

104TH CONGRESS
2D SESSION

S. 2108

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 20), 1996

Mr. DORGAN (for himself, Mr. ASHCROFT, Mr. BIDEN, Mr. BREAUX, Mr. COATS, Mr. DEWINE, Mr. FAIRCLOTH, Mr. FORD, Mr. GRASSLEY, Mr. HATFIELD, Mr. INHOFE, Mr. LOTT, Mr. MACK, Mr. McCONNELL, Mr. MURKOWSKI, Mr. PRESSLER, and Mr. THURMOND) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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 1996”.

6 **SEC. 2. GENERAL PROHIBITION ON USE OF FEDERAL AS-** 7 **SISTANCE.**

8 Notwithstanding any other provision of law, no funds
9 appropriated by the Congress shall be used to provide,

1 procure, furnish, fund, or support, or to compel any indi-
2 vidual, institution, or government entity to provide, pro-
3 cure, furnish, fund, or support, any item, good, benefit,
4 program, or service, the purpose of which is to cause, or
5 to assist in causing, the suicide, euthanasia, or mercy kill-
6 ing of any individual.

7 **SEC. 3. RULE OF CONSTRUCTION.**

8 Nothing in this Act, or in an amendment made by
9 this Act, shall be construed to create any limitation relat-
10 ing to—

11 (1) the withholding or withdrawing of medical
12 treatment or medical care;

13 (2) the withholding or withdrawing of nutrition
14 or hydration;

15 (3) abortion; or

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

1 **SEC. 4. AMENDMENTS TO ACTS REGARDING INDIVIDUALS**
 2 **WITH DISABILITIES.**

3 (a) AMENDMENTS TO DEVELOPMENTAL DISABIL-
 4 ITIES ASSISTANCE AND BILL OF RIGHTS ACT.—

5 (1) STATE PLANS REGARDING DEVELOPMENTAL
 6 DISABILITIES COUNCILS.—Section 122(c)(5)(A) of
 7 the Developmental Disabilities Assistance and Bill of
 8 Rights Act (42 U.S.C. 6022(c)(5)(A)) is amended—

9 (A) in clause (vi), by striking “and” after
 10 the semicolon at the end;

11 (B) in clause (vii), by striking the period
 12 at the end and inserting “; and”; and

13 (C) by adding at the end the following
 14 clause:

15 “(viii) such funds will not be used to
 16 support any program or service that has a
 17 purpose of assisting in procuring any item
 18 or service the purpose of which is to cause,
 19 or to assist in causing, the death of any in-
 20 dividual, such as by assisted suicide, eutha-
 21 nasia, or mercy killing.”.

22 (2) LEGAL ACTIONS BY PROTECTION AND AD-
 23 VOCACY SYSTEMS.—Section 142(h)(1) of the Devel-
 24 opmental Disabilities Assistance and Bill of Rights
 25 Act (42 U.S.C. 6042(h)(1)) is amended by inserting
 26 before the period the following: “, except that no

1 such system may use assistance provided under this
 2 chapter to bring suit or provide any other form of
 3 legal assistance for the purpose of—

4 “(A) securing or funding any item, benefit,
 5 program, or service furnished for the purpose of
 6 causing, or the purpose of assisting in causing,
 7 the death of any individual, such as by assisted
 8 suicide, euthanasia, or mercy killing;

9 “(B) compelling any individual, institution,
 10 government, or governmental body to provide,
 11 fund, or legalize any item, benefit, program, or
 12 service for the purpose of causing, or the pur-
 13 pose of assisting in causing, the death of any
 14 individual, such as by assisted suicide, eutha-
 15 nasia, or mercy killing; or

16 “(C) asserting or advocating a legal right
 17 to cause, or to assist in causing, or to receive
 18 assistance in causing, the death of any individ-
 19 ual, such as by assisted suicide, euthanasia, or
 20 mercy killing.”.

21 (3) PROHIBITED ACTIVITIES REGARDING
 22 GRANTS TO UNIVERSITY AFFILIATED PROGRAMS.—
 23 Section 152(b)(5) of the Developmental Disabilities
 24 Assistance and Bill of Rights Act (42 U.S.C.
 25 6062(b)(5)) is amended by inserting before the pe-

1 riod the following: “, or for any program or service
 2 which has a purpose of assisting in procuring any
 3 item, or service, the purpose of which is to cause, or
 4 to assist in causing, the death of any individual,
 5 such as by assisted suicide, euthanasia, or mercy
 6 killing”.

