

Calendar No. 169

103D CONGRESS
1ST SESSION

S. 636

[Report No. 103-117]

A BILL

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.

JULY 29 (legislative day, JUNE 30), 1993

Reported with an amendment

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1ST SESSION**S. 636****[Report No. 103-117]**

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.

IN THE SENATE OF THE UNITED STATES

MARCH 23 (legislative day, MARCH 3), 1993

Mr. KENNEDY (for himself, Mrs. BOXER, Mr. CAMPBELL, Mrs. FEINSTEIN, Mr. HARKIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. SIMON, Mr. ROBB, Mr. WELLSTONE, Mr. PELL, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, Mrs. MURRAY, Mr. PACKWOOD, Mr. LAUTENBERG, Mr. RIEGLE, Mr. INOUE, Mr. BAUCUS, Mr. KERRY, Mrs. KASSEBAUM, Mr. DECONCINI, Mr. SPECTER, Mr. REID, Mr. LEAHY, Mr. CHAFEE, Mr. BRYAN and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

JULY 29 (legislative day, JUNE 30), 1993

Reported by Mr. KENNEDY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

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

4 **SEC. 2. CONGRESSIONAL STATEMENT OF FINDINGS AND**
5 **PURPOSE.**

6 (a) FINDINGS.—Congress finds that—

7 (1) medical clinics and other facilities offering
8 abortion services have been targeted in recent years
9 by an interstate campaign of violence and obstruc-
10 tion aimed at closing the facilities or physically
11 blocking ingress to them, and intimidating those
12 seeking to obtain or provide abortion services;

13 (2) as a result of such conduct, women are
14 being denied access to, and health care providers are
15 being prevented from delivering, vital reproductive
16 health services;

17 (3) such conduct subjects women to increased
18 medical risks and thereby jeopardizes the public
19 health and safety;

20 (4) the methods used to deny women access to
21 these services include blockades of facility entrances;
22 invasions and occupations of the premises; vandalism
23 and destruction of property in and around the facil-
24 ity; bombings, arson, and murder; and other acts of
25 force and threats of force;

1 (5) those engaging in such tactics frequently
2 trample police lines and barricades and overwhelm
3 State and local law enforcement authorities and
4 courts and their ability to restrain and enjoin unlaw-
5 ful conduct and prosecute those who have violated
6 the law;

7 (6) such conduct operates to infringe upon
8 women's ability to exercise full enjoyment of rights
9 secured to them by Federal and State law, both stat-
10 utory and constitutional, and burdens interstate
11 commerce, including by interfering with business ac-
12 tivities of medical clinics involved in interstate com-
13 merce and by forcing women to travel from States
14 where their access to reproductive health services is
15 obstructed to other States;

16 (7) prior to the Supreme Court's decision in
17 Bray v. Alexandria Women's Health Clinic (No. 90-
18 985, January 13, 1993), such conduct was fre-
19 quently restrained and enjoined by Federal courts in
20 actions brought under section 1980(3) of the Re-
21 vised Statutes (42 U.S.C. 1985(3));

22 (8) in the Bray decision, the Court denied a
23 remedy under such section to persons injured by the
24 obstruction of access to abortion services;

1 ~~(9)~~ legislation is necessary to prohibit the ob-
2 struction of access by women to abortion services
3 and to ensure that persons injured by such conduct,
4 as well as the Attorney General, can seek redress in
5 the Federal courts;

6 ~~(10)~~ the obstruction of access to abortion serv-
7 ices can be prohibited, and the right of injured par-
8 ties to seek redress in the courts can be established,
9 without abridging the exercise of any rights guaran-
10 teed under the First Amendment to the Constitution
11 or other law; and

12 ~~(11)~~ Congress has the affirmative power under
13 section 8 of article I of the Constitution and under
14 section 5 of the Fourteenth Amendment to the Con-
15 stitution to enact such legislation.

16 ~~(b)~~ PURPOSE.—It is the purpose of this Act to pro-
17 tect and promote the public health and safety by prohibit-
18 ing the use of force, threat of force or physical obstruction
19 to injure, intimidate or interfere with a person seeking to
20 obtain or provide abortion services, and the destruction
21 of property of facilities providing abortion services, and
22 by establishing the right of private parties injured by such
23 conduct, as well as the Attorney General in appropriate
24 cases, to bring actions for appropriate relief.

