

105TH CONGRESS
1ST SESSION

S. 304

To clarify Federal law with respect to assisted suicide, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 1997

Mr. DORGAN (for himself, Mr. ASHCROFT, Mr. NICKLES, Mr. FORD, Mr. ABRAHAM, Mr. ALLARD, Mr. BIDEN, Mr. BOND, Mr. BREAUX, Mr. BROWNBACK, Mr. BURNS, Mr. COATS, Mr. CRAIG, Mr. DEWINE, Mr. ENZI, Mr. FAIRCLOTH, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. LIEBERMAN, Mr. LOTT, Mr. MACK, Mr. McCONNELL, Mr. MURKOWSKI, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, and Mr. THURMOND) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To clarify Federal law with respect to assisted suicide, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Assisted Suicide Fund-
5 ing Restriction Act of 1997”.

1 **SEC. 2. GENERAL PROHIBITION ON USE OF FEDERAL AS-**
2 **SISTANCE.**

3 Notwithstanding any other provision of law, no funds
4 appropriated by the Congress shall be used to provide,
5 procure, furnish, fund, or support, or to compel any indi-
6 vidual, institution, or government entity to provide, pro-
7 cure, furnish, fund, or support, any item, good, benefit,
8 program, or service, the purpose of which is to cause, or
9 to assist in causing, the suicide, euthanasia, or mercy kill-
10 ing of any individual.

11 **SEC. 3. RULE OF CONSTRUCTION.**

12 Nothing in this Act, or in an amendment made by
13 this Act, shall be construed to create any limitation relat-
14 ing to—

15 (1) the withholding or withdrawing of medical
16 treatment or medical care;

17 (2) the withholding or withdrawing of nutrition
18 or hydration;

19 (3) abortion; or

20 (4) the use of an item, good, benefit, or service
21 furnished for the purpose of alleviating pain or dis-
22 comfort, even if such use may increase the risk of
23 death, so long as such item, good, benefit, or service
24 is not also furnished for the purpose of causing, or
25 the purpose of assisting in causing, death, for any
26 reason.

1 **SEC. 4. PROHIBITION OF FEDERAL FINANCIAL PARTICIPA-**
 2 **TION UNDER MEDICAID FOR ASSISTED SUI-**
 3 **CIDE OR RELATED SERVICES.**

4 (a) IN GENERAL.—Section 1903(i) of the Social Se-
 5 curity Act (42 U.S.C. 1396b(i)) is amended—

6 (1) by striking “or” at the end of paragraph
 7 (14);

8 (2) by striking the period at the end of para-
 9 graph (15) and inserting “; or”; and

10 (3) by inserting after paragraph (15) the fol-
 11 lowing:

12 “(16) with respect to any amount expended for
 13 any item or service furnished for the purpose of
 14 causing, or the purpose of assisting in causing, the
 15 death of any individual, such as by assisted suicide,
 16 euthanasia, or mercy killing.”.

17 (b) TREATMENT OF ADVANCE DIRECTIVES.—Section
 18 1902(w) of the Social Security Act (42 U.S.C. 1396a(w))
 19 is amended by adding at the end the following:

20 “(5) Nothing in this subsection shall be construed to
 21 create any requirement with respect to a portion of an ad-
 22 vance directive that directs the purposeful causing, or the
 23 purposeful assisting in causing, of the death of any indi-
 24 vidual, such as by assisted suicide, euthanasia, or mercy
 25 killing.

1 “(6) Nothing in this subsection shall be construed to
 2 require any provider or organization, or any employee of
 3 such a provider or organization, to inform or counsel any
 4 individual regarding any right to obtain an item or service
 5 furnished for the purpose of causing, or the purpose of
 6 assisting in causing, the death of the individual, such as
 7 by assisted suicide, euthanasia, or mercy killing.”.

