

October 2, 2026

The Honorable Patty Murray
United States Senate
154 Russell Senate Office Building
Washington, DC 20510

Re: Living Donor Protection Act (S. 1552) — Coalition Request to Support Legislation with FMLA Protections

Dear Senator Murray:

We write on behalf of the undersigned organizations representing allied kidney patients, liver patients, and organ donors and their families, transplant and nephrology professional societies, and the insurance industry to ask that you advance the *Living Donor Protection Act (LDPA)* – S. 1552 – as passed by the Senate Committee on Health, Education, Labor and Pensions (HELP) with your support on February 26, 2026.

Each of our organizations is solidly aligned in this request because it specifically addresses the two primary issues that living organ donors as well as kidney and liver disease patients have cited as significant barriers to organ donation – concerns about employment and insurance coverage.

Collectively, we represent the largest and most broadly recognized coalition of kidney and liver patient and organ donor advocates, transplant and nephrology professionals, and allied stakeholders in the United States and have worked for several years with the American Council of Life Insurers (ACLI), the nation's premier life insurance industry stakeholder, to support the language passed by the HELP Committee.

S. 1552 Reflects a Carefully Negotiated, Integrated Consensus

The *Living Donor Protection Act* is nearly two-decade old legislation. Working with our bill sponsors, our group spent years negotiating carefully crafted consensus language to ensure that all parties' interests were met. The bill enjoys strong bipartisan support in both the United States Senate and the House of Representatives, led by Senators Tom Cotton (R-AR) and Kirsten Gillibrand (D-NY), and Representatives Don Bacon (R-NE) and Jerrold Nadler (D-NY).

The bill:

- Prohibits the denial of coverage or an increase in insurance premiums for living organ donors, including disability, life, and long-term care insurance, based solely on a person's decision to donate an organ to save someone's life;
- Designates organ donation surgery as a serious health condition for the purposes of the Family and Medical Leave Act (FMLA), providing job-protected leave for donation and recovery; and

- Requires the Department of Health and Human Services (HHS) to update educational materials on living organ donation to reflect these protections.

The overarching goal of the legislation is critically important – to remove financial disincentives to transplant so that we can increase living organ donation and save more lives.

We understand that you have been advised that the legislation inadvertently suggests that other specific medical conditions would not be covered by FMLA and propose taking the employment protections out of the legislation. We strongly disagree with that legal assessment and approach. It is a well-accepted tenet of legal construction that legislative language that is set apart merely designates one type of example to which the law applies. Providing this parenthetical example does not in any way mean that other conditions would not be covered.

Removing the FMLA language would mark a deliberate rejection of employment protections, signaling to the communities we are trying to reach that Congress does not support such protections – a monumental setback for the bill and, more alarmingly, a certain erosion of the public’s confidence that living donation is supported by Congress. An insurance-only measure, while valuable on its own terms, would leave untouched the most significant practical barrier that prevents Americans from coming forward to donate: the fear of losing a job or income during donation and recovery.

The organizations that negotiated this language agreed to a comprehensive approach because we understood that insurance protections alone are insufficient and are not the only reasons why potential living donors choose to forgo organ donation.

FMLA Protections Are Central, Not Ancillary

For many organ donors, the ability to take unpaid, job-protected leave to donate and recover is the essential, practical protection that makes possible their decision to give the gift of life without jeopardizing employment or family security. Patients, potential donors, transplant professionals, social workers, and community advocates continue to identify fears about job loss, insurance status, future insurability, and family financial security as the most significant barriers to living donation. Removing the FMLA provision would not merely narrow the legislation; it would remove the bill’s core mechanism for protecting living donors in the workplace.

This is not new policy; it has been upheld across multiple administrations on a bipartisan basis. In its [Opinion Letter FMLA2018-2-A](#), dated August 28, 2018, the U.S. Department of Labor’s Wage and Hour Division concluded that organ donation surgery can qualify as a “serious health condition” under the FMLA. **If the FMLA portion of the LDPA is removed, a signal is sent to organ donors, kidney patients, the Department of Labor, and the American people that Congress does not support employee protections, a result we strongly believe no one wants.** The bill merely codifies the protection given through that

The Honorable Patty Murray

October 2, 2026

Page 3

opinion letter and does not infer or extend to any other protections or opinion letters issued by the DOL. Because the gift of life is an altruistic and voluntary act, it is critically important that the *LDPA* sends a strong signal to potential donors that Congress and the Administration will protect them in employment. Codifying these FMLA protections enshrines that existing interpretation in law, ensuring it cannot be reversed during a change of administration.

The Stakes for Organ Donors, Patients and Taxpayers Are Urgent and Growing

More than 37 million Americans are living with chronic kidney disease. Nearly 600,000 are receiving dialysis treatment for kidney failure, and over 90,000 are awaiting a kidney transplant. About 100 million Americans are living with some form of liver disease. Nationwide, nearly 9,000 people are waiting for a liver transplant, and sadly 25% of them will die waiting.

In your home state of Washington, more than 1,600 individuals are currently awaiting a kidney transplant and more than 184 are awaiting a liver transplant—both kidney and liver transplantation can benefit from living organ donation. Another 16,000 Washington residents depend upon dialysis to stay alive. Many of these patients are working diligently to maintain transplant readiness for the day an organ becomes available. The stress endured by these individuals and their families is immeasurable.

Conclusion

The *Living Donor Protection Act* represents years of advocacy by thousands of brave volunteer patients, donors, and providers, who are aligned in their goal to remove these barriers to donation. The legislation also represents years of negotiation and consensus-building among key stakeholders. It is a bipartisan achievement that *LDPA* was reported favorably out of the HELP Committee in February 2026 with your support. We ask that you allow S. 1552 to proceed with the FMLA language intact before the end of this Congress.

No American should be forced to choose between saving the life of a fellow American at the cost of keeping their job. It is a credit to the heroism and bravery of those who still choose to do so – despite the lack of permanent protection under the FMLA. Congress has the power to ensure no American is put in this position again. We urge you to help make that universally shared goal a reality before the end of this Congress.

Respectfully,

American Association of Kidney Patients
American Council of Life Insurers
American Kidney Fund
American Liver Foundation
American Nephrology Nurses Association
American Society of Nephrology

The Honorable Patty Murray

October 2, 2026

Page 4

American Society of Pediatric Nephrology

American Society of Transplant Surgeons

American Society of Transplantation

APOL1 Action Alliance

Kidney Solutions – A Network of Transplant Experience

National Kidney Foundation

NephCure

Nonprofit Kidney Care Alliance

North American Transplant Coordinators Organization

PKD Foundation

Rare Kidney Disease Foundation

Renal Physicians Association

TransplantFirst Academy