

HEALTH AND HUMAN SERVICES ACTS

PUBLIC LAW 105-12—APR. 30, 1997

Public Law 105-12
105th Congress

An Act

To clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide.

Apr. 30, 1997

[H.R. 1003]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Assisted Suicide Funding Restriction Act of 1997”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Restriction on use of Federal funds under health care programs.
- Sec. 4. Restriction on use of Federal funds under certain grant programs under the Developmental Disabilities Assistance and Bill of Rights Act.
- Sec. 5. Restriction on use of Federal funds by advocacy programs.
- Sec. 6. Restriction on use of other Federal funds.
- Sec. 7. Clarification with respect to advance directives.
- Sec. 8. Application to District of Columbia.
- Sec. 9. Conforming amendments.
- Sec. 10. Relation to other laws.
- Sec. 11. Effective date.
- Sec. 12. Suicide prevention (including assisted suicide).

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) The Federal Government provides financial support for the provision of and payment for health care services, as well as for advocacy activities to protect the rights of individuals.

(2) Assisted suicide, euthanasia, and mercy killing have been criminal offenses throughout the United States and, under current law, it would be unlawful to provide services in support of such illegal activities.

(3) Because of recent legal developments, it may become lawful in areas of the United States to furnish services in support of such activities.

(4) Congress is not providing Federal financial assistance in support of assisted suicide, euthanasia, and mercy killing and intends that Federal funds not be used to promote such activities.

(b) **PURPOSE.**—It is the principal purpose of this Act to continue current Federal policy by providing explicitly that Federal funds may not be used to pay for items and services (including assistance) the purpose of which is to cause (or assist in causing) the suicide, euthanasia, or mercy killing of any individual.

SEC. 3. RESTRICTION ON USE OF FEDERAL FUNDS UNDER HEALTH CARE PROGRAMS.

(a) **RESTRICTION ON FEDERAL FUNDING OF HEALTH CARE SERVICES.**—Subject to subsection (b), no funds appropriated by Congress for the purpose of paying (directly or indirectly) for the provision of health care services may be used—

(1) to provide any health care item or service furnished for the purpose of causing, or for the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing;

(2) to pay (directly, through payment of Federal financial participation or other matching payment, or otherwise) for such

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an item or service, including payment of expenses relating to such an item or service; or

(3) to pay (in whole or in part) for health benefit coverage that includes any coverage of such an item or service or of any expenses relating to such an item or service.

(b) CONSTRUCTION AND TREATMENT OF CERTAIN SERVICES.— Nothing in subsection (a), or in any other provision of this Act (or in any amendment made by this Act), shall be construed to apply to or to affect any limitation relating to—

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

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

(3) abortion; or

(4) the use of an item, good, benefit, or service furnished for the purpose of alleviating pain or discomfort, even if such use may increase the risk of death, so long as such item, good, benefit, or service is not also furnished for the purpose of causing, or the purpose of assisting in causing, death, for any reason.

(c) LIMITATION ON FEDERAL FACILITIES AND EMPLOYEES.— Subject to subsection (b), with respect to health care items and services furnished—

(1) by or in a health care facility owned or operated by the Federal government, or

(2) by any physician or other individual employed by the Federal government to provide health care services within the scope of the physician's or individual's employment,

no such item or service may be furnished for the purpose of causing, or for the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.

(d) LIST OF PROGRAMS TO WHICH RESTRICTIONS APPLY.—

(1) FEDERAL HEALTH CARE FUNDING PROGRAMS.— Subsection (a) applies to funds appropriated under or to carry out the following:

(A) MEDICARE PROGRAM.— Title XVIII of the Social Security Act.

(B) MEDICAID PROGRAM.— Title XIX of the Social Security Act.

(C) TITLE XX SOCIAL SERVICES BLOCK GRANT.— Title XX of the Social Security Act.

(D) MATERNAL AND CHILD HEALTH BLOCK GRANT PROGRAM.— Title V of the Social Security Act.

