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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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June 27, 2017

Mayor Muriel Bowser
Executive Office of the Mayor
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Mayor Bowser:

I write to you as Chairman of the Senate Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs and Federal Management, which has jurisdiction over the District of Columbia. The Constitution vests plenary authority over the District with the Congress. While the District enjoys latitude in governing local matters, Congress maintains the constitutional authority to oversee local administration and review District laws. Under this authority, I write to you with concerns about the implementation of the Death with Dignity Act of 2015 (hereinafter, Death with Dignity) which was approved by the D.C. Council and signed on December 19, 2016.

Death with Dignity authorizes doctors to prescribe a lethal dose of medication to terminally ill patients. Physician-assisted suicide is a controversial topic that — aside from the moral and ethical concerns addressed by both supporters and opponents — raises questions about how such policies are implemented and administered.

This letter serves to advance the Subcommittee's duty of oversight concerning the implementation and administration of this law. As one of only six U.S. jurisdictions where physician-assisted suicide is authorized, the District has fairly limited precedent about how such policies can be implemented without a range of negative effects on public health and finances, and harm to individuals. Specifically, I am concerned about how this law is funded and implemented. It is essential that there is full transparency and true safeguards are in place to protect the most vulnerable among us.

As you know, Congress has expressly forbidden the use of government funds for purposes related to assisted suicide under the Assisted Suicide Funding Restriction Act of 1997 (Pub. L. No. 105-12).

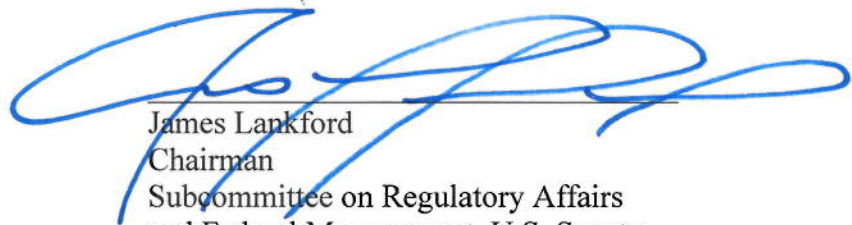
Last Month, the *Washington Post* published an article indicating that the D.C. Council is working to find and use existing funds to create the monitoring and physician training systems before October 1st. Your spokesman, Kevin Harris, was quoted as saying, "our understanding of the law is that it is a one-time cost, and that will already be done and underway before Congress has passed its budget. The mayor made a commitment to see this through, and we are continuing

to do that.”¹ I am interested to know what you, in conjunction with the Council, are doing in regard to the implementation of this law and if you plan to use existing funds to implement the law before October 1st. I respectfully ask that you to provide answers to the following questions no later than July 27, 2017:

1. Do you, in conjunction with the Council, plan to fund implementation of Death with Dignity prior to October 1, 2017? If so, what funds will you use to implement the law? Specifically, have any or will any federal or federally connected funds be used to plan or implement the Death with Dignity statute?
2. Do you anticipate a regulatory scheme to be implemented to assist in carrying out oversight this law? If so, describe that regulatory scheme, as well as when it would be proposed and how it will be enforced.
3. Have you identified whether additional funds will be needed after implementation to carry out the law? If so, from what source, how much and how frequently?
4. What data will be collected to show how many patients are prescribed lethal medication, how many doctors prescribed the medication and how many patients actually consumed the medication?
5. What requirements will there be for death certificates to show that the cause of death was suicide versus an underlying illness?
6. How will the District monitor and collect unused lethal medications if they are prescribed and purchased, but not used?

If you have any questions about this request, please contact Sarah Seitz at 202-224-5754. Thank you for your prompt attention to this matter, and I look forward to hearing from you.

Sincerely,



James Lankford
Chairman
Subcommittee on Regulatory Affairs
and Federal Management, U.S. Senate
Committee on Homeland Security and
Governmental Affairs

¹ Fenit Nirappil, *D.C. Assisted Suicide Law Could Be Blocked Under Trump's Budget*, Washington Post (May 23, 2017) available at https://www.washingtonpost.com/local/dc-politics/dc-assisted-suicide-law-could-be-blocked-under-trumps-budget/2017/05/23/2e002ad0-3fd6-11e7-adba-394ee67a7582_story.html?hpid=hp_hp-cards_hp-card-local%3Ahomepage%2Fcard&utm_term=.a02138775a0b.

Mayor Muriel Bowser

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cc: The Honorable Heidi Heitkamp
Ranking Minority Member
Subcommittee on Regulatory Affairs
and Federal Management