

Congress cannot remain silent now. Congress acted with one voice to ensure that no federal program, facility or employee is involved in assisted suicide. Enactment of the Lethal Drug Abuse Prevention Act of 1998 will ensure that federal authorization to prescribe DEA-regulated drugs does not include the authority to prescribe such drugs to cause a patient's death.

I urge my colleagues to support and swiftly enact this urgently needed legislation.

Mr President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows

S. 2151

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Lethal Drug Abuse Prevention Act of 1998".

#### SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the use of certain narcotics and other dangerous drugs is generally prohibited under the Controlled Substances Act;

(2) under the Controlled Substances Act and implementing regulations, an exception to this general prohibition permits the dispensing and distribution of certain controlled substances by properly registered physicians for legitimate medical purposes;

(3) the dispensing or distribution of controlled substances to assist suicide is not a legitimate medical purpose and should not be construed to be permissible under the Controlled Substances Act;

(4) the dispensing or distribution of certain controlled substances for the purpose of relieving pain and discomfort is a legitimate medical purpose under the Controlled Substances Act and physicians should not hesitate to dispense or distribute them for that purpose when medically indicated; and

(5) for the reasons set forth in section 101 of the Controlled Substances Act (21 U.S.C. 801), the dispensing and distribution of controlled substances for any purpose, including that of assisting suicide, affects interstate commerce.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide explicitly that Federal law is not intended to license the dispensing or distribution of a controlled substance with a purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual; and

(2) to encourage physicians to prescribe controlled substances as medically appropriate in order to relieve pain and discomfort, by reducing unwarranted concerns that their registration to prescribe controlled substances will thereby be put at risk, if there is no intent to cause a patient's death.

#### SEC. 3. LETHAL DRUG ABUSE PREVENTION.

(a) DENIAL OF REGISTRATION.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

"(i) DENIAL OF REGISTRATION.—The Attorney General shall determine that registration of an applicant under this section is inconsistent with the public interest if—

"(1) during the 5-year period immediately preceding the date on which the application is submitted under this section, the registration of the applicant under this section was revoked under section 304(a)(4); or

"(2) the Attorney General determines, based on clear and convincing evidence, that the applicant is applying for the registration with the intention of using the registration to take any action that would constitute a violation of section 304(a)(4)."

(b) SUSPENSION OR REVOCATION OF REGISTRATION.—

(1) IN GENERAL.—Section 304(a) of the Controlled Substances Act (21 U.S.C. 824(a)) is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) has intentionally dispensed or distributed a controlled substance with a purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual, except that this paragraph does not apply to the dispensing or distribution of a controlled substance for the purpose of relieving pain or discomfort (even if the use of the controlled substance may increase the risk of death), so long as the controlled substance is not also dispensed or distributed for the purpose of causing, or assisting in causing, the death of an individual for any reason;"

(2) CONFORMING AMENDMENT.—Section 304(a)(5) of the Controlled Substances Act (21 U.S.C. 824(a)(5)) (as redesignated by paragraph (1) of this subsection) is amended by inserting "other" after "such".

(c) PAIN RELIEF.—Section 304(c) of the Controlled Substances Act (21 U.S.C. 824(c)) is amended—

(1) by striking "(c) Before" and inserting the following:

"(c) PROCEDURES.—

"(1) ORDER TO SHOW CAUSE.—After any hearing under paragraph (2), and before"; and

(2) by adding at the end the following:

"(2) MEDICAL REVIEW BOARD ON PAIN RELIEF.—

"(A) IN GENERAL.—The Attorney General shall by regulation establish a board to be known as the Medical Review Board on Pain Relief (referred to in this subsection as the 'Board').

"(B) MEMBERSHIP.—The Attorney General shall appoint the members of the Board—

"(i) from among individuals who, by reason of specialized education or substantial relevant experience in pain management, are clinical experts with knowledge regarding standards, practices, and guidelines concerning pain relief; and

"(ii) after consultation with the American Medical Association, the American Academy of Hospice and Palliative Medicine, the National Hospice Organization, the American Geriatrics Society, and such other entities with relevant expertise concerning pain relief, as the Attorney General determines to be appropriate.

"(C) DUTIES OF BOARD.—

"(i) HEARING.—If an applicant or registrant claims that any action (or, in the case of a proposed denial under section 303(i)(2), any potential action) that is a basis of a proposed denial under section 303(i), or a proposed revocation or suspension under subsection (a)(4) of this section, is an appropriate means to relieve pain that does not constitute a violation of subsection (a)(4) of this section, the applicant or registrant may seek a hearing before the Board on that issue.