(E) PUBLIC HEALTH SERVICE ACT.— The Public Health Service Act.

(F) INDIAN HEALTH CARE IMPROVEMENT ACT.— The Indian Health Care Improvement Act.

(G) FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.— Chapter 89 of title 5, United States Code.

(H) MILITARY HEALTH CARE SYSTEM (INCLUDING TRICARE AND CHAMPUS PROGRAMS).— Chapter 55 of title 10, United States Code.

(I) VETERANS MEDICAL CARE.— Chapter 17 of title 38, United States Code.

(J) HEALTH SERVICES FOR PEACE CORPS VOLUNTEERS.— Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)).

(K) MEDICAL SERVICES FOR FEDERAL PRISONERS.— Section 4005(a) of title 18, United States Code.

(2) FEDERAL FACILITIES AND PERSONNEL.— The provisions of subsection (c) apply to facilities and personnel of the following:

(A) MILITARY HEALTH CARE SYSTEM.— The Department of Defense operating under chapter 55 of title 10, United States Code.

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(B) VETERANS MEDICAL CARE.—The Veterans Health Administration of the Department of Veterans Affairs.

(C) PUBLIC HEALTH SERVICE.—The Public Health Service.

(3) NONEXCLUSIVE LIST.—Nothing in this subsection shall be construed as limiting the application of subsection (a) to the programs specified in paragraph (1) or the application of subsection (c) to the facilities and personnel specified in paragraph (2).

SEC. 4. RESTRICTION ON USE OF FEDERAL FUNDS UNDER CERTAIN GRANT PROGRAMS UNDER THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT. 42 USC 14403.

Subject to section 3(b) (relating to construction and treatment of certain services), no funds appropriated by Congress to carry out part B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act may be used to support or fund any program or service which has a purpose of assisting in procuring any item, benefit, or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.

SEC. 5. RESTRICTION ON USE OF FEDERAL FUNDS BY ADVOCACY PROGRAMS. 42 USC 14404.

(a) IN GENERAL.—Subject to section 3(b) (relating to construction and treatment of certain services), no funds appropriated by Congress may be used to assist in, to support, or to fund any activity or service which has a purpose of assisting in, or to bring suit or provide any other form of legal assistance for the purpose of—

(1) securing or funding any item, benefit, program, or service furnished for the purpose of causing, or the purpose of assisting in causing, the suicide, euthanasia, or mercy killing of any individual;

(2) compelling any person, institution, governmental entity to provide or fund any item, benefit, program, or service for such purpose; or

(3) asserting or advocating a legal right to cause, or to assist in causing, the suicide, euthanasia, or mercy killing of any individual.

(b) LIST OF PROGRAMS TO WHICH RESTRICTIONS APPLY.—

(1) IN GENERAL.—Subsection (a) applies to funds appropriated under or to carry out the following:

(A) PROTECTION AND ADVOCACY SYSTEMS UNDER THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT.—Part C of the Developmental Disabilities Assistance and Bill of Rights Act.

(B) PROTECTION AND ADVOCACY SYSTEMS UNDER THE PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT.—The Protection and Advocacy for Mentally Ill Individuals Act of 1986.

(C) PROTECTION AND ADVOCACY SYSTEMS UNDER THE REHABILITATION ACT OF 1973.—Section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e).

(D) OMBUDSMAN PROGRAMS UNDER THE OLDER AMERICANS ACT OF 1965.—Ombudsman programs under the Older Americans Act of 1965.

(E) LEGAL ASSISTANCE.—Legal assistance programs under the Legal Services Corporation Act.

(2) NONEXCLUSIVE LIST.—Nothing in this subsection shall be construed as limiting the application of subsection (a) to the programs specified in paragraph (1).

SEC. 6. RESTRICTION ON USE OF OTHER FEDERAL FUNDS. 42 USC 14405.