8 **SEC. 5. RESTRICTING TREATMENT UNDER MEDICARE OF**
 9 **ASSISTED SUICIDE OR RELATED SERVICES.**

10 (a) PROHIBITION OF EXPENDITURES.—Section
 11 1862(a) of the Social Security Act (42 U.S.C. 1395y(a))
 12 is amended—

13 (1) by striking “or” at the end of paragraph
 14 (14);

15 (2) by striking the period at the end of para-
 16 graph (15) and inserting “; or”; and

17 (3) by inserting after paragraph (15) the fol-
 18 lowing:

19 “(16) where such expenses are for any item or
 20 service furnished for the purpose of causing, or the
 21 purpose of assisting in causing, the death of any in-
 22 dividual, such as by assisted suicide, euthanasia, or
 23 mercy killing.”.

1 (b) TREATMENT OF ADVANCE DIRECTIVES.—Section
 2 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f))
 3 is amended by adding at the end the following:

4 “(4) Nothing in this subsection shall be construed to
 5 create any requirement with respect to a portion of an ad-
 6 vance directive that directs the purposeful causing, or the
 7 purposeful assisting in causing, of the death of any indi-
 8 vidual, such as by assisted suicide, euthanasia, or mercy
 9 killing.

10 “(5) Nothing in this subsection shall be construed to
 11 require any provider of services or prepaid or eligible orga-
 12 nization, or any employee of such a provider or organiza-
 13 tion, to inform or counsel any individual regarding any
 14 right to obtain an item or service, furnished for the pur-
 15 pose of causing, or the purpose of assisting in causing,
 16 the death of the individual, such as by assisted suicide,
 17 euthanasia, or mercy killing.”.

18 **SEC. 6. PROHIBITION AGAINST USE OF BLOCK GRANTS TO**
 19 **STATES FOR SOCIAL SERVICES TO PROVIDE**
 20 **ITEMS OR SERVICES FOR THE PURPOSE OF**
 21 **INTENTIONALLY CAUSING DEATH.**

22 Section 2005(a) of the Social Security Act (42 U.S.C.
 23 1397d(a)) is amended—

24 (1) by striking “or” at the end of paragraph
 25 (8);

1 (2) by striking the period at the end of para-
2 graph (9) and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(10) for the provision of any item or service
5 furnished for the purpose of causing, or the purpose
6 of assisting in causing, the death of any individual,
7 such as by assisted suicide, euthanasia, or mercy
8 killing.”.

9 **SEC. 7. INDIAN HEALTH CARE.**

10 Section 201(b) of the Indian Health Care Improve-
11 ment Act (25 U.S.C. 1621(b)) is amended by adding at
12 the end the following:

13 “(3) Funds appropriated under the authority of this
14 section may not be used for the provision of any item or
15 service (including treatment or care) furnished for the
16 purpose of causing, or the purpose of assisting in causing,
17 the death of any individual, such as by assisted suicide,
18 euthanasia, or mercy killing.”.

19 **SEC. 8. MILITARY HEALTH CARE SYSTEM.**

20 (a) **MEMBERS AND FORMER MEMBERS.**—Section
21 1074 of title 10, United States Code, is amended by add-
22 ing at the end the following:

23 “(d) Under joint regulations prescribed by the admin-
24 istering Secretaries, a person may not furnish any item

1 or service under this chapter (including any form of medi-
 2 cal care) for the purpose of causing, or the purpose of
 3 assisting in causing, the death of any individual, such as
 4 by assisted suicide, euthanasia, or mercy killing.”.

5 (b) PROHIBITED HEALTH CARE FOR DEPEND-
 6 ENTS.—Section 1077(b) of title 10, United States Code,
 7 is amended by adding at the end the following:

8 “(4) Items or services (including any form of
 9 medical care) furnished for the purpose of causing,
 10 or the purpose of assisting in causing, the death of
 11 any individual, such as by assisted suicide, eutha-
 12 nasia, or mercy killing.”.

