



Statement by Senator Dianne Feinstein On the Terri Schiavo Case  
March 21, 2005

**“The legislation passed by the Congress is a compromise. The original bill, which was far worse, would have passed by a majority vote in both houses. It would have made a federal court inquiry possible for virtually any patient in this situation.**

**Instead, the bill passed by Congress is what is known as a private relief bill. It affects only the parents of Theresa Marie Schiavo. It gives them standing to bring a suit in federal court, but does not dictate to the court what it must do.**

**The compromise bill’s language also specifically points out that it provides no changes in ‘substantive rights’ not otherwise secured by the Constitution or federal or state law; has ‘no effect’ on assisting suicide; ‘no precedent’ on future legislation; and has ‘no effect’ on the Patient Self-Determination Act of 1990.”**

**Following is the text of the legislation approved by Congress and signed into law:**

*109th CONGRESS  
1st Session  
S. 686*

*AN ACT*

*For the relief of the parents of Theresa Marie Schiavo.*

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

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

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

*SEC. 2. PROCEDURE.*

*Any parent of Theresa Marie Schiavo shall have standing to bring a suit under this Act. The suit may be brought against any other person who was a party to State court proceedings relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain the life of Theresa Marie Schiavo, or who may act pursuant to a State court order authorizing or directing the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.*

*In such a suit, the District Court shall determine de novo any claim of a violation of any right of Theresa Marie Schiavo within the scope of this Act, notwithstanding any prior State court determination and regardless of whether such a claim has previously been raised, considered, or decided in State court proceedings. The District Court shall entertain and determine the suit without any delay or abstention in favor of State court proceedings, and regardless of whether remedies available in the State courts have been exhausted.*

**SEC. 3. RELIEF.**

*After a determination of the merits of a suit brought under this Act, the District Court shall issue such declaratory and injunctive relief as may be necessary to protect the rights of Theresa Marie Schiavo under the Constitution and laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.*

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

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

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

*Nothing in this Act shall be construed to create substantive rights not otherwise secured by the Constitution and laws of the United States or of the several States.*

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

*Nothing in this Act shall be construed to confer additional jurisdiction on any court to consider any claim related--*

*(1) to assisting suicide, or*

*(2) a State law regarding assisting suicide.*

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

*Nothing in this Act shall constitute a precedent with respect to future legislation, including the provision of private relief bills.*

**SEC. 8. NO AFFECT ON THE PATIENT SELF-DETERMINATION ACT OF 1990.**

*Nothing in this Act shall affect the rights of any person under the Patient Self-Determination Act of 1990.*

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

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