

Calendar No. 2

105TH CONGRESS
1ST SESSION

S. 42

To protect the lives of unborn human beings.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. HELMS introduced the following bill; which was read twice and placed on
the calendar

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;

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

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

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

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

16 **SEC. 4. PROHIBITION ON USE OF FUNDS TO ENCOURAGE**
17 **OR PROMOTE ABORTION.**

18 No funds appropriated by Congress shall be used to
19 promote, encourage, counsel for, refer for, pay for (includ-
20 ing travel expenses), or do research on, any procedure to
21 take the life of an unborn child, except that such funds
22 may be used in connection with only those medical proce-
23 dures required to prevent the death of either the pregnant
24 woman or her unborn child so long as every reasonable
25 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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