(a) IN GENERAL.—Subject to section 3(b) (relating to construction and treatment of certain services) and subsection (b) of this

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section, no funds appropriated by the Congress shall be used to provide, procure, furnish, or fund any item, good, benefit, activity, or service, furnished or performed for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual.

(b) NONDUPLICATION.—Subsection (a) shall not apply to funds to which section 3, 4, or 5 applies, except that subsection (a), rather than section 3, shall apply to funds appropriated to carry out title 10, United States Code (other than chapter 55), title 18, United States Code (other than section 4005(a)), and chapter 37 of title 28, United States Code.

42 USC 14406.

SEC. 7. CLARIFICATION WITH RESPECT TO ADVANCE DIRECTIVES.

Subject to section 3(b) (relating to construction and treatment of certain services), sections 1866(f) and 1902(w) of the Social Security Act shall not be construed—

(1) to require any provider or organization, or any employee of such a provider or organization, to inform or counsel any individual regarding any right to obtain an item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of the individual, such as by assisted suicide, euthanasia, or mercy killing; or

(2) to apply to or to affect any requirement with respect to a portion of an advance directive that directs the purposeful causing of, or the purposeful assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.

42 USC 14407.

SEC. 8. APPLICATION TO DISTRICT OF COLUMBIA.

For purposes of this Act, the term “funds appropriated by Congress” includes funds appropriated to the District of Columbia pursuant to an authorization of appropriations under title V of the District of Columbia Self-Government and Governmental Reorganization Act and the term “Federal government” includes the government of the District of Columbia.

SEC. 9. CONFORMING AMENDMENTS.

(a) MEDICARE PROGRAM.—

(1) FUNDING.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

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

(B) by striking the period at the end of paragraph (15) and inserting “; or”; and

(C) by inserting after paragraph (15) the following new paragraph:

“(16) in the case in which funds may not be used for such items and services under the Assisted Suicide Funding Restriction Act of 1997.”.

(2) ADVANCE DIRECTIVES.—Section 1866(f) of such Act (42 U.S.C. 1395cc(f)) is amended by adding at the end the following new paragraph:

“(4) For construction relating to this subsection, see section 7 of the Assisted Suicide Funding Restriction Act of 1997 (relating to clarification respecting assisted suicide, euthanasia, and mercy killing).”.

(b) MEDICAID PROGRAM.—

(1) FUNDING.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

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

(B) by striking the period at the end of paragraph (15) and inserting “; or”; and

(C) by inserting after paragraph (15) the following new paragraph:

“(16) with respect to any amount expended for which funds may not be used under the Assisted Suicide Funding Restriction Act of 1997.”.

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(2) ADVANCE DIRECTIVES.—Section 1902(w) of such Act (42 U.S.C. 1396a(w)) is amended by adding at the end the following new paragraph:

“(5) For construction relating to this subsection, see section 7 of the Assisted Suicide Funding Restriction Act of 1997 (relating to clarification respecting assisted suicide, euthanasia, and mercy killing).”.

(c) TITLE XX BLOCK GRANT PROGRAM.—Section 2005(a) of the Social Security Act (42 U.S.C. 1397d(a)) is amended—

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

(2) by striking the period at the end of paragraph (9) and inserting “; or”; and

(3) by adding at the end the following:

“(10) in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997.”.

(d) MATERNAL AND CHILD HEALTH BLOCK GRANT PROGRAM.—Section 501(a) of the Social Security Act (42 U.S.C. 701(a)) is amended by adding at the end the following:

“Funds appropriated under this section may only be used in a manner consistent with the Assisted Suicide Funding Restriction Act of 1997.”.

(e) PUBLIC HEALTH SERVICE ACT.—Title II of the Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new section:

“SEC. 246. RESTRICTION ON USE OF FUNDS FOR ASSISTED SUICIDE, EUTHANASIA, AND MERCY KILLING. 42 USC 238o.

“Appropriations for carrying out the purposes of this Act shall not be used in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997.”.

