

105TH CONGRESS  
1ST SESSION

# S. 190

To protect the lives of unborn human beings.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 1997

Mr. HELMS introduced the following bill; which was read twice and referred  
to the Committee on Governmental Affairs

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## A BILL

To protect the lives of unborn human beings.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Unborn Children’s  
5 Civil Rights Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) scientific evidence demonstrates that abor-  
9 tion takes the life of an unborn child who is a living  
10 human being;

11 (2) a right to abortion is not secured by the  
12 Constitution;

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1           (3) in the cases of *Roe v. Wade* (410 U.S. 113  
2           (1973)) and *Doe v. Bolton* (410 U.S. 179 (1973))  
3           the Supreme Court erred in not recognizing the hu-  
4           manity of the unborn child and the compelling inter-  
5           est of the States in protecting the life of each person  
6           before birth.

7   **SEC. 3. PROHIBITION ON USE OF FUNDS FOR ABORTION.**

8           No funds appropriated by Congress shall be used to  
9           take the life of an unborn child, except that such funds  
10          may be used only for those medical procedures required  
11          to prevent the death of either the pregnant woman or her  
12          unborn child so long as every reasonable effort is made  
13          to preserve the life of each.

14   **SEC. 4. PROHIBITION ON USE OF FUNDS TO ENCOURAGE**  
15                   **OR PROMOTE ABORTION.**

16          No funds appropriated by Congress shall be used to  
17          promote, encourage, counsel for, refer for, pay for (includ-  
18          ing travel expenses), or do research on, any procedure to  
19          take the life of an unborn child, except that such funds  
20          may be used in connection with only those medical proce-  
21          dures required to prevent the death of either the pregnant  
22          woman or her unborn child so long as every reasonable  
23          effort is made to preserve the life of each.

1 **SEC. 5. PROHIBITION ON ENTERING INTO CERTAIN INSUR-**  
2 **ANCE CONTRACTS.**

3 Neither the United States, nor any agency or depart-  
4 ment thereof shall enter into any contract for insurance  
5 that provides for payment or reimbursement for any pro-  
6 cedure to take the life of an unborn child, except that the  
7 United States, or an agency or department thereof may  
8 enter into contracts for payment or reimbursement for  
9 only those medical procedures required to prevent the  
10 death of either the pregnant woman or her unborn child  
11 so long as every reasonable effort is made to preserve the  
12 life of each.

13 **SEC. 6. LIMITATIONS ON RECIPIENTS OF FEDERAL FUNDS.**

14 No institution, organization, or other entity receiving  
15 Federal financial assistance shall—

16 (1) discriminate against any employee, appli-  
17 cant for employment, student, or applicant for ad-  
18 mission as a student on the basis of such person's  
19 opposition to procedures to take the life of an un-  
20 born child or to counseling for or assisting in such  
21 procedures;

22 (2) require any employee or student to partici-  
23 pate, directly or indirectly, in a health insurance  
24 program which includes procedures to take the life  
25 of an unborn child or which provides counseling or  
26 referral for such procedures; or

1           (3) require any employee or student to partici-  
 2           pate, directly or indirectly, in procedures to take the  
 3           life of an unborn child or in counseling, referral, or  
 4           any other administrative arrangements for such pro-  
 5           cedures.

6 **SEC. 7. LIMITATION ON CERTAIN ATTORNEY'S FEES.**

7           Notwithstanding any other provision of Federal law,  
 8           attorneys' fees shall not be allowable in any civil action  
 9           in Federal court involving, directly or indirectly, a law, or-  
 10          dinance, regulation, or rule prohibiting or restricting pro-  
 11          cedures to take the life of an unborn child.

12 **SEC. 8. APPEALS OF CERTAIN CASES.**

13          Between the first and second paragraphs of section  
 14          1252 of title 28, United States Code, insert the following  
 15          new paragraph:

16          “Notwithstanding the absence of the United States  
 17          as a party, if any State or any subdivision of any State  
 18          enforces or enacts a law, ordinance, regulation, or rule  
 19          prohibiting procedures to take the life of an unborn child,  
 20          and such law, ordinance, regulation, or rule is declared  
 21          unconstitutional in an interlocutory or final judgment, de-  
 22          cree, or order of any court of the United States, any party  
 23          in such a case may appeal such case to the Supreme  
 24          Court, notwithstanding any other provision of law.”.

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