



August 6, 2026

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

Dear Senator Murray:

The American Society of Transplant Surgeons (ASTS) greatly appreciates that the Senate Committee on Health, Education, Labor and Pensions (HELP) voted to pass the Living Donor Protection Act (LDPA) (S. 1552) in February 2026. We ask that this bill be advanced on the Senate floor as expeditiously as possible and respectfully oppose any amendments.

ASTS, representing over 2,300 surgeons, physicians, and scientists, is dedicated to excellence in transplant surgery and advocates for comprehensive and innovative solutions to meet the needs of our patients. The LPDA is broadly supported by the entire transplant community – patients and their families, transplant providers, organ donor advocacy organizations, and even the limited set of insurers impacted by the bill. **Right now, over 1,300 individuals in Washington are awaiting a kidney and over 170 are awaiting a liver transplant, both of which benefit from living organ donation.**

We understand you are considering whether to expand the list of health conditions covered under the bill's FMLA provision, or to remove that provision entirely. We want to share why we believe the FMLA language is essential to the bill's purpose, and why we hope you will let the bill move forward as committee-approved.

Stripping FMLA does not narrow the bill — it removes its main protection.

For many living donors, the FMLA leave provision is the reason this legislation matters. It is what allows someone to actually take unpaid, job-protected time off to donate and recover, without risking their livelihood. Without it, the bill is reduced largely to insurance non-discrimination language — valuable but leaving untouched the most significant practical barrier that keeps people from coming forward to donate. Removing the FMLA protections is not a narrowing of scope; it removes the bill's core mechanism for helping donors.

If the concern is that FMLA's eligible-condition list is too narrow generally, striking this section does not solve that problem — it simply removes donors from FMLA's reach entirely.

If your concern is that FMLA's list of covered conditions should be broader across the board, that is a legitimate policy position, and one we would welcome discussing. But the remedy for that concern is to amend FMLA's general eligibility criteria, not to delete the one provision currently extending FMLA protection to living donors. Striking the provision would leave donors exactly where they started,

President

Henry B. Randall, MD, MBA
SSM Health Saint Louis
University

President-Elect

Debra L. Sudan, MD
Duke University Medical Center

Secretary

Matthew H. Levine, MD, PhD
Penn Transplant Institute

Treasurer

Julie Heimbach, MD
Mayo Clinic

Community Engagement Officer

Irene Kim, MD
Cedars-Sinai Medical Center

Immediate Past President

James F. Markmann, MD, PhD
Penn Transplant Institute

Past President

Ginny L. Bumgardner, MD, PhD
The Ohio State University

Councilors-at-Large

Eliana Agudelo, PA-C
Kristopher Croome, MD
Tayyab Diwan, MD
Rachel Forbes, MD, MBA, FACS
Chris Freise, MD
Jacqueline Garonzik Wang, MD, PhD, FACS
Jordan Hoffman, MD, MPH
Amit Mathur, MD, MS
Robert Montgomery, MD, PhD, FACS
Satish Nadig, MD, PhD
Steven Potter, MD

Executive Director

Maggie Kebler-Bullock, CFRE

with no job-protected leave at all.

We are asking that S. 1552 move as marked up, not that it be renegotiated now.

We greatly appreciate that you have already voted to advance S. 1552, including the FMLA language, out of the HELP Committee. We are not asking you to accept new or unfamiliar terms; we are asking that the bill you already approved be allowed to move forward. If you have ongoing concerns about the scope of FMLA's covered conditions more broadly, we would welcome the opportunity to engage on that as a separate conversation. But that conversation should not come at the cost of stripping protections from a bill that has already cleared committee and is otherwise ready to pass.

After many years of advocacy and negotiation, transplant physicians, other providers, and patients reached an important agreement with the industry. **To best serve the interests of living donors and their families in your state and across the nation, we ask that you honor and advance that agreement by supporting passage of the LDPA on the Senate floor—the time is now.**

If you have any questions on this critical piece of legislation, please contact ASTS Director, Advocacy & Professional Practices, Emily Besser at Emily.Besser@asts.org.

Sincerely,



Henry B. Randall, MD, MBA