7 (4) REQUIREMENTS REGARDING GRANTS FOR
 8 PROJECTS OF NATIONAL SIGNIFICANCE.—Section
 9 162(c) of the Developmental Disabilities Assistance
 10 and Bill of Rights Act (42 U.S.C. 6082(c)) is
 11 amended—

12 (A) in paragraph (4), by striking “and”
 13 after the semicolon at the end;

14 (B) in paragraph (5), by striking the pe-
 15 riod at the end and inserting “; and”; and

16 (C) by adding at the end the following
 17 paragraph:

18 “(6) the applicant provides assurances that the
 19 grant will not be used to support or fund any pro-
 20 gram or service which has a purpose of assisting in
 21 the procuring of any item, benefit, or service fur-
 22 nished for the purpose of causing, or the purpose of
 23 assisting in causing, the death of any individual,
 24 such as by assisted suicide, euthanasia, or mercy
 25 killing.”.

1 (b) AMENDMENT TO PROTECTION AND ADVOCACY
 2 FOR MENTALLY ILL INDIVIDUALS ACT OF 1986; SYSTEM
 3 REQUIREMENTS.—Section 105(a) of the Protection and
 4 Advocacy for Mentally Ill Individuals Act of 1986 (42
 5 U.S.C. 10805(a)) is amended—

6 (1) in paragraph (8), by striking “and” at the
 7 end thereof;

8 (2) in paragraph (9), by striking the period and
 9 inserting “; and”; and

10 (3) by adding at the end thereof the following
 11 new paragraph:

12 “(10) not use allotments provided to a system
 13 to assist in—

14 “(A) procuring or funding any item, bene-
 15 fit, or service for the purpose of causing, or the
 16 purpose of assisting in causing, the death of
 17 any individual, such as by assisted suicide, eu-
 18 thanasia, or mercy killing;

19 “(B) compelling any individual, institution,
 20 government, or governmental body to provide
 21 any item, benefit, or service for the purpose of
 22 causing, or the purpose of assisting in causing,
 23 the death of any individual, such as by assisted
 24 suicide, euthanasia, or mercy killing; or

1 “(C) asserting or advocating a legal right
 2 to cause, or to assist in causing, or to receive
 3 assistance in causing, the death of any individ-
 4 ual, such as by assisted suicide, euthanasia, or
 5 mercy killing.”.

6 (c) AMENDMENT TO REHABILITATION ACT OF 1973;
 7 REQUIREMENTS FOR ASSISTANCE FOR PROTECTION AND
 8 ADVOCACY SYSTEMS.—Section 509(f) of the Rehabilita-
 9 tion Act of 1973 (29 U.S.C. 794e(f)) is amended—

10 (1) in paragraph (6), by striking “and” after
 11 the semicolon at the end;

12 (2) in paragraph (7), by striking the period at
 13 the end and inserting “; and”; and

14 (3) by adding at the end the following para-
 15 graph:

16 “(8) not use allotments provided under this sec-
 17 tion to support or fund any program or service
 18 which has the purpose of assisting in—

19 “(A) procuring or funding any item, bene-
 20 fit, or service for the purpose of causing, or the
 21 purpose of assisting in causing, the death of
 22 any individual, such as by assisted suicide, eu-
 23 thanasia, or mercy killing;

24 “(B) compelling any individual, institution,
 25 government, or governmental body to provide

1 any item, benefit, or service for the purpose of
 2 causing, or the purpose of assisting in causing,
 3 the death of any individual, such as by assisted
 4 suicide, euthanasia, or mercy killing; or

5 “(C) asserting or advocating a legal right
 6 to cause, or to assist in causing, or to receive
 7 assistance in causing, the death of any individ-
 8 ual, such as by assisted suicide, euthanasia, or
 9 mercy killing.”.

10 **SEC. 5. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.**

11 Title II of the Public Health Service Act (42 U.S.C.
 12 201 et seq.) is amended by adding at the end thereof the
 13 following new section:

14 **“SEC. 245. BAN ON USE OF FUNDS FOR ASSISTED SUICIDE**
 15 **AND RELATED SERVICES.**

16 “Appropriations for carrying out the purposes of this
 17 Act shall not be used or made available to provide any
 18 item, or service, furnished for the purpose of causing, or
 19 the purpose of assisting in causing, the death of any indi-
 20 vidual, such as by assisted suicide, euthanasia, or mercy
 21 killing.”.

1 **SEC. 6. 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 new paragraph:

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 such Act (42 U.S.C. 1396a(w)) is amended
 19 by adding at the end the following new paragraphs:

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. 7. 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 new paragraph:

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 such Act (42 U.S.C. 1395cc(f)) is amended by
3 adding at the end the following new paragraphs:

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. 8. AMENDMENT TO OLDER AMERICANS ACT.**

19 Section 712 of the Older Americans Act of 1965 (42
20 U.S.C. 3058g) is amended by adding at the end thereof
21 the following new subsection:

22 “(k) ASSISTED SUICIDE.—No State or local ombuds-
23 man program, entity, or representative shall, with funds
24 allotted under this section, provide any assistance or serv-
25 ice to assist in—

1 “(1) securing or funding any item, benefit, or
 2 service for the purpose of causing, or the purpose of
 3 assisting in causing, the death of any individual,
 4 such as by assisted suicide, euthanasia, or mercy
 5 killing;

6 “(2) compelling any individual, institution, gov-
 7 ernment, or governmental body to provide any item,
 8 benefit, or service for the purpose of causing, or the
 9 purpose of assisting in causing, the death of any in-
 10 dividual, such as by assisted suicide, euthanasia, or
 11 mercy killing; or

12 “(3) asserting or advocating a legal right to
 13 cause, or to assist in causing, or to receive assist-
 14 ance in causing, the death of any individual, such as
 15 by assisted suicide, euthanasia, or mercy killing.”.