"(ii) FINDINGS.—Based on a hearing under clause (i), the Board shall make findings regarding whether the action at issue is an appropriate means to relieve pain that does not constitute a violation of subsection (a)(4). The findings of the Board under this clause shall be admissible in any hearing pursuant to an order to show cause under paragraph (1)."

#### SEC. 4. CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act shall be construed to imply that the dispensing or distribution of a controlled substance before the date of enactment of this Act for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual is not a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) INCORPORATED DEFINITIONS.—In this section, the terms "controlled substance", "dispense", and "distribute" have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

#### ADDITIONAL COSPONSORS

S. 268

At the request of Mr. MCCAIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 268, a bill to regulate flights over national parks, and for other purposes.

S. 507

At the request of Mr. LEAHY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 507, a bill to establish the United States Patent and Trademark Organization as a Government corporation, to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform, and for other purposes.

S. 773

At the request of Mr. DURBIN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 773, a bill to designate certain Federal lands in the State of Utah as wilderness, and for other purposes.

S. 831

At the request of Mr. SHELBY, the names of the Senator from Colorado [Mr. ALLARD] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 831, a bill to amend chapter 8 of title 5, United States Code, to provide for congressional review of any rule promulgated by the Internal Revenue Service that increases Federal revenue, and for other purposes.

S. 852

At the request of Mr. LOTT, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1092

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 1092, a bill to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Florida [Mr. MACK] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1251, a bill to amend the

Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Florida [Mr. MACK], the Senator from North Dakota [Mr. CONRAD], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1305

At the request of Mr. GRAMM, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1423

At the request of Mr. HAGEL, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 1423, a bill to modernize and improve the Federal Home Loan Bank System.

S. 1531

At the request of Ms. SNOWE, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 1531, a bill to deauthorize certain portions of the project for navigation, Bass Harbor, Maine.

S. 1532

At the request of Ms. SNOWE, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 1532, a bill to amend the Water Resources Development Act of 1996 to deauthorize the remainder of the project at East Boothbay Harbor, Maine.

S. 1686

At the request of Mr. HUTCHINSON, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1686, a bill to amend the National Labor Relations Act to determine the appropriateness of certain bargaining units in the absence of a stipulation or consent.

S. 1890

At the request of Mr. DASCHLE, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 1890, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 1891

At the request of Mr. DASCHLE, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 1891, a bill to amend the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 1924

At the request of Mr. MACK, the names of the Senator from Kansas [Mr.

ROBERTS] and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes.

S. 2064

At the request of Ms. MIKULSKI, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 2064, a bill to prohibit the sale of naval vessels and Maritime Administration vessels for purposes of scrapping abroad, to establish a demonstration program relating to the breaking up of such vessels in United States shipyards, and for other purposes.

S. 2077

At the request of Mr. FORD, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 2077, a bill to maximize the national security of the United States and minimize the cost by providing for increased use of the capabilities of the National Guard and other reserve components of the United States; to improve the readiness of the reserve components; to ensure that adequate resources are provided for the reserve components; and for other purposes.

S. 2085

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2085, a bill to assist small businesses and labor organizations in defending themselves against Government bureaucracy; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers.

S. 2112

At the request of Mr. ENZI, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 2112, a bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

S. 2118

At the request of Mr. CHAFEE, the names of the Senator from Colorado [Mr. ALLARD] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 2118, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 2128

At the request of Mr. STEVENS, the names of the Senator from Tennessee

[Mr. FRIST], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 2128, a bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution supporting the religious tolerance toward Muslims.

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. ABRAHAM, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of Senate Concurrent Resolution 101, a concurrent resolution expressing the sense of the Congress that the President of the United States should reconsider his decision to be formally received in Tiananmen Square by the Government of the People's Republic of China.

SENATE RESOLUTION 235

At the request of Mr. AKAKA, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Resolution 235, a resolution commemorating 100 years of relations between the people of the United States and the people of the Philippines.

AMENDMENT NO. 2446

At the request of Mr. JOHNSON, his name was added as a cosponsor of Amendment No. 2446 proposed to S. 1415, a bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

SENATE RESOLUTION 245—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES AND THE REPUBLIC OF KOREA SHOULD CONTINUE TO ADVANCE ALREADY CLOSE BILATERAL SECURITY, ECONOMIC AND POLITICAL TIES FOR THE MUTUAL BENEFIT OF BOTH COUNTRIES

Mr. ROTH (for himself and Mr. THOMAS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 245

Whereas, the United States maintains a close, critical and robust bilateral partnership with the Republic of Korea, and has a profound interest in furthering that relationship;

Whereas, the U.S. security relationship with the ROK, based on the 1953 Mutual Defense Treaty, bilateral consultations and combined military forces, is one of our most important, and it is in both countries' interest, as well as in the interest of the countries of the Asia Pacific region for that relationship to be maintained;