(f) INDIAN HEALTH CARE IMPROVEMENT ACT.—Title II of the Indian Health Care Improvement Act (25 U.S.C. 1621 et seq.) is amended by adding at the end the following new section:

“LIMITATION ON USE OF FUNDS

“SEC. 225. Amounts appropriated to carry out this title may not be used in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997.”. 25 USC 1621x.

(g) FEDERAL EMPLOYEES HEALTH BENEFIT PROGRAM.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

“(o) A contract may not be made or a plan approved which includes coverage for any benefit, item, or service for which funds may not be used under the Assisted Suicide Funding Restriction Act of 1997.”.

(h) MILITARY HEALTH CARE PROGRAM.—Section 1073 of title 10, United States Code, is amended by adding at the end the following: “This chapter shall be administered consistent with the Assisted Suicide Funding Restriction Act of 1997.”.

(i) VETERANS’ MEDICAL CARE PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 1707. Restriction on use of funds for assisted suicide, euthanasia, or mercy killing

“Funds appropriated to carry out this chapter may not be used for purposes that are inconsistent with the Assisted Suicide Funding Restriction Act of 1997.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1706 the following new item:

“1707. Restriction on use of funds for assisted suicide, euthanasia, or mercy killing.”.

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(j) HEALTH CARE PROVIDED FOR PEACE CORPS VOLUNTEERS.—Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) is amended by adding at the end the following: “Health care may not be provided under this subsection in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997.”.

(k) MEDICAL SERVICES FOR FEDERAL PRISONERS.—Section 4005(a) of title 18, United States Code, is amended by inserting “and to the extent consistent with the Assisted Suicide Funding Restriction Act of 1997” after “Upon request of the Attorney General”.

(l) DEVELOPMENTAL DISABILITIES AND BILL OF RIGHTS ACT.—

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

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

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

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

“(viii) such funds will be used consistent with section 4 of the Assisted Suicide Funding Restriction Act of 1997.”.

(2) LEGAL ACTIONS BY PROTECTION AND ADVOCACY SYSTEMS.—Section 142(h) of such Act (42 U.S.C. 6042(h)) is amended by adding at the end the following new paragraph:

“(3) LIMITATION.—The systems may only use assistance provided under this chapter consistent with section 5 of the Assisted Suicide Funding Restriction Act of 1997.”.

(3) UNIVERSITY AFFILIATED PROGRAMS.—Section 152(b)(5) of such Act (42 U.S.C. 6062(b)(5)) is amended by adding at the end the following: “Such grants shall not be used in a manner inconsistent with section 4 of the Assisted Suicide Funding Restriction Act of 1997.”.

(4) GRANTS OF NATIONAL SIGNIFICANCE.—Section 162(c) of such Act (42 U.S.C. 6082(c)) is amended—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) the applicant provides assurances that the grant will not be used in a manner inconsistent with section 4 of the Assisted Suicide Funding Restriction Act of 1997.”.

(m) PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986.—Section 105(a) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10805(a)) is amended—

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

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

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

“(10) not use allotments provided to a system in a manner inconsistent with section 5 of the Assisted Suicide Funding Restriction Act of 1997.”.

(n) PROTECTION AND ADVOCACY SYSTEMS UNDER THE REHABILITATION ACT OF 1973.—Section 509(f) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(f)) is amended—

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

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

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

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“(8) not use allotments provided under this section in a manner inconsistent with section 5 of the Assisted Suicide Funding Restriction Act of 1997.”.

(o) LEGAL SERVICES PROGRAM.—Section 1007(b) of the Legal Services Corporation Act (42 U.S.C. 2996f(b)) is amended—

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

(2) by striking the period at the end of paragraph (10) and inserting “; or”; and

(3) by adding after paragraph (10) the following:

“(11) to provide legal assistance in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997.”.

(p) CONSTRUCTION ON CONFORMING AMENDMENTS.—The fact that a law is not amended under this section shall not be construed as indicating that the provisions of this Act do not apply to such a law.

42 USC 14401
note.

SEC. 10. RELATION TO OTHER LAWS.

