

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

44.10 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT ON S. 636

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 417):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 636) 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. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

On motion of Ms. SLAUGHTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 236
Nays 181

44.11 [Roll No. 157]
YEAS—236

Abercrombie	Darden	Hamilton
Ackerman	Deal	Harman
Andrews (ME)	DeFazio	Hastings
Andrews (NJ)	DeLauro	Hayes
Andrews (TX)	Dellums	Hefner
Applegate	Derrick	Hilliard
Bacchus (FL)	Deutsch	Hinchey
Baessler	Dicks	Hoagland
Barca	Dingell	Hochbrueckner
Barrett (WI)	Dixon	Horn
Becerra	Dooley	Houghton
Beilenson	Durbin	Hoyer
Berman	Edwards (CA)	Hughes
Bilbray	Edwards (TX)	Inslee
Bishop	Engel	Jacobs
Boehlert	English	Jefferson
Bonior	Eshoo	Johnson (CT)
Borski	Evans	Johnson (GA)
Boucher	Farr	Johnson (SD)
Brewster	Fazio	Johnson, E. B.
Brooks	Fields (LA)	Johnston
Brown (CA)	Filner	Kanjorski
Brown (FL)	Fingerhut	Kaptur
Brown (OH)	Flake	Kennedy
Bryant	Ford (MI)	Kennelly
Byrne	Ford (TN)	Klecicka
Cantwell	Frank (MA)	Klein
Cardin	Franks (CT)	Klug
Carr	Frost	Kolbe
Chapman	Furse	Kopetski
Clay	Gallo	Kreidler
Clayton	Gejdenson	Lambert
Clyburn	Gephardt	Lancaster
Coleman	Geren	Lantos
Collins (IL)	Gibbons	LaRocco
Collins (MI)	Gilman	Leach
Condit	Glickman	Lehman
Conyers	Gonzalez	Levin
Cooper	Gordon	Lewis (GA)
Coppersmith	Green	Lloyd
Coyne	Gutierrez	Lowey
Cramer	Hall (OH)	Machtley
Danner	Hamburg	Maloney

Mann	Payne (NJ)
Margolies-Mezvinsky	Payne (VA)
Markey	Pelosi
Martinez	Peterson (FL)
Matsui	Pickett
Mazzoli	Pickle
McCloskey	Pomeroy
McCurdy	Porter
McDermott	Pryce (OH)
McHale	Ramstad
McKinney	Rangel
McNulty	Reed
Meehan	Reynolds
Meek	Richardson
Menendez	Roemer
Mfume	Rostenkowski
Miller (CA)	Rowland
Mineta	Roybal-Allard
Minge	Rush
Mink	Sabo
Moakley	Sanders
Molinari	Sangmeister
Moran	Sawyer
Morella	Schenk
Murtha	Schroeder
Nadler	Schumer
Neal (NC)	Scott
Neal (NC)	Sharp
Oberstar	Shays
Obey	Shepherd
Olver	Sisisky
Orton	Skaggs
Owens	Slattery
Pallone	Slaughter
Pastor	Smith (IA)
	Snowe

NAYS—181

Allard	Goodling	Oxley
Archer	Goss	Packard
Armey	Grams	Parker
Bachus (AL)	Grandy	Paxon
Baker (CA)	Greenwood	Penny
Baker (LA)	Gunderson	Peterson (MN)
Ballenger	Hall (TX)	Petri
Barcia	Hancock	Pombo
Barlow	Hansen	Portman
Barrett (NE)	Hastert	Poshard
Bartlett	Hefley	Quillen
Barton	Hobson	Quinn
Bateman	Hoekstra	Rahall
Bentley	Hoke	Ravenel
Bereuter	Holden	Regula
Bilirakis	Huffington	Ridge
Bliley	Hunter	Roberts
Blute	Hutchinson	Rohrabacher
Boehner	Hutto	Ros-Lehtinen
Bonilla	Hyde	Roth
Browder	Inglis	Roukema
Bunning	Inhofe	Royce
Burton	Istook	Santorum
Buyer	Johnson, Sam	Sarpalius
Callahan	Kasich	Saxton
Calvert	Kildee	Schaefer
Camp	Kim	Schiff
Canady	King	Sensenbrenner
Castle	Kingston	Shaw
Cantwell	Klink	Shuster
Clinger	Knollenberg	Skeen
Coble	Kyl	Skelton
Collins (GA)	LaFalce	Smith (MI)
Combest	Lazio	Smith (NJ)
Costello	Levy	Smith (OR)
Cox	Lewis (CA)	Smith (TX)
Crane	Lewis (FL)	Solomon
Crapo	Lightfoot	Spence
Cunningham	Linder	Stearns
de la Garza	Lipinski	Stenholm
DeLay	Diaz-Balart	Stump
Dick	Dickey	Stupak
Doolittle	Doolittle	Sundquist
Dornan	McCandless	Talent
Dreier	McCrery	Tauzin
Duncan	McDade	Taylor (MS)
Dunn	McHugh	Taylor (NC)
Ehlers	McInnis	Tejeda
Emerson	McKeon	Thomas (CA)
Everett	McMillan	Thomas (WY)
Ewing	Meyers	Upton
Fawell	Mica	Volkmer
Fields (TX)	Michel	Vucanovich
Fowler	Miller (FL)	Walker
Franks (NJ)	Mollohan	Walsh
Gallegly	Montgomery	Weldon
Gekas	Moorhead	Wolf
Gilchrest	Murphy	Young (AK)
Gillmor	Myers	Young (FL)
Gingrich	Nussle	
Goodlatte	Ortiz	

NOT VOTING—15

Bevill	Hegerl	Rogers
Blackwell	Laughlin	Rose
Clement	Long	Serrano
Fish	McCollum	Stark
Foglietta	Price (NC)	Swett

So the resolution was agreed to. A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

44.12 FREEDOM OF ACCESS TO CLINICS

Mr. BROOKS, pursuant to House Resolution 417, called up the following conference report (Rept. No. 103-488):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 636), 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1994".

SEC. 2. PURPOSE.

Pursuant to the affirmative power of Congress to enact this legislation under section 8 of article I of the Constitution, as well as under section 5 of the fourteenth amendment to the Constitution, it is the purpose of this Act to protect and promote the public safety and health and activities affecting interstate commerce by establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services.

SEC. 3. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

Chapter 13 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 248. Freedom of Access to Clinic Entrances.

"(a) PROHIBITED ACTIVITIES.—Whoever—

"(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services;

"(2) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

"(3) intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages or destroys the property of a place of religious worship,

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