

106TH CONGRESS  
2D SESSION

# H. CON. RES. 305

Expressing the sense of the Congress that the presence of brain wave activity and spontaneous cardiac activity should be considered conclusive evidence of human life for legal purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2000

Mr. COBURN (for himself, Mrs. MYRICK, Mr. PITTS, Mrs. CHENOWETH-HAGE, Mr. SHOWS, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Mr. DELAY, Mrs. EMERSON, Mr. HOSTETTLER, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. DICKEY, Mr. HUNTER, Mr. GREEN of Wisconsin, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. TIAHRT, Mr. JONES of North Carolina, Mr. TAYLOR of Mississippi, Mr. DEMINT, Mr. LARGENT, Mr. ADERHOLT, Mr. TERRY, Mr. SOUDER, Mr. SCHAFFER, Mr. DOOLITTLE, Mr. VITTER, Mr. MCINTOSH, and Mr. BRADY of Texas) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

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## CONCURRENT RESOLUTION

Expressing the sense of the Congress that the presence of brain wave activity and spontaneous cardiac activity should be considered conclusive evidence of human life for legal purposes.

Whereas the Declaration of Independence states as self-evident truths “that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness”;

Whereas ascertaining the presence of human life is relevant to critical questions of law and rights;

Whereas in every jurisdiction in the United States death is legally defined either by statute or by judicial determination as the irreversible cessation of spontaneous cardiac activity and brain wave activity;

Whereas the presence of these indices is legally valid as proof of the presence of life;

Whereas spontaneous cardiac activity and brain wave activity are both readily detectable with modern medical equipment;

Whereas brain wave activity in a human being is detectable at 41 days after conception and is continuous thereafter throughout the individual's life;

Whereas the human heartbeat is detectable at 24 days after conception and is continuous thereafter throughout the individual's life;

Whereas the Fourteenth Amendment to the Constitution prohibits any State from depriving any person of life, liberty, or property without due process of law;

Whereas the Supreme Court, in its 1973 decision in *Roe v. Wade*, stated that "the word 'person,' as used in the Fourteenth Amendment, does not include the unborn";

Whereas when the State of Texas in *Roe v. Wade* urged that a State has a compelling interest in protecting human life from and after conception, the Supreme Court declined to resolve "the difficult question of when life begins";

Whereas the presence of human life is detectable apart from its beginning, and a determination of the presence of

human life is a sufficient basis for the recognition of rights; and

Whereas clarity and consistency in the law are essential to the protection of the rights guaranteed by the Constitution: Now, therefore, be it

1       *Resolved by House of Representatives (the Senate con-*  
2 *curring)*, That it is the sense of the Congress that—

3           (1) the presence of brain wave activity and  
4       spontaneous cardiac activity should be considered  
5       conclusive evidence for all legal purposes of the pres-  
6       ence of human life, without regard to age, health,  
7       defects, or condition of dependency;

8           (2) the absence of brain wave activity or spon-  
9       taneous cardiac activity, other than an irreversible  
10      cessation of these activities, should not be considered  
11      conclusive evidence for legal purposes that a human  
12      life is not present; and

13          (3) the Constitution protects all human life in  
14      the United States.

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