

109TH CONGRESS
1ST SESSION

S. 686

AN ACT

For the relief of the parents of Theresa Marie Schiavo.

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

1 **SECTION 1. RELIEF OF THE PARENTS OF THERESA MARIE**
2 **SCHIAVO**

3 The United States District Court for the Middle Dis-
4 trict of Florida shall have jurisdiction to hear, determine,
5 and render judgment on a suit or claim by or on behalf
6 of Theresa Marie Schiavo for the alleged violation of any
7 right of Theresa Marie Schiavo under the Constitution or
8 laws of the United States relating to the withholding or
9 withdrawal of food, fluids, or medical treatment necessary
10 to sustain her life.

11 **SEC. 2. PROCEDURE.**

12 Any parent of Theresa Marie Schiavo shall have
13 standing to bring a suit under this Act. The suit may be
14 brought against any other person who was a party to State
15 court proceedings relating to the withholding or with-
16 drawal of food, fluids, or medical treatment necessary to
17 sustain the life of Theresa Marie Schiavo, or who may act
18 pursuant to a State court order authorizing or directing
19 the withholding or withdrawal of food, fluids, or medical
20 treatment necessary to sustain her life. In such a suit, the
21 District Court shall determine de novo any claim of a vio-
22 lation of any right of Theresa Marie Schiavo within the
23 scope of this Act, notwithstanding any prior State court
24 determination and regardless of whether such a claim has
25 previously been raised, considered, or decided in State
26 court proceedings. The District Court shall entertain and

1 determine the suit without any delay or abstention in favor
2 of State court proceedings, and regardless of whether rem-
3 edies available in the State courts have been exhausted.

4 **SEC. 3. RELIEF.**

5 After a determination of the merits of a suit brought
6 under this Act, the District Court shall issue such declara-
7 tory and injunctive relief as may be necessary to protect
8 the rights of Theresa Marie Schiavo under the Constitu-
9 tion and laws of the United States relating to the with-
10 holding or withdrawal of food, fluids, or medical treatment
11 necessary to sustain her life.

12 **SEC. 4. TIME FOR FILING.**

13 Notwithstanding any other time limitation, any suit
14 or claim under this Act shall be timely if filed within 30
15 days after the date of enactment of this Act.

16 **SEC. 5. NO CHANGE OF SUBSTANTIVE RIGHTS.**

17 Nothing in this Act shall be construed to create sub-
18 stantive rights not otherwise secured by the Constitution
19 and laws of the United States or of the several States.

20 **SEC. 6. NO EFFECT ON ASSISTING SUICIDE.**

21 Nothing in this Act shall be construed to confer addi-
22 tional jurisdiction on any court to consider any claim
23 related—

24 (1) to assisting suicide, or

25 (2) a State law regarding assisting suicide.

1 **SEC. 7. NO PRECEDENT FOR FUTURE LEGISLATION.**

2 Nothing in this Act shall constitute a precedent with
3 respect to future legislation, including the provision of pri-
4 vate relief bills.

5 **SEC. 8. NO AFFECT ON THE PATIENT SELF-DETERMINA-**
6 **TION ACT OF 1990.**

7 Nothing in this Act shall affect the rights of any per-
8 son under the Patient Self-Determination Act of 1990.

9 **SEC. 9. SENSE OF THE CONGRESS.**

10 It is the Sense of Congress that the 109th Congress
11 should consider policies regarding the status and legal
12 rights of incapacitated individuals who are incapable of
13 making decisions concerning the provision, withholding, or
14 withdrawal of foods, fluid, or medical care.

Passed the Senate March 20, 2005.

Attest:

Secretary.