1 **SEC. 3. FREEDOM OF ACCESS TO CLINIC ENTRANCES.**

2 Title XXVII of the Public Health Service Act (42
3 U.S.C. 300aaa et seq.) is amended by adding at the end
4 thereof the following new section:

5 **“SEC. 2715. FREEDOM OF ACCESS TO CLINIC ENTRANCES.**

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

7 **“(1)** by force or threat of force or by physical
8 obstruction, intentionally injures, intimidates or
9 interferes with or attempts to injure, intimidate or
10 interfere with any person because that person is or
11 has been, or in order to intimidate such person or
12 any other person or any class of persons, from—

13 **“(A)** obtaining abortion services; or

14 **“(B)** lawfully aiding another person to ob-
15 tain abortion services; or

16 **“(2)** intentionally damages or destroys the
17 property of a medical facility or in which a medical
18 facility is located, or attempts to do so, because such
19 facility provides abortion services,

20 shall be subject to the penalties provided in subsection (b)
21 and the civil remedy provided in subsection (c).

22 **“(b) PENALTIES.—**Whoever violates this section
23 shall—

24 **“(1)** in the case of a first offense, be fined in
25 accordance with title 18 or imprisoned not more
26 than 1 year, or both; and

1 ~~“(2) in the case of a second or subsequent of-~~
2 ~~fense after a prior conviction under this section, be~~
3 ~~finned in accordance with title 18 or imprisoned not~~
4 ~~more than 3 years, or both;~~
5 ~~except that, if bodily injury results, the length of imprison-~~
6 ~~ment shall be not more than 10 years, and if death results,~~
7 ~~it shall be for any term of years or for life.~~

8 ~~“(c) STUDY.—~~

9 ~~“(1) IN GENERAL.—The Secretary shall con-~~
10 ~~duct a study concerning the effect that conduct pro-~~
11 ~~hibited by subsection (a) has had, is having or may~~
12 ~~be expected to have on the delivery of reproductive~~
13 ~~health services for women and on the health and~~
14 ~~welfare of women throughout the United States.~~
15 ~~Such study shall take into account the full range of~~
16 ~~reproductive health services offered at facilities tar-~~
17 ~~geted by such conduct, including abortion services,~~
18 ~~family planning, pregnancy testing, infertility serv-~~
19 ~~ices, testing and treatment for sexually transmitted~~
20 ~~diseases, screening for breast and cervical cancer,~~
21 ~~prenatal services, and other similar activities. Such~~
22 ~~study shall include consideration of—~~

23 ~~“(A) the nature and extent of incidents in~~
24 ~~which conduct prohibited by subsection (a) has~~
25 ~~occurred throughout the United States;~~

1 ~~“(B) the impact of such incidents on the~~
2 ~~medical facilities and providers that have been~~
3 ~~targeted, and on the ability of physicians and~~
4 ~~other health care providers to deliver reproduc-~~
5 ~~tive health services to their patients; and~~

6 ~~“(C) the effects of such incidents on the~~
7 ~~mental and physical health of women, includ-~~
8 ~~ing—~~

9 ~~“(i) any medical risks or complica-~~
10 ~~tions associated with delays in obtaining,~~
11 ~~or failure to obtain, testing, screening or~~
12 ~~treatment services in the areas of repro-~~
13 ~~ductive health;~~

14 ~~“(ii) any medical risks or complica-~~
15 ~~tions associated with delays in the termi-~~
16 ~~nation of a pregnancy;~~

17 ~~“(iii) any harm to maternal or child~~
18 ~~health associated with delays in obtaining,~~
19 ~~or failure to obtain, prenatal services; and~~

20 ~~“(iv) any other effects of delays in ob-~~
21 ~~taining or failure to obtain reproductive~~
22 ~~health services.~~

23 Such study shall take into account any short-term
24 effects on the delivery of reproductive health services
25 by the targeted facilities and providers, as well as

1 any long-term implications for the health and wel-
2 fare of women in the general population.

