

Union Calendar No. 160

103D CONGRESS
1ST SESSION

H. R. 796

[Report No. 103-306]

A BILL

To assure freedom of access to clinic entrances.

OCTOBER 22, 1993

Reported with amendments, committed to the Committee
of the Whole House on the State of the Union, and
ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1993

Mr. SCHUMER (for himself and Mrs. MORELLA) introduced the following bill;
which was referred to the Committee on the Judiciary

OCTOBER 22, 1993

Additional sponsors: Mr. NADLER, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. FORD of Michigan, Mr. FILNER, Mr. DERRICK, Mr. DEUTSCH, Mr. KOPETSKI, Mr. BERMAN, Ms. SLAUGHTER, Mr. WISE, Ms. PELOSI, Mr. ABERCROMBIE, Mr. FAZIO, Ms. WOOLSEY, Mr. LEHMAN, Mr. WAXMAN, Mr. GUTIERREZ, Mr. ANDREWS of Texas, Mrs. KENNELLY, Ms. BYRNE, Mr. MILLER of California, Mrs. SCHROEDER, Mr. WASHINGTON, Mr. YATES, Mr. KREIDLER, Mr. EDWARDS of California, Mrs. JOHNSON of Connecticut, Mrs. MEEK, Mr. RANGEL, Mr. EVANS, Mrs. UNSOELD, Mr. McDERMOTT, Ms. SNOWE, Mr. ENGEL, Ms. DeLAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOCHBRUECKNER, Mr. HINCHEY, Mrs. COLLINS of Illinois, Mr. DeFAZIO, Mr. COPPERSMITH, Mr. BARRETT of Wisconsin, Mr. ZIMMER, Mr. STARK, Mr. GILMAN, Mr. PORTER, Mr. GILCHREST, Mr. TOWNS, Mrs. THURMAN, Mr. SHAYS, Mr. GREENWOOD, Mrs. ROUKEMA, Ms. SCHENK, Ms. ESHOO, Mrs. MINK, Mr. DIXON, Mr. MFUME, Mr. MARKEY, Mr. VENTO, Mr. CONYERS, Mr. WHEAT, Mr. RICHARDSON, Mr. FORD of Tennessee, Mr. BEILENSON, Mr. GENE GREEN of Texas, Ms. VELÁZQUEZ, Mr. CLAY, Mr. STOKES, Ms. MCKINNEY, Mr. SWIFT, Mr. STUDDS, Mr. TORRES, Mr. HASTINGS, Mr. WYDEN, Mr. BLACKWELL, Mr. BOUCHER, Ms. MARGOLIES-MEZVINSKY, Miss COLLINS of Michigan, Mr. SWETT, Mr. McHALE, Mr. SABO, Mr. TORRICELLI, Mr. MORAN, Mr. ANDREWS of Maine, Mrs. MALONEY, Ms. HARMAN, Mr. DELLUMS, Mr. FROST, Mr. PICKETT, Mr. COLEMAN, Mr. ACKERMAN, Mr. WYNN, Mr. SKAGGS, Mr. MATSUI, Mr. COYNE, Mr. FRANKS of Connecticut, Mr. GONZALEZ, Mr. PETERSON of Florida, Ms. ENGLISH of Arizona, Mr. MACHTLEY, Mr. CARR of Michigan, Mr. JOHN-

STON of Florida, Mr. ANDREWS of New Jersey, Mr. PALLONE, Mr. BECERRA, Mr. REYNOLDS, Mrs. LOWEY, Mr. MINETA, Mr. KLEIN, Mr. TORKILDSEN, Mr. LEACH, Mr. CARDIN, Ms. FURSE, Mr. DOOLEY, Mr. LEWIS of Georgia, Mr. SCOTT, Mr. OLVER, Ms. DANNER, Ms. MOLINARI, Mr. LANTOS, Mr. SERRANO, Ms. SHEPHERD, Mr. HOAGLAND, Mr. BROWN of California, Ms. BROWN of Florida, and Mr. COOPER

OCTOBER 22, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on February 3, 1993]

A BILL

To assure freedom of access to clinic entrances.

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 “Freedom of Access to*
 5 *Clinic Entrances Act of 1993”.*

6 **SEC. 2. FREEDOM OF ACCESS TO REPRODUCTIVE HEALTH**
 7 **SERVICES.**

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

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

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

12 **“(1) by force, threat of force, or physical obstruc-**
 13 **tion, intentionally injures, intimidates, or interferes**
 14 **with any person, or attempts to do so, because that**

1 *person or any other person or class of persons is ob-*
2 *taining or providing reproductive health services; or*

3 *“(2) intentionally damages or destroys the prop-*
4 *erty of a facility, or attempts to do so, because that*
5 *facility provides reproductive health services;*

6 *shall be punished as provided in subsection (b) of this sec-*
7 *tion and also be subject to the civil remedy provided in sub-*
8 *section (c) of this section.*

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

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

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

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

21 *“(c) CIVIL ACTIONS.—*

22 *“(1) RIGHT OF ACTION GENERALLY.—Any per-*
23 *son who is aggrieved by a violation of subsection (a)*
24 *of this section may in a civil action obtain relief*
25 *under this subsection.*

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

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

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

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

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

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

12 “(1) *REPRODUCTIVE HEALTH SERVICES.*—The
13 term ‘reproductive health services’ means reproductive
14 health services provided in a hospital, clinic, physi-
15 cian’s office, or other facility, and includes medical,
16 surgical, counselling or referral services relating to the
17 human reproductive system.

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

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

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

5 **SEC. 3. EFFECTIVE DATE.**

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

9 **SEC. 4. CLERICAL AMENDMENT.**

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

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

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