13 (c) PROHIBITED HEALTH CARE UNDER
 14 CHAMPUS.—

15 (1) SPOUSES AND CHILDREN OF MEMBERS.—
 16 Section 1079(a) of title 10, United States Code, is
 17 amended by adding at the end the following:

18 “(18) No contract for the provision of health-
 19 related services entered into by the Secretary may
 20 include coverage for any item or service (including
 21 any form of medical care) furnished for the purpose
 22 of causing, or the purpose of assisting in causing,
 23 the death of any individual, such as by assisted sui-
 24 cide, euthanasia, or mercy killing.”.

1 (2) OTHER COVERED BENEFICIARIES.—Section
 2 1086(a) of title 10, United States Code, is amend-
 3 ed—

4 (A) by inserting “(1)” after “(a)” the first
 5 place it appears; and

6 (B) by adding at the end the following:

7 “(2) No contract for the provision of health-related
 8 services entered into by the Secretary may include cov-
 9 erage for any item or service (including any form of medi-
 10 cal care) furnished for the purpose of causing, or the pur-
 11 pose of assisting in causing, the death of any individual,
 12 such as by assisted suicide, euthanasia, or mercy killing.”.

13 **SEC. 9. FEDERAL EMPLOYEES HEALTH BENEFIT PLANS.**

14 Section 8902 of title 5, United States Code, is
 15 amended by adding at the end the following:

16 “(o) A contract may not be made or a plan approved
 17 which includes coverage for any benefit, item or service
 18 that is furnished for the purpose of causing, or the pur-
 19 pose of assisting in causing, the death of any individual,
 20 such as by assisted suicide, euthanasia, or mercy killing.”.

21 **SEC. 10. HEALTH CARE PROVIDED FOR PEACE CORPS VOL-**
 22 **UNTEERS.**

23 Section 5(e) of the Peace Corps Act (22 U.S.C.
 24 2504(e)) is amended—

25 (1) by inserting “(1)(A)” after “(e)”;

1 (2) by striking “Subject to such” and inserting
2 the following:

3 “(2) Subject to such”; and

4 (3) by adding at the end of paragraph (1) (as
5 so designated by paragraph (1)), the following:

6 “(B) Health care provided under this subsection to
7 volunteers during their service to the Peace Corps shall
8 not include any item or service furnished for the purpose
9 of causing, or the purpose of assisting in causing, the
10 death of any individual, such as by assisted suicide, eutha-
11 nasia, or mercy killing.”.

12 **SEC. 11. MEDICAL SERVICES FOR FEDERAL PRISONERS.**

13 Section 4005(a) of title 18, United States Code, is
14 amended—

15 (1) by inserting “(1)” after “(a)”; and

16 (2) by adding at the end the following:

17 “(2) Services provided under this subsection shall not
18 include any item or service furnished for the purpose of
19 causing, or the purpose of assisting in causing, the death
20 of any individual, such as by assisted suicide, euthanasia,
21 or mercy killing.”.

1 **SEC. 12. PROHIBITING USE OF ANNUAL FEDERAL PAYMENT**
 2 **TO DISTRICT OF COLUMBIA FOR ASSISTED**
 3 **SUICIDE OR RELATED SERVICES.**

4 (a) IN GENERAL.—Title V of the District of Colum-
 5 bia Self-Government and Governmental Reorganization
 6 Act is amended by adding at the end the following:

7 “BAN ON USE OF FUNDS FOR ASSISTED SUICIDE AND
 8 RELATED SERVICES

9 “SEC. 504. None of the funds appropriated to the
 10 District of Columbia pursuant to an authorization of ap-
 11 propriations under this title may be used to furnish any
 12 item or service for the purpose of causing, or the purpose
 13 of assisting in causing, the death of any individual, such
 14 as by assisted suicide, euthanasia, or mercy killing.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
 16 of the District of Columbia Self-Government and Govern-
 17 mental Reorganization Act is amended by adding at the
 18 end of the items relating to title V the following:

“Sec. 504. Ban on use of funds for assisted suicide and related services.”.

19 (c) EFFECTIVE DATE.—The amendments made by
 20 this section shall apply to payments to the District of Co-
 21 lumbia for fiscal years beginning with fiscal year 1998.

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