

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

“(1) in the case of a first offense, be fined in accordance with this title, or imprisoned not more than one year, or both; and

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

except that for an offense involving exclusively a nonviolent physical obstruction, the fine shall be not more than \$10,000 and the length of imprisonment shall be not more than six months, or both, for the first offense; and the fine shall be not more than \$25,000 and the length of imprisonment shall be not more than 18 months, or both, for a subsequent offense; and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

“(c) CIVIL REMEDIES.—

“(1) RIGHT OF ACTION.—

“(A) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a facility that provides reproductive health services, and such an action may be brought under subsection (a)(2) only by a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship or by the entity that owns or operates such place of religious worship.

“(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

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

“(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, the Attorney General may commence a civil action in any appropriate United States District Court.

“(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent—

“(i) in an amount not exceeding \$10,000 for a nonviolent physical obstruction and \$15,000 for other first violations; and

“(ii) in an amount not exceeding \$15,000 for a nonviolent physical obstruction and \$25,000 for any other subsequent violation.

“(3) ACTIONS BY STATE ATTORNEYS GENERAL.—

“(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, such Attorney General may commence a civil action in the name of such State, as *parens patriae* on behalf of natural persons residing in such State, in any appropriate United States District Court.

“(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).

“(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

“(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, occurring outside a facility, regardless of the point of view expressed, or to limit any existing legal remedies for such interference;

“(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this section, or to preempt State or local laws that may provide such penalties or remedies; or

“(4) to interfere with the enforcement of State or local laws regulating the performance of abortions or other reproductive health services.

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

“(1) FACILITY.—The term ‘facility’ includes a hospital, clinic, physician’s office, or other facility that provides reproductive health services, and includes the building or structure in which the facility is located.

“(2) INTERFERE WITH.—The term ‘interfere with’ means to restrict a person’s freedom of movement.

“(3) INTIMIDATE.—The term ‘intimidate’ means to place a person in reasonable apprehension of bodily harm to him- or herself or to another.

“(4) PHYSICAL OBSTRUCTION.—The term ‘physical obstruction’ means rendering impassable ingress to or egress from a facility that provides reproductive health services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous.

“(5) REPRODUCTIVE HEALTH SERVICES.—The term ‘reproductive health services’ means reproductive health services provided in a hospital, clinic, physician’s office, or other facility, and includes medical, surgical, counselling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

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

SEC. 4. CLERICAL AMENDMENT.

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

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

SEC. 5. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected thereby.

SEC. 6. EFFECTIVE DATE.

This Act takes effect on the date of the enactment of this Act, and shall apply only with respect to conduct occurring on or after such date.

And the House agree to the same.
That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

JACK BROOKS,
CHARLES SCHUMER,
DON EDWARDS,
JOHN CONYERS, Jr.,
PAT SCHROEDER,
JOHN D. DINGELL,
HENRY A. WAXMAN,
MIKE SYNAR.

Managers on the Part of the House.

TED KENNEDY,
CLAIBORNE PELL,
HOWARD M. METZENBAUM,
PAUL SIMON,
BARBARA A. MIKULSKI,
JIM JEFFORDS,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

On motion of Mr. BROOKS, the previous question was ordered on the conference report to its adoption or rejection.

Mr. SENSENBRENNER moved to recommit the conference report on the bill of the Senate (S. 636) to the committee of conference with instructions to adopt the House language on attorneys fees, that the court may award to the prevailing party, whether plaintiff or defendant, other than the United States, reasonable fees for attorneys and expert witnesses

By unanimous consent, the previous question was ordered on the motion to recommit.

The question being put, *viva voce*,

Will the House recommit said conference report?

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

Mr. SENSENBRENNER 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 193
Nays 222

¶44.13

[Roll No. 158]

YEAS—193

Allard	Combest	Grandy
Applegate	Costello	Greenwood
Archer	Cox	Gunderson
Armey	Crane	Hall (OH)
Bachus (AL)	Crapo	Hall (TX)
Baker (CA)	Cunningham	Hamilton
Baker (LA)	de la Garza	Hancock
Ballenger	Deal	Hansen
Barcia	DeLay	Hastert
Barrett (NE)	Diaz-Balart	Hayes
Bartlett	Dickey	Hefley
Barton	Dornan	Hobson
Bateman	Dreier	Hoekstra
Bentley	Duncan	Hoke
Bereuter	Dunn	Holden
Bilirakis	Ehlers	Horn
Bliley	Emerson	Houghton
Blute	Everett	Huffington
Boehner	Ewing	Hunter
Bonilla	Fawell	Hutchinson
Borski	Fields (TX)	Hutto
Browder	Fowler	Hyde
Bunning	Gallegly	Inglis
Burton	Gekas	Inhofe
Buyer	Geran	Istook
Callahan	Gilchrest	Johnson (CT)
Calvert	Gillmor	Johnson, Sam
Camp	Gingrich	Kanjorski
Canady	Goodlatte	Kasich
Clinger	Goodling	Kildee
Coble	Goss	Kim
Collins (GA)	Grams	King

Kingston
Klink
Knollenberg
Kyl
LaFalce
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCandless
McCrery
McDade
McHugh
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Mollohan
Moorhead
Murphy
Murtha
Myers

Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Quillen
Quinn
Rahall
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw

Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)

NAYS—222

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Boehlert
Bonior
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut

Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Lowe
Machtley
Maloney
Mann
Margolies-
Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott

McHale
McInnis
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Nadler
Neal (MA)
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Pryce (OH)
Ramstad
Rangel
Reed
Reynolds
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Schenk
Schroeder
Schumer
Scott
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stokes
Strickland
Studds
Swift
Synar
Tanner

Thompson
Thornton
Thurman
Torres
Torrice
Towns
Traficant
Tucker
Unsoeld
Valentine

Velázquez
Vento
Viscosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams

Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—17

Bevill
Blackwell
Clement
Doolittle
Fish
Foglietta

Herger
Laughlin
Long
McCollum
Neal (NC)
Price (NC)

Richardson
Rogers
Serrano
Stark
Swett

So the motion to recommit with instructions was not agreed to.

The question being put, *viva voce*, Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. McNULTY, announced that the yeas had it.

Mr. SENSENBRENNER demanded a recorded vote on agreeing to said conference report, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 241
Nays 174

44.14 [Roll No. 159]
AYES—241

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Boehlert
Bonior
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Cunningham
Danner
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut

Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut

Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lloyd
Lowey
Machtley
Maloney
Mann
Margolies-
Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy

Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Pryce (OH)
Ramstad
Rangel
Reed
Reynolds
Ridge
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer

Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stokes
Strickland
Studds
Rowland
Synar
Tanner
Thomas (CA)
Thompson
Thornton
Thurman

Torkildsen
Torres
Torrice
Towns
Traficant
Unsoeld
Valentine
Velázquez
Vento
Viscosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams

NOES—174

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Blute
Boehner
Bonilla
Borski
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Ehlers
Emerson
Everett
Ewing
Fields (TX)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss

Grams
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Hobson
Hoekstra
Hoke
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCrery
McDade
McKeon
McNulty
Mica
Michel
Miller (FL)
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Nussle
Oberstar

Ortiz
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Rahall
Ravenel
Regula
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Tucker
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Bevill
Blackwell
Clement
Doolittle
Fish
Foglietta

Herger
Laughlin
Long
McCollum
Neal (NC)
Price (NC)

Richardson
Rogers
Serrano
Stark
Swett

So the conference report was agreed to.

A motion to reconsider the votes whereby said conference report was