

104TH CONGRESS
2D SESSION

H. R. 4149

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 1996

Mr. HALL of Texas (for himself, Mr. ALLARD, Mr. BAKER of California, Mr. BALLENGER, Mr. BARCIA, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BONILLA, Mr. BOEHNER, Mr. BROWNBACK, Mr. BRYANT of Tennessee, Mr. BUNN of Oregon, Mr. BUNNING of Kentucky, Mr. BURR, Mr. CAMP, Mr. CANADY of Florida, Mr. CHABOT, Mrs. CHENOWETH, Mr. CLINGER, Mr. COBLE, Mr. COBURN, Mr. COLLINS of Georgia, Mr. COOLEY of Oregon, Mr. CREMEANS, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DOYLE, Mr. DUNCAN, Ms. DUNN of Washington, Mr. ENGLISH of Pennsylvania, Mr. FRISA, Mr. FUNDERBURK, Mr. GOODLATTE, Mr. GRAHAM, Ms. GREENE of Utah, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOKE, Mr. HOLDEN, Mr. HOSTETTLER, Mr. HOEKSTRA, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. KING, Mr. KASICH, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MCHUGH, Mr. MANTON, Mr. MANZULLO, Mr. MASCARA, Mr. MICA, Mr. MOORHEAD, Mr. MYERS of Indiana, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. OBERSTAR, Mr. ORTON, Mr. PACKARD, Mr. PARKER, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. POSHARD, Mr. QUINN, Mr. RAHALL, Mr. ROBERTS, Mr. SCARBOROUGH, Mr. SCHIFF, Mrs. SEASTRAND, Mr. SENSENBRENNER, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mrs. SMITH of Washington, Mr. SOLOMON, Mr. SOUDER, Mr. STEARNS, Mr. STENHOLM, Mr. STOCKMAN, Mr. STUMP, Mr. STUPAK, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. TIAHRT, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WICKER, Mr. WOLF, Mr. MONTGOMERY, Mr. CONDIT, Mr. SISISKY, Mr. CRAMER, Mr. CLEMENT, Mr. DELAY, Mr. BREWSTER, Mr. FROST, and Mr. DE LA GARZA) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, Economic and Educational Opportunities, Government Reform and Oversight, Re-

sources, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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**
7 **ASSISTANCE.**

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

16 **SEC. 3. RULE OF CONSTRUCTION.**

17 Nothing in this Act, or in an amendment made by
18 this Act, shall be construed to create any limitation relat-
19 ing to—

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

3 (2) the withholding or withdrawing of nutrition
4 or hydration;

5 (3) abortion; or

6 (4) the use of an item, good, benefit, or service
7 furnished for the purpose of alleviating pain or dis-
8 comfort, even if such use may increase the risk of
9 death, so long as such item, good, benefit, or service
10 is not also furnished for the purpose of causing, or
11 the purpose of assisting in causing, death, for any
12 reason.

13 **SEC. 4. AMENDMENTS TO ACTS REGARDING INDIVIDUALS**
14 **WITH DISABILITIES.**

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

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

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

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

1 (C) by adding at the end the following
2 clause:

3 “(viii) such funds will not be used to
4 support any program or service that has a
5 purpose of assisting in procuring any item
6 or service the purpose of which is to cause,
7 or to assist in causing, the death of any in-
8 dividual, such as by assisted suicide, eutha-
9 nasia, or mercy killing.”.

10 (2) LEGAL ACTIONS BY PROTECTION AND AD-
11 VOCACY SYSTEMS.—Section 142(h)(1) of the Devel-
12 opmental Disabilities Assistance and Bill of Rights
13 Act (42 U.S.C. 6042(h)(1)) is amended by inserting
14 before the period the following: “, except that no
15 such system may use assistance provided under this
16 chapter to bring suit or provide any other form of
17 legal assistance for the purpose of—

18 “(A) securing or funding any item, benefit,
19 program, or service furnished for the purpose of
20 causing, or the purpose of assisting in causing,
21 the death of any individual, such as by assisted
22 suicide, euthanasia, or mercy killing;

23 “(B) compelling any individual, institution,
24 government, or governmental body to provide,
25 fund, or legalize any item, benefit, program, or

1 service for the purpose of causing, or the pur-
2 pose of assisting in causing, the death of any
3 individual, such as by assisted suicide, eutha-
4 nasia, 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 (3) PROHIBITED ACTIVITIES REGARDING

11 GRANTS TO UNIVERSITY AFFILIATED PROGRAMS.—

12 Section 152(b)(5) of the Developmental Disabilities
13 Assistance and Bill of Rights Act (42 U.S.C.
14 6062(b)(5)) is amended by inserting before the pe-
15 riod the following: “, or for any program or service
16 which has a purpose of assisting in procuring any
17 item, or service, the purpose of which is to cause, or
18 to assist in causing, the death of any individual,
19 such as by assisted suicide, euthanasia, or mercy
20 killing”.

