

May 9, 2023

The Honorable Chuck Schumer  
Majority Leader  
322 Hart Senate Office Building  
Washington, DC 20510

The Honorable Kevin McCarthy  
Speaker of the House  
2468 Rayburn House Office Building  
Washington, DC 20515

The Honorable Mitch McConnell  
Minority Leader  
317 Russell Senate Office Building  
Washington, DC 20510

The Honorable Hakeem Jeffries  
Minority Leader  
2433 Rayburn House Office Building  
Washington, DC 20515

RE: *The Living Donor Protection Act of 2023 (H.R. 2923/S. 1384)*

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker McCarthy, and Minority Leader Jeffries:

On behalf of the nearly 110,000 individuals currently awaiting a lifesaving organ transplant, the following twenty-eight (28) patient, provider, and insurance organizations express their support for the *Living Donor Protection Act* (LDPA). We respectfully request that you expedite the passage of this bi-partisan, cost-neutral, non-controversial legislation.

Sponsored by Senators Kirsten Gillibrand (D-NY) and Tom Cotton (R-AR) and Representatives Jerrold Nadler (D-NY), Troy Balderson (R-OH), Jim Costa (D-CA), John Curtis (R-UT), Diana DeGette (D-CO), Mariannette Miller-Meeks (R-IA), Lisa Blunt-Rochester (D-DE) and Gregory F. Murphy, M.D. (R-NC), the *Living Donor Protection Act* (LDPA) removes barriers to living organ donation by prohibiting certain discrimination in insurance and codifying protection for living donors under the *Family and Medical Leave Act* (FMLA).

In 2022, more than 6,400 transplants involved a living donor stepping up for a family member, friend, colleague, or a member of their community. Living donation is an essential element of organ transplantation, representing the chance for a patient to bypass the deceased donor waitlist, which in many states is five years or more. A transplant from a living donor is a patient's best chance for long-term success. **Unfortunately, almost a quarter of living donors report discrimination in the rates and provision of life insurance, disability insurance, and long-term care insurance.**<sup>1</sup> Despite completing a detailed health screening ensuring they are healthy enough to donate and live healthy lives post-donation; living donors still face difficulty obtaining or maintaining insurance. This barrier is enough to keep many people from considering living donation.

The LDPA prohibits discrimination in the issuance, price, or benefit levels for life, disability, and long-term care insurance due solely to the individual's status as a living donor. It also codifies an existing [opinion letter](#) issued by the U.S. Department of Labor that includes living donation as a serious medical condition under the FMLA, thus allowing donors to take time off work for organ donation without fear of reprisal.

Previous legislation in the 117th Congress was cosponsored by 161 Representatives and 43 Senators, and we are urging Congress to pass this non-controversial, bipartisan, cost-neutral bill this year. Please contact Lauren Drew at the National Kidney Foundation ([lauren.drew@kidney.org](mailto:lauren.drew@kidney.org)) if you need additional information.

Sincerely

Alport Syndrome Foundation  
American Council of Life Insurers  
American Kidney Fund

American Association of Kidney Patients  
American Association for the Study of Liver Diseases  
American Liver Foundation

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<sup>1</sup> Boyarsky, B J et al. "Experiences obtaining insurance after live kidney donation." *American journal of transplantation : official journal of the American Society of Transplantation and the American Society of Transplant Surgeons* vol. 14,9 (2014): 2168-72. doi:10.1111/ajt.12819, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4194161/>

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American Nephrology Nurses Association  
American Society of Nephrology  
American Society of Pediatric Nephrology  
American Society of Transplant Surgeons  
American Society of Transplantation  
Black Health Matters  
Black Women's Health Imperative  
Dialysis Clinic, Inc.  
Dialysis Patient Citizens  
Global Liver Institute  
Home Dialyzors United

IGA Nephropathy Foundation  
Kidney Transplant Collaborative  
Living Kidney Donors Network  
National Kidney Foundation  
Nonprofit Kidney Care Alliance  
North American Transplant Coordinators  
Organization  
PKD Foundation  
Renal Physicians Association  
Renal Support Network  
Transplant Recipients International Organization  
Waitlist Zero

CC: The Honorable Bernie Sanders  
The Honorable Bill Cassidy  
The Honorable Cathy McMorris Rogers  
The Honorable Frank Pallone  
The Honorable Brett Guthrie  
The Honorable Anna Eshoo  
The Honorable Patrick McHenry  
The Honorable Maxine Waters