

103<sup>RD</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 636**

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**AMENDMENTS**

***In the House of Representatives, U. S.,***

*March 17, 1994.*

*Resolved*, That the bill from the Senate (S. 636) entitled “An Act to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes”, do pass with the following

**AMENDMENTS:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Freedom of Access to*  
3 *Clinic Entrances Act of 1993”.*

4 ***SEC. 2. FREEDOM OF ACCESS TO REPRODUCTIVE HEALTH***  
5 ***SERVICES.***

6 *Chapter 13 of title 18, United States Code, is amended*  
7 *by adding at the end the following:*

8 ***“§ 248. Blocking access to reproductive health services***

9 *“(a) PROHIBITED ACTIVITIES.—Whoever—*

10 *“(1) by force, threat of force, or physical obstruc-*  
11 *tion, intentionally injures, intimidates, or interferes*  
12 *with any person, or attempts to do so, because that*  
13 *person or any other person or class of persons is ob-*  
14 *taining or providing reproductive health services; or*

1           “(2) intentionally damages or destroys the prop-  
2           erty of a facility, or attempts to do so, because that  
3           facility provides reproductive health services;  
4           shall be punished as provided in subsection (b) of this sec-  
5           tion and also be subject to the civil remedy provided in sub-  
6           section (c) of this section, except that a parent or legal  
7           guardian of a minor shall not be subject to any penalties  
8           or civil remedies under this section for such activities inso-  
9           far as they are directed exclusively at that minor.

10          “(b) *PENALTIES.*—Whoever violates subsection (a) of  
11          this section shall—

12                 “(1) in the case of a first offense, be fined under  
13                 this title or imprisoned not more than 1 year, or both;  
14                 and

15                 “(2) in the case of a second or subsequent offense  
16                 after a prior conviction under this section, be fined  
17                 under this title or imprisoned not more than 3 years,  
18                 or both;

19                 except that, if bodily injury results, the length of imprison-  
20                 ment shall be not more than 10 years, and if death results,  
21                 it shall be for any term of years or for life.

22          “(c) *CIVIL ACTIONS.*—

23                 “(1) *RIGHT OF ACTION GENERALLY.*—Any per-  
24                 son who is aggrieved by a violation of subsection (a)

1 *of this section may in a civil action obtain relief*  
2 *under this subsection.*

3 “(2) *ACTION BY ATTORNEY GENERAL.*—*If the At-*  
4 *torney General has reasonable cause to believe that*  
5 *any person, or group of persons, is aggrieved by a*  
6 *violation of subsection (a) of this section, the Attorney*  
7 *General may in a civil action obtain relief under this*  
8 *subsection.*

9 “(3) *ACTIONS BY STATE ATTORNEYS GENERAL.*—  
10 *If an attorney general of a State has reasonable cause*  
11 *to believe that any person or group of persons is ag-*  
12 *grieved by a violation of subsection (a) of this section,*  
13 *that attorney general may in a civil action obtain re-*  
14 *lief under this subsection.*

15 “(4) *RELIEF.*—*In any action under this sub-*  
16 *section, the court may award any appropriate relief,*  
17 *including temporary, preliminary or permanent in-*  
18 *junctionive relief, and compensatory and punitive dam-*  
19 *ages for each person aggrieved by the violation. With*  
20 *respect to compensatory damages, the aggrieved per-*  
21 *son may elect, at any time before the rendering of*  
22 *final judgment, to recover, in lieu of actual damages,*  
23 *an award of statutory damages in the amount of*  
24 *\$5,000 per violation. The court may award to the*

1        *prevailing party, other than the United States, rea-*  
2        *sonable fees for attorneys and expert witnesses.*

3        “(d) *RULES OF CONSTRUCTION.—(1) Nothing in this*  
4        *section shall be construed to prohibit any expressive conduct*  
5        *(including peaceful picketing or other peaceful demonstra-*  
6        *tion) protected from legal prohibition by the first article*  
7        *of amendment to the Constitution.*

8        “(2) *Nothing in this section shall be construed to inter-*  
9        *fere with the authority of States to enforce State or local*  
10       *laws regulating the provision of reproductive health serv-*  
11       *ices.*

12       “(e) *NON-PREEMPTION.—Congress does not intend this*  
13       *section to provide the exclusive remedies with respect to the*  
14       *conduct prohibited by it, nor to preempt the legislation of*  
15       *the States that may provide such remedies.*

16       “(f) *DEFINITIONS.—As used in this section, the follow-*  
17       *ing definitions apply:*

18                “(1) *REPRODUCTIVE HEALTH SERVICES.—The*  
19                *term ‘reproductive health services’ means reproductive*  
20                *health services provided in a hospital, clinic, physi-*  
21                *cian’s office, or other facility, and includes medical,*  
22                *surgical, counselling or referral services relating to the*  
23                *human reproductive system.*

24                “(2) *FACILITY.—The term ‘facility’ includes the*  
25                *building or structure in which the facility is located.*

1           “(3) *PHYSICAL OBSTRUCTION.*—The term ‘phys-  
2           ical obstruction’ means rendering impassable ingress  
3           to or egress from a facility that provides reproductive  
4           health services, or rendering passage to or from such  
5           facility unreasonably difficult.

6           “(4) *STATE.*—The term ‘State’ includes a State  
7           of the United States, the District of Columbia, and  
8           any commonwealth, territory, or possession of the  
9           United States.

10           “(5) *INTIMIDATE.*—The term ‘intimidate’ means  
11           to place a person in reasonable apprehension of bod-  
12           ily harm to himself or herself or to another.”.

13   **SEC. 3. EFFECTIVE DATE.**

14           This Act takes effect on the date of the enactment of  
15           this Act, and shall apply only with respect to conduct occur-  
16           ring on or after such date.

17   **SEC. 4. CLERICAL AMENDMENT.**

18           The table of sections at the beginning of chapter 13  
19           of title 18, United States Code, is amended by adding at  
20           the end the following new item:

          “248. Blocking access to reproductive health services.”.

Amend the title so as to read: “An Act to amend title 18, United States Code, to assure freedom of access to reproductive services.”.

Attest:

*Clerk.*