3 ~~“(2) REPORT.—~~Not later than 1 year after the
4 date of enactment of this section, the Secretary shall
5 prepare and submit to the appropriate committees of
6 Congress a report that describes the results of the
7 study conducted under paragraph (1), together with
8 any appropriate recommendations and proposed leg-
9 islation.

10 ~~“(d) INVESTIGATION OF VIOLATIONS.—~~

11 ~~“(1) IN GENERAL.—~~The Secretary shall con-
12 duct an investigation, on the request of a medical fa-
13 cility providing reproductive health services or on the
14 initiative of the Secretary, to determine whether any
15 person has violated or is violating this section.

16 ~~“(2) ASSISTANCE.—~~The Secretary may obtain
17 the assistance of the Attorney General, or a State or
18 local government agency under a cooperative agree-
19 ment with such agency, in conducting investigations
20 under paragraph (1).

21 ~~“(3) REFERRAL.—~~If the Secretary determines
22 that reasonable cause exists to believe that a viola-
23 tion of this section has occurred or is occurring, the
24 Secretary shall immediately refer the matter to the

1 Attorney General for appropriate action under sub-
2 section (e)(2).

3 ~~“(e) CIVIL REMEDIES.—~~

4 ~~“(1) RIGHT OF ACTION.—~~

5 ~~“(A) IN GENERAL.—Any person aggrieved~~
6 ~~by reason of the conduct prohibited by sub-~~
7 ~~section (a) may commence a civil action for the~~
8 ~~relief set forth in subparagraph (B).~~

9 ~~“(B) DAMAGES.—In any action under sub-~~
10 ~~paragraph (A), the court may award appro-~~
11 ~~priate relief, including temporary, preliminary~~
12 ~~or permanent injunctive relief and compen-~~
13 ~~satory and punitive damages, as well as the~~
14 ~~costs of suit and reasonable fees for attorneys~~
15 ~~and expert witnesses. With respect to compen-~~
16 ~~satory damages, the plaintiff may elect, at any~~
17 ~~time prior to the rendering of final judgment,~~
18 ~~to recover, in lieu of actual damages, an award~~
19 ~~of statutory damages in the amount of \$5,000~~
20 ~~per violation.~~

21 ~~“(2) ACTION BY ATTORNEY GENERAL.—~~

22 ~~“(A) IN GENERAL.—If the Attorney Gen-~~
23 ~~eral has reasonable cause to believe that any~~
24 ~~person or group of persons is being, has been,~~
25 ~~or may be injured by conduct constituting a vio-~~

1 lation of this section, and such conduct raises
2 an issue of general public importance, the At-
3 torney General may commence a civil action in
4 any appropriate United States District Court.

5 “(B) DAMAGES.—In any action under sub-
6 paragraph (A), the court may award appro-
7 priate relief, including temporary, preliminary
8 or permanent injunctive relief and compen-
9 satory damages to persons aggrieved as de-
10 scribed in paragraph (1)(B). The court, to vin-
11 dicate the public interest, may also assess a
12 civil penalty against each respondent—

13 “(i) in an amount not exceeding
14 \$15,000, for a first violation; and

15 “(ii) in an amount not exceeding
16 \$25,000, for any subsequent violation.

17 “(f) RULES OF CONSTRUCTION.—Nothing in this
18 section shall be construed or interpreted to—

19 “(1) prevent any State from exercising jurisdic-
20 tion over any offense over which it would have jurisdic-
21 tion in the absence of this section;

22 “(2) deprive State and local law enforcement
23 authorities of responsibility for prosecuting acts that
24 may be violations of this section and that are viola-
25 tions of State or local law;

1 ~~“(3) provide exclusive authority to prosecute, or~~
2 ~~exclusive penalties for, acts that may be violations of~~
3 ~~this section and that are violations of other Federal~~
4 ~~laws;~~

5 ~~“(4) limit or otherwise affect the right of a per-~~
6 ~~son aggrieved by acts that may be violations of this~~
7 ~~section to seek other available civil remedies; or~~