21 (4) REQUIREMENTS REGARDING GRANTS FOR

22 PROJECTS OF NATIONAL SIGNIFICANCE.—Section

23 162(c) of the Developmental Disabilities Assistance
24 and Bill of Rights Act (42 U.S.C. 6082(c)) is
25 amended—

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

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

5 (C) by adding at the end the following
6 paragraph:

7 “(6) the applicant provides assurances that the
8 grant will not be used to support or fund any pro-
9 gram or service which has a purpose of assisting in
10 the procuring of any item, benefit, or service fur-
11 nished for the purpose of causing, or the purpose of
12 assisting in causing, the death of any individual,
13 such as by assisted suicide, euthanasia, or mercy
14 killing.”.

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

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

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

24 (3) by adding at the end thereof the following
25 new paragraph:

1 “(10) not use allotments provided to a system
2 to assist in—

3 “(A) procuring or funding any item, bene-
4 fit, or service for the purpose of causing, or the
5 purpose of assisting in causing, the death of
6 any individual, such as by assisted suicide, eu-
7 thanasia, or mercy killing;

8 “(B) compelling any individual, institution,
9 government, or governmental body to provide
10 any item, benefit, or service 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; or

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

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

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

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

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

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

8 “(A) procuring or funding any item, bene-
9 fit, or service for the purpose of causing, or the
10 purpose of assisting in causing, the death of
11 any individual, such as by assisted suicide, eu-
12 thanasia, or mercy killing;

13 “(B) compelling any individual, institution,
14 government, or governmental body to provide
15 any item, benefit, or service for the purpose of
16 causing, or the purpose of assisting in causing,
17 the death of any individual, such as by assisted
18 suicide, euthanasia, or mercy killing; or

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

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

2 Title II of the Public Health Service Act (42 U.S.C.
3 201 et seq.) is amended by adding at the end thereof the
4 following new section:

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

7 “Appropriations for carrying out the purposes of this
8 Act shall not be used or made available to provide any
9 item, or service, furnished for the purpose of causing, or
10 the purpose of assisting in causing, the death of any indi-
11 vidual, such as by assisted suicide, euthanasia, or mercy
12 killing.”.

13 **SEC. 6. PROHIBITION OF FEDERAL FINANCIAL PARTICIPA-**
14 **TION UNDER MEDICAID FOR ASSISTED SUI-**
15 **CIDE OR RELATED SERVICES.**

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

18 (1) by striking “or” at the end of paragraph
19 (14);

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

22 (3) by inserting after paragraph (15) the fol-
23 lowing new paragraph:

24 “(16) with respect to any amount expended for
25 any item, or service, furnished for the purpose of
26 causing, or the purpose of assisting in causing, the

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

3 (b) TREATMENT OF ADVANCE DIRECTIVES.—Section
4 1902(w) of such Act (42 U.S.C. 1396a(w)) is amended
5 by adding at the end the following new paragraphs:

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

12 “(6) Nothing in this subsection shall be construed to
13 require any provider or organization, or any employee of
14 such a provider or organization, to inform or counsel any
15 individual regarding any right to obtain an item or service
16 furnished for the purpose of causing, or the purpose of
17 assisting in causing, the death of the individual, such as
18 by assisted suicide, euthanasia, or mercy killing.”.

19 **SEC. 7. RESTRICTING TREATMENT UNDER MEDICARE OF**
20 **ASSISTED SUICIDE OR RELATED SERVICES.**

21 (a) PROHIBITION OF EXPENDITURES.—Section
22 1862(a) of the Social Security Act (42 U.S.C. 1395y(a))
23 is amended—

24 (1) by striking “or” at the end of paragraph
25 (14);

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

3 (3) by inserting after paragraph (15) the fol-
4 lowing new paragraph:

5 “(16) where such expenses are for any item, or
6 service, furnished for the purpose of causing, or the
7 purpose of assisting in causing, the death of any in-
8 dividual, such as by assisted suicide, euthanasia, or
9 mercy killing.”.

