

Calendar No. 1

106TH CONGRESS
1ST SESSION**S. 40**

To protect the lives of unborn human beings.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. HELMS introduced the following bill; which was read the first time

JANUARY 20, 1999

Read the second time 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—

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

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

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

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

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

19 **SEC. 4. PROHIBITION ON USE OF FUNDS TO ENCOURAGE**
20 **OR PROMOTE ABORTION.**

21 No funds appropriated by Congress shall be used to
22 promote, encourage, counsel for, refer for, pay for (includ-
23 ing travel expenses), or do research on, any procedure to
24 take the life of an unborn child, except that such funds
25 may be used in connection with only those medical proce-

1 dures required to prevent the death of either the pregnant
2 woman or her unborn child so long as every reasonable
3 effort is made to preserve the life of each.

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

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

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

17 No institution, organization, or other entity receiving
18 Federal financial assistance shall—

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

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

6 (3) require any employee or student to partici-
 7 pate, directly or indirectly, in procedures to take the
 8 life of an unborn child or in counseling, referral, or
 9 any other administrative arrangements for such pro-
 10 cedures.

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

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

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

18 Chapter 81 of title 28, United States Code, is amend-
 19 ed by inserting after section 1251, the following:

20 **"§ 1251. Appeals of certain cases**

21 "Notwithstanding the absence of the United States
 22 as a party, if any State or any subdivision of any State
 23 enforces or enacts a law, ordinance, regulation, or rule
 24 prohibiting procedures to take the life of an unborn child,
 25 and such law, ordinance, regulation, or rule is declared

1 unconstitutional in an interlocutory or final judgment, de-
2 cree, or order of any court of the United States, any party
3 in such a case may appeal such case to the Supreme
4 Court, notwithstanding any other provision of law.”.

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