8 ~~“(5) prohibit expression protected by the First~~
9 ~~Amendment to the Constitution.~~

10 ~~“(g) DEFINITIONS.—As used in this section:~~

11 ~~“(1) ABORTION SERVICES.—The term ‘abortion~~
12 ~~services’ includes medical, surgical, counselling or re-~~
13 ~~ferral services relating to the termination of a preg-~~
14 ~~nancy.~~

15 ~~“(2) ATTORNEY GENERAL.—The term ‘Attor-~~
16 ~~ney General’ includes the Attorney General of the~~
17 ~~United States, the Deputy Attorney General of the~~
18 ~~United States, the Associate Attorney General of the~~
19 ~~United States, or any employee of the Department~~
20 ~~of Justice or any employee of any department or~~
21 ~~agency of the United States so designated by the At-~~
22 ~~torney General to carry out the powers conferred on~~
23 ~~the Attorney General by this section.~~

24 ~~“(3) MEDICAL FACILITY.—The term ‘medical~~
25 ~~facility’ includes a hospital, clinic, physician’s office,~~

1 or other facility that provides health or surgical serv-
2 ices.

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

7 **SECTION 1. SHORT TITLE.**

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

10 **SEC. 2. CONGRESSIONAL STATEMENT OF FINDINGS AND**
11 **PURPOSE.**

12 (a) *FINDINGS.*—Congress finds that—

13 (1) *medical clinics and other facilities through-*
14 *out the Nation offering abortion-related services have*
15 *been targeted in recent years by an interstate cam-*
16 *paign of violence and obstruction aimed at closing the*
17 *facilities or physically blocking ingress to them, and*
18 *intimidating those seeking to obtain or provide abor-*
19 *tion-related services;*

20 (2) *as a result of such conduct, women are being*
21 *denied access to, and health care providers are being*
22 *prevented from delivering, vital reproductive health*
23 *services;*

1 (3) such conduct subjects women to increased
2 medical risks and thereby jeopardizes the public
3 health and safety;

4 (4) the methods used to deny women access to
5 these services include blockades of facility entrances;
6 invasions and occupations of the premises; vandalism
7 and destruction of property in and around the facil-
8 ity; bombings, arson, and murder; and other acts of
9 force and threats of force;

10 (5) those engaging in such tactics frequently
11 trample police lines and barricades and overwhelm
12 State and local law enforcement authorities and
13 courts and their ability to restrain and enjoin unlaw-
14 ful conduct and prosecute those who have violated the
15 law;

16 (6) this problem is national in scope, and be-
17 cause of its magnitude and interstate nature exceeds
18 the ability of any single State or local jurisdiction to
19 solve it;

20 (7) such conduct operates to infringe upon wom-
21 en's ability to exercise full enjoyment of rights secured
22 to them by Federal and State law, both statutory and
23 constitutional, and burdens interstate commerce, in-
24 cluding by interfering with business activities of med-
25 ical clinics involved in interstate commerce and by

1 *forcing women to travel from States where their ac-*
2 *cess to reproductive health services is obstructed to*
3 *other States;*

4 (8) *the entities that provide abortion-related*
5 *services engage in commerce by purchasing and leas-*
6 *ing facilities and equipment, selling goods and serv-*
7 *ices, employing people, and generating income;*

8 (9) *such entities purchase medicine, medical sup-*
9 *plies, surgical instruments, and other supplies pro-*
10 *duced in other States;*

11 (10) *violence, threats of violence, obstruction, and*
12 *property damage directed at abortion providers and*
13 *medical facilities have had the effect of restricting the*
14 *interstate movement of goods and people;*

15 (11) *prior to the Supreme Court's decision in*
16 *Bray v. Alexandria Women's Health Clinic (113 S.*
17 *Ct. 753 (1993)), such conduct was frequently re-*
18 *strained and enjoined by Federal courts in actions*
19 *brought under section 1980(3) of the Revised Statutes*
20 *(42 U.S.C. 1985(3));*

21 (12) *in the Bray decision, the Court denied a*
22 *remedy under such section to persons injured by the*
23 *obstruction of access to abortion-related services;*