42 USC 14408.

The provisions of this Act supersede other Federal laws (including laws enacted after the date of the enactment of this Act) except to the extent such laws specifically supersede the provisions of this Act.

SEC. 11. EFFECTIVE DATE.

42 USC 14401
note.

(a) IN GENERAL.— The provisions of this Act (and the amendments made by this Act) take effect upon its enactment and apply, subject to subsection (b), to Federal payments made pursuant to obligations incurred after the date of the enactment of this Act for items and services provided on or after such date.

(b) APPLICATION TO CONTRACTS.—Such provisions shall apply with respect to contracts entered into, renewed, or extended after the date of the enactment of this Act and shall also apply to a contract entered into before such date to the extent permitted under such contract.

SEC. 12. SUICIDE PREVENTION (INCLUDING ASSISTED SUICIDE).

(a) PURPOSE.—The purpose of this section is to reduce the rate of suicide (including assisted suicide) among persons with disabilities or terminal or chronic illness by furthering knowledge and practice of pain management, depression identification and treatment, and issues related to palliative care and suicide prevention.

42 USC 295 note.

(b) RESEARCH AND DEMONSTRATION PROJECTS.—Section 781 of the Public Health Service Act (42 U.S.C. 295) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e) RESEARCH AND DEMONSTRATION PROJECTS ON SUICIDE PREVENTION (INCLUDING ASSISTED SUICIDE).—

“(1) RESEARCH.—The Secretary may make grants to and enter into contracts with public and private entities for conducting research intended to reduce the rate of suicide (including assisted suicide) among persons with disabilities or terminal or chronic illness. The Secretary shall give preference to research that aims—

“(A) to assess the quality of care received by patients with disabilities or terminal or chronic illness by measuring and reporting specific outcomes;

“(B) to compare coordinated health care (which may include coordinated rehabilitation services, symptom control, psychological support, and community-based support services) to traditional health care delivery systems; or

“(C) to advance biomedical knowledge of pain management.

“(2) TRAINING.—The Secretary may make grants and enter into contracts to assist public and private entities, schools, academic health science centers, and hospitals in meeting the costs of projects intended to reduce the rate of suicide (including

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assisted suicide) among persons with disabilities or terminal or chronic illness. The Secretary shall give preference to qualified projects that will—

“(A) train health care practitioners in pain management, depression identification and treatment, and issues related to palliative care and suicide prevention;

“(B) train the faculty of health professions schools in pain management, depression identification and treatment, and issues related to palliative care and suicide prevention; or

“(C) develop and implement curricula regarding disability issues, including living with disabilities, living with chronic or terminal illness, attendant and personal care, assistive technology, and social support services.

“(3) DEMONSTRATION PROJECTS.—The Secretary may make grants to and enter into contracts with public and nonprofit private entities for the purpose of conducting demonstration projects that will—

“(A) reduce restrictions on access to hospice programs; or

“(B) fund home health care services, community living arrangements, and attendant care services.

“(4) PALLIATIVE MEDICINE.—The Secretary shall emphasize palliative medicine among its funding and research priorities.”.

42 USC 295 note.

(c) REPORT BY GENERAL ACCOUNTING OFFICE.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report providing an assessment of programs under subsection (e) of section 781 of the Public Health Service Act (as added by subsection (b) of this section) to conduct research, provide training, and develop curricula and of the curricula offered and used by schools of medicine and osteopathic medicine in pain management, depression identification and treatment, and issues related to palliative care and suicide prevention. The purpose of the assessment shall be to determine the extent to which such programs have furthered knowledge and practice of pain management, depression identification and treatment, and issues related to palliative care and suicide prevention.

Approved April 30, 1997.

LEGISLATIVE HISTORY—H.R. 1003:

HOUSE REPORTS: No. 105-46, Pt. 1 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 143 (1997):

Apr. 10, considered and passed House.

Apr. 16, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 33 (1997):

Apr. 30, Presidential statement.