azar,

We write to you today as Co- Chairs of the Congressional Organ Donation and Transplantation Awareness Caucus. As longstanding advocates for organ donation and transplantation, we are delighted with the national system's growing successes. The U.S. organ donation system is ranked the best in the world, a rare accolade in the U.S. healthcare system, and has the highest transplant rate of any other country in the world, with a donation rate that is nearly double that of the total of Europe.<sup>1</sup>

Over the past seven years, the number of organs transplanted in the United States has increased nearly 50%. To support this growth, Organ Procurement Organizations (OPOs) increased the number of donors 10.7 % in 2019, the ninth consecutive year of record breaking growth in donation. It is a testament to the health and resilience of the system that — despite the COVID-19 pandemic — it is on track to a tenth year of growth. As of August 1, 2020, the rate of transplants in 2020 is already ahead of rates in 2019.

Our nation has a once-in-a-generation opportunity to advance broad improvements to our organ donation system and save countless more lives if we take the appropriate, system-wide approach to reform. However, if we move forward with the proposed Rule issued by the Centers for Medicare and Medicaid Services (CMS) on December 17, 2019, the consequences could be dire for a system that is currently outperforming any other system in the world. We are aware that more than 90% of the comments received during public comment identified significant concerns with the proposed regulations, including those from the largest professional medical transplant societies, numerous hospitals and transplant programs, and state public health officials—the people with direct knowledge of how the system works.

Many of the comments noted that the proposed Rule greatly inflates the number of potential donors and arbitrarily sets a threshold that will result in 75% of OPOs considered to be underperforming and therefore subject to decertification. This type of disruption to the system is dangerous – with nearly 110,000 people waiting for a transplant, reduction in service, even if temporary, inevitably means lives lost.

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<sup>1</sup> Global Observatory of Donation and Transplantation, Global Data <http://www.transplant-observatory.org/data-charts-and-tables/>

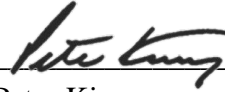
We urge the Department to give the comments received during the comment period, particularly those provided by the community most affected—the OPOs, the transplant hospitals, and the OPTN—careful consideration and to be fully reflected in any Rule issued so as to avoid a negative impact on our nation's high-performing donation and transplantation system.

Sincerely,



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Jim Costa  
Member of Congress



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Peter King  
Member of Congress