24 (13) *legislation is necessary to prohibit the ob-*
25 *struction of access by women to abortion-related serv-*

1 *ices and to ensure that persons injured by such con-*
2 *duct, as well as the Attorney General of the United*
3 *States and State Attorneys General, can seek redress*
4 *in the Federal courts;*

5 *(14) the obstruction of access to abortion-related*
6 *services can be prohibited, and the right of injured*
7 *parties to seek redress in the courts can be established,*
8 *without abridging the exercise of any rights guaran-*
9 *teed under the First Amendment to the Constitution*
10 *or other law; and*

11 *(15) Congress has the affirmative power under*
12 *section 8 of article I of the Constitution as well as*
13 *under section 5 of the Fourteenth Amendment to the*
14 *Constitution to enact such legislation.*

15 *(b) PURPOSE.—It is the purpose of this Act to protect*
16 *and promote the public health and safety and activities af-*
17 *fecting interstate commerce by prohibiting the use of force,*
18 *threat of force or physical obstruction to injure, intimidate*
19 *or interfere with a person seeking to obtain or provide abor-*
20 *tion-related services, and the destruction of property of fa-*
21 *cilities providing abortion-related services, and by establish-*
22 *ing the right of private parties injured by such conduct,*
23 *as well as the Attorney General of the United States and*
24 *State Attorneys General in appropriate cases, to bring ac-*
25 *tions for appropriate relief.*

1 **SEC. 3. FREEDOM OF ACCESS TO CLINIC ENTRANCES.**

2 Title XXVII of the Public Health Service Act (42
3 U.S.C. 300aaa et seq.) is amended by adding at the end
4 thereof the following new section:

5 **“SEC. 2715. FREEDOM OF ACCESS TO CLINIC ENTRANCES.**

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

7 “(1) by force or threat of force or by physical ob-
8 struction, intentionally injures, intimidates or inter-
9 feres with or attempts to injure, intimidate or inter-
10 fere with any person because that person is or has
11 been, or in order to intimidate such person or any
12 other person or any class of persons from, obtaining
13 or providing abortion-related services; or

14 “(2) intentionally damages or destroys the prop-
15 erty of a medical facility or in which a medical facil-
16 ity is located, or attempts to do so, because such facil-
17 ity provides abortion-related services,

18 shall be subject to the penalties provided in subsection (b)
19 and the civil remedies provided in subsection (c), except
20 that a parent or legal guardian of a minor shall not be
21 subject to any penalties or civil remedies under this section
22 for such activities insofar as they are directed exclusively
23 at that minor.

24 “(b) *PENALTIES.*—Whoever violates this section
25 shall—

1 “(1) in the case of a first offense, be fined in ac-
2 cordance with title 18 or imprisoned not more than
3 1 year, or both; and

4 “(2) in the case of a second or subsequent offense
5 after a prior conviction under this section, be fined
6 in accordance with title 18 or imprisoned not more
7 than 3 years, or both;

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

11 “(c) CIVIL REMEDIES.—

12 “(1) RIGHT OF ACTION.—

13 “(A) IN GENERAL.—Any person aggrieved
14 by reason of the conduct prohibited by subsection
15 (a) may commence a civil action for the relief set
16 forth in subparagraph (B).

17 “(B) RELIEF.—In any action under sub-
18 paragraph (A), the court may award appro-
19 priate relief, including temporary, preliminary
20 or permanent injunctive relief and compensatory
21 and punitive damages, as well as the costs of suit
22 and reasonable fees for attorneys and expert wit-
23 nesses. With respect to compensatory damages,
24 the plaintiff may elect, at any time prior to the
25 rendering of final judgment, to recover, in lieu of

1 *actual damages, an award of statutory damages*
2 *in the amount of \$5,000 per violation.*

3 “(2) *ACTION BY ATTORNEY GENERAL OF THE*
4 *UNITED STATES.—*

5 “(A) *IN GENERAL.—If the Attorney General*
6 *of the United States has reasonable cause to be-*
7 *lieve that any person or group of persons is*
8 *being, has been, or may be injured by conduct*
9 *constituting a violation of this section, and such*
10 *conduct raises an issue of general public impor-*
11 *tance, the Attorney General may commence a*
12 *civil action in any appropriate United States*
13 *District Court.*