16 **SEC. 9. PROHIBITION AGAINST USE OF BLOCK GRANTS TO**
 17 **STATES FOR SOCIAL SERVICES TO PROVIDE**
 18 **ITEMS OR SERVICES FOR THE PURPOSE OF**
 19 **INTENTIONALLY CAUSING DEATH.**

20 Section 2005(a) of the Social Security Act (42 U.S.C.
 21 1397d(a)) is amended—

22 (1) by striking “or” at the end of paragraph
 23 (8);

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

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

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

7 **SEC. 10. INDIAN HEALTH CARE.**

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

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

17 **SEC. 11. MILITARY HEALTH CARE SYSTEM.**

18 (a) MEMBERS AND FORMER MEMBERS.—Section
19 1074 of title 10, United States Code, is amended by add-
20 ing at the end the following:

21 “(d) Under joint regulations prescribed by the admin-
22 istering Secretaries, no one under the jurisdiction of the
23 administering Secretaries may furnish any item or service
24 (including any form of medical care) for the purpose of
25 causing, or the purpose of assisting in causing, the death

1 of any individual, such as by assisted suicide, euthanasia,
2 or mercy killing.”.

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

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

11 (c) PROHIBITED HEALTH CARE UNDER
12 CHAMPUS.—

13 (1) SPOUSES AND CHILDREN OF MEMBERS.—
14 Section 1079(a) of title 10, United States Code, is
15 amended—

16 (A) in paragraph (16), by striking “and”
17 at the end thereof;

18 (B) in paragraph (17), by striking the pe-
19 riod and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(18) No contract for the provision of health-
22 related services entered into by the Secretary may
23 include coverage for any item or service (including
24 any form of medical care) furnished for the purpose
25 of causing, or the purpose of assisting in causing,

1 the death of any individual, such as by assisted sui-
 2 cide, euthanasia, or mercy killing.”.

3 (2) OTHER COVERED BENEFICIARIES.—Section
 4 1086(a) of title 10, United States Code, is amend-
 5 ed—

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

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

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

15 **SEC. 12. FEDERAL EMPLOYEES HEALTH BENEFIT PLANS.**

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

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

1 **SEC. 13. HEALTH CARE PROVIDED FOR PEACE CORPS VOL-**
 2 **UNTEERS.**

3 Section 5(e) of the Peace Corps Act (22 U.S.C.
 4 2504(e)) is amended—

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

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

8 “(2) Subject to such”; and

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

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

17 **SEC. 14. MEDICAL SERVICES FOR FEDERAL PRISONERS.**

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

20 (1) by inserting “(1)” after “(a)”;

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

22 “(2) Services provided under this subsection shall not
 23 include any item or service furnished for the purpose of
 24 causing, or the purpose of assisting in causing, the death
 25 of any individual, such as by assisted suicide, euthanasia,
 26 or mercy killing.”.

1 **SEC. 15. 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 new
 7 section:

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

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

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

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

20 (c) EFFECTIVE DATE.—The amendments made by
 21 this section shall apply to payments to the District of Co-
 22 lumbia for fiscal years beginning with fiscal year 1997.

23 **SEC. 16. LEGAL SERVICES.**

24 Section 1007(b) of the Legal Services Corporation
 25 Act (42 U.S.C. 2996f(b)) is amended—

1 (1) by striking “and” at the end of paragraph
2 (9);

3 (2) by striking the period at the end of para-
4 graph (10) and inserting “; and”; and

5 (3) by adding after paragraph (10) the follow-
6 ing:

7 “(11) to provide legal assistance for the pur-
8 pose of—

9 “(A) securing or funding any item, benefit,
10 program, or service furnished for the purpose of
11 causing, or the purpose of assisting in causing,
12 the death of any individual, such as by assisted
13 suicide, euthanasia, or mercy killing;

14 “(B) compelling any individual, institution,
15 government, or governmental body to provide,
16 fund, or legalize any item, benefit, program, or
17 service for the purpose of causing, or the pur-
18 pose of assisting in causing, the death of any
19 individual, such as by assisted suicide, eutha-
20 nasia, or mercy killing; or

21 “(C) asserting or advocating a legal right
22 to cause, or to assist in causing, or to receive
23 assistance in causing, the death of any individ-

- 1 ual, such as by assisted suicide, euthanasia, or
- 2 mercy killing.”.