10 (b) TREATMENT OF ADVANCE DIRECTIVES.—Section
11 1866(f) of such Act (42 U.S.C. 1395cc(f)) is amended by
12 adding at the end the following new paragraphs:

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

19 “(5) Nothing in this subsection shall be construed to
20 require any provider of services or prepaid or eligible orga-
21 nization, or any employee of such a provider or organiza-
22 tion, to inform or counsel any individual regarding any
23 right to obtain an item, or service, furnished for the pur-
24 pose of causing, or the purpose of assisting in causing,

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

3 **SEC. 8. AMENDMENT TO OLDER AMERICANS ACT.**

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

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

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

16 “(2) compelling any individual, institution, gov-
17 ernment, or governmental body to provide any item,
18 benefit, or service for the purpose of causing, or the
19 purpose of assisting in causing, the death of any in-
20 dividual, such as by assisted suicide, euthanasia, or
21 mercy killing; or

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

1 **SEC. 9. PROHIBITION AGAINST USE OF BLOCK GRANTS TO**
2 **STATES FOR SOCIAL SERVICES TO PROVIDE**
3 **ITEMS OR SERVICES FOR THE PURPOSE OF**
4 **INTENTIONALLY CAUSING DEATH.**

5 Section 2005(a) of the Social Security Act (42 U.S.C.
6 1397d(a)) is amended—

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

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

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

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

17 **SEC. 10. INDIAN HEALTH CARE.**

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

21 “(3) Funds appropriated under the authority of this
22 section may not be used for the provision of any item or
23 service (including treatment or care) furnished for the
24 purpose of causing, or the purpose of assisting in causing,
25 the death of any individual, such as by assisted suicide,
26 euthanasia, or mercy killing.”.

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

2 (a) MEMBERS AND FORMER MEMBERS.—Section
3 1074 of title 10, United States Code, is amended by add-
4 ing at the end the following:

5 “(d) Under joint regulations prescribed by the admin-
6 istering Secretaries, no one under the jurisdiction of the
7 administering Secretaries may furnish any item or service
8 (including any form of medical care) for the purpose of
9 causing, or the purpose of assisting in causing, the death
10 of any individual, such as by assisted suicide, euthanasia,
11 or mercy killing.”.

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

15 “(4) Items or services (including any form of
16 medical care) furnished for the purpose of causing,
17 or the purpose of assisting in causing, the death of
18 any individual, such as by assisted suicide, eutha-
19 nasia, or mercy killing.”.

20 (c) PROHIBITED HEALTH CARE UNDER
21 CHAMPUS.—

22 (1) SPOUSES AND CHILDREN OF MEMBERS.—
23 Section 1079(a) of title 10, United States Code, is
24 amended—

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

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

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

4 “(18) No contract for the provision of health-
5 related services entered into by the Secretary may
6 include coverage for any item or service (including
7 any form of medical care) furnished for the purpose
8 of causing, or the purpose of assisting in causing,
9 the death of any individual, such as by assisted sui-
10 cide, euthanasia, or mercy killing.”.

11 (2) OTHER COVERED BENEFICIARIES.—Section
12 1086(a) of title 10, United States Code, is amend-
13 ed—

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

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

17 “(2) No contract for the provision of health-related
18 services entered into by the Secretary may include cov-
19 erage for any item or service (including any form of medi-
20 cal care) 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.”.

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

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

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

6 **SEC. 13. HEALTH CARE PROVIDED FOR PEACE CORPS**
7 **VOLUNTEERS.**

8 Section 5(e) of the Peace Corps Act (22 U.S.C.
9 2504(e)) is amended—

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

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

13 “(2) Subject to such”; and

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

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

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

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

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

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

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

7 **SEC. 15. PROHIBITING USE OF ANNUAL FEDERAL PAYMENT**
8 **TO DISTRICT OF COLUMBIA FOR ASSISTED**
9 **SUICIDE OR RELATED SERVICES.**

10 (a) IN GENERAL.—Title V of the District of Colum-
11 bia Self-Government and Governmental Reorganization
12 Act is amended by adding at the end the following new
13 section:

14 “BAN ON USE OF FUNDS FOR ASSISTED SUICIDE AND
15 RELATED SERVICES

16 “SEC. 504. None of the funds appropriated to the
17 District of Columbia pursuant to an authorization of ap-
18 propriations under this title may be used to furnish any
19 item, or service, for the purpose of causing, or the purpose
20 of assisting in causing, the death of any individual, such
21 as by assisted suicide, euthanasia, or mercy killing.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 of the District of Columbia Self-Government and Govern-
24 mental Reorganization Act is amended by adding at the
25 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.”.

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

4 **SEC. 16. LEGAL SERVICES.**

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

7 (1) by striking “and” at the end of paragraph
8 (9);

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

11 (3) by adding after paragraph (10) the follow-
12 ing:

13 “(11) to provide legal assistance for the pur-
14 pose of—

15 “(A) securing or funding any item, benefit,
16 program, or service furnished for the purpose of
17 causing, or the purpose of assisting in causing,
18 the death of any individual, such as by assisted
19 suicide, euthanasia, or mercy killing;

20 “(B) compelling any individual, institution,
21 government, or governmental body to provide,
22 fund, or legalize any item, benefit, program, or
23 service for the purpose of causing, or the pur-
24 pose of assisting in causing, the death of any

1 individual, such as by assisted suicide, eutha-
2 nasia, or mercy killing; or

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

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