14 “(B) *RELIEF.—In any action under sub-*
15 *paragraph (A), the court may award appro-*
16 *priate relief, including temporary, preliminary*
17 *or permanent injunctive relief and compensatory*
18 *damages to persons aggrieved as described in*
19 *paragraph (1)(B). The court, to vindicate the*
20 *public interest, may also assess a civil penalty*
21 *against each respondent—*

22 “(i) *in an amount not exceeding*
23 *\$15,000, for a first violation; and*

24 “(ii) *in an amount not exceeding*
25 *\$25,000, for any subsequent violation.*

1 “(3) *ACTIONS BY STATE ATTORNEYS GENERAL.*—

2 “(A) *IN GENERAL.*—*If the Attorney General*
3 *of a State has reasonable cause to believe that*
4 *any person or group of persons is being, has*
5 *been, or may be injured by conduct constituting*
6 *a violation of this section, and such conduct*
7 *raises an issue of general public importance,*
8 *such Attorney General may commence a civil ac-*
9 *tion in the name of such State, as parens patriae*
10 *on behalf of natural persons residing in such*
11 *State, in any appropriate United States District*
12 *Court.*

13 “(B) *RELIEF.*—*In any action under sub-*
14 *paragraph (A), the court may award appro-*
15 *priate relief, including temporary, preliminary*
16 *or permanent injunctive relief, compensatory*
17 *damages, and civil penalties as described in*
18 *paragraph (2)(B).*

19 “(d) *RULES OF CONSTRUCTION.*—*Nothing in this sec-*
20 *tion shall be construed or interpreted to—*

21 “(1) *prevent any State from exercising jurisdic-*
22 *tion over any offense over which it would have juris-*
23 *isdiction in the absence of this section;*

24 “(2) *deprive State and local law enforcement au-*
25 *thorities of responsibility for prosecuting acts that*

1 *may be violations of this section and that are viola-*
2 *tions of State or local law;*

3 *“(3) provide exclusive authority to prosecute, or*
4 *exclusive penalties for, acts that may be violations of*
5 *this section and that are violations of other Federal*
6 *laws;*

7 *“(4) limit or otherwise affect the right of a per-*
8 *son aggrieved by acts that may be violations of this*
9 *section to seek other available civil remedies; or*

10 *“(5) prohibit expression protected by the First*
11 *Amendment to the Constitution.*

12 *“(e) DEFINITIONS.—As used in this section:*

13 *“(1) ABORTION-RELATED SERVICES.—The term*
14 *‘abortion-related services’ includes medical, surgical,*
15 *counselling or referral services, provided in a medical*
16 *facility, relating to pregnancy or the termination of*
17 *a pregnancy.*

18 *“(2) INTERFERE WITH.—The term ‘interfere*
19 *with’ means to restrict a person’s freedom of move-*
20 *ment.*

21 *“(3) INTIMIDATE.—The term ‘intimidate’ means*
22 *to place a person in reasonable apprehension of bod-*
23 *ily harm to him- or herself or to another.*

24 *“(4) MEDICAL FACILITY.—The term ‘medical fa-*
25 *cility’ includes a hospital, clinic, physician’s office, or*

1 *other facility that provides health or surgical services*
2 *or counselling or referral related to health or surgical*
3 *services.*

4 “(5) *PHYSICAL OBSTRUCTION.*—The term ‘*phys-*
5 *ical obstruction*’ means rendering impassable ingress
6 *to or egress from a medical facility that provides*
7 *abortion-related services, or rendering passage to or*
8 *from such a facility unreasonably difficult or hazard-*
9 *ous.*

10 “(6) *STATE.*—The term ‘*State*’ includes a *State*
11 *of the United States, the District of Columbia, and*
12 *any commonwealth, territory, or possession of the*
13 *United States.*”

14 **SEC. 4. EFFECTIVE DATE.**

15 *This Act shall take effect with respect to conduct occur-*
16 *ring on or after the date of enactment of this Act.*

S 636 RS—2