

105TH CONGRESS
2D SESSION

S. 2135

To amend title 42, United States Code, to protect human life.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 1998

Mr. SMITH of New Hampshire (for himself, Mr. HELMS, and Mr. ASHCROFT)
introduced the following bill; which was read twice and referred to the
Committee on the Judiciary

A BILL

To amend title 42, United States Code, to protect human
life.

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 “Human Life Act of
5 1998”.

6 **SEC. 2. PROTECTION OF HUMAN LIFE.**

7 (a) IN GENERAL.—Title 42 of the United States
8 Code shall be amended at the end thereof by adding the
9 following new chapter:

1 **“CHAPTER ____**2 **“§ ____ . Protection of human life**

3 “(a) The Congress finds that the right to life is the
4 paramount and most fundamental right of a person.

5 “(b) The Congress further finds that the life of each
6 human being begins at fertilization.

7 “(c) Upon the basis of these findings, and in the exer-
8 cise of the power of Congress under section 5 of the four-
9 teenth amendment to the Constitution, the Congress here-
10 by recognizes that for the purpose of enforcing the obliga-
11 tion of the States under the fourteenth amendment not
12 to deprive persons of life without due process of law, nor
13 to deny persons within their jurisdictions the equal protec-
14 tion of the laws, the word ‘person’ applies to all human
15 beings, irrespective of age, health, function, or condition
16 of dependency, including their unborn offspring at every
17 stage of their biological development including fertiliza-
18 tion.

19 “(d) No unborn child shall be deprived of life by any
20 person: *Provided, however,* That nothing in this section
21 shall prohibit a law allowing justification to be shown for
22 only those medical procedures required to prevent the
23 death of either the pregnant woman or her unborn off-
24 spring as long as such a law requires every reasonable ef-
25 fort to be made to preserve the lives of both of them.”.