

RCVD - USDC CBLA SC
FEB 9 '24 10:57

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

UNITED STATES OF AMERICA,)	CR. NO. 3:23-00117-JFA-1
)	
v.)	DEFENDANT'S REPLY TO
)	GOVERNMENT'S RESPONSE IN OPPOSITION TO
STEVEN CLARK LEFEMINE,)	DEFENDANT'S MOTION TO DISMISS
)	
DEFENDANT.)	
_____)	

**DEFENDANT'S REPLY TO GOVERNMENT'S RESPONSE IN OPPOSITION
TO DEFENDANT'S MOTION TO DISMISS**

NOW COMES pro se Defendant Steven Clark Lefemine, and respectfully submits his Reply to the Government's Response in Opposition to Defendant's Motion to Dismiss (ECF 63).

The Government's Response in Opposition emphasizes the protection in the FACE Act for "reproductive health services", and not only "abortion". However the original language of the FACE Act (S.636) as introduced in the United States Senate on March 23, 1993 by its primary sponsor, US Senator Ted Kennedy makes clear the "abortion"-centric purpose of this federal legislation, even while the FACE Act violates the principles of federalism by infringing upon the Ninth and Tenth Amendment police power of the States. "Abortion" as the central matter in FACE was emphasized in:

1) S.636, Section 2. Congressional Statement of Findings and Purpose.
(a) FINDINGS. – Congress finds that – (See Exhibit A);

Number of times word "abortion" used in FINDINGS: **Five (5)**

[<https://www.congress.gov/103/bills/s636/BILLS-103s636is.pdf>]

2) S.636, Section 2. Congressional Statement of Findings and Purpose. (b) PURPOSE. - (See Exhibit A);

Number of times word "abortion" used in PURPOSE: **Two (2)**

[<https://www.congress.gov/103/bills/s636/BILLS-103s636is.pdf>]

3) S.636, Sec. 3. Freedom of Access to Clinic Entrances. – "Sec. 2715. Freedom of Access to Clinic Entrances. (a)(1)(A), (a)(1)(B), and (a)(2) - (See Exhibit A);

Number of times word "abortion" used in PROHIBITED ACTIVITIES: **Three (3)**

[<https://www.congress.gov/103/bills/s636/BILLS-103s636is.pdf>]

4) The introduction of the legislation by Mr. Kennedy himself as recorded in the Congressional Record – Senate for March 23, 1993 (Volume 139, Part 5 – Senate pages 6094-6095) (See Exhibit B);

Number of times words “**abortion(s)**”, “**right to choose**” used by Senator KENNEDY: **Nine (9)**

[<https://www.congress.gov/103/crecb/1993/03/23/GPO-CRECB-1993-pt5-1-2.pdf> , pp. 6094, 6095]

5) The additional remarks supportive of S.636 offered by Senator Kennedy’s fellow pro-“abortion” colleague, Senator Mikulski, as recorded in the Congressional Record – Senate for March 23, 1993 (Volume 139, Part 5 – Senate pages 6095-6096) (See Exhibit B).

Number of times words “**abortion**”, “**antichoice**” used by Senator MIKULSKI: **Five (5)**

[<https://www.congress.gov/103/crecb/1993/03/23/GPO-CRECB-1993-pt5-1-2.pdf> , pp. 6095, 6096]

Having been involved in pro-life advocacy for over 34 years by the grace and mercy of God, and tragically, because the injustice of slaughtering judicially innocent human beings by “abortion” has continued, the Defendant appreciates the direct relationship in its historical context, of the decision of the United States Supreme Court in the *Bray v. Alexandria Women’s Health Clinic* case on January 13, 1993, and the introduction of the FACE Act in the United States Senate by Senator Ted Kennedy on March 23, 1993, just 2-3 months later. This connection is not speculative, it is historically factual, and is documented within S.636 itself, in Section 2. Congressional Statement of Findings and Purpose., (a) FINDINGS. – Congress finds that – , (6),(7), (8) and (9) (See Exhibit A);

Thus, contrary to the diminution of the centrality of “abortion” as the purpose for which the FACE Act was introduced as portrayed in the Government’s Response in Opposition, a proper understanding of the historical record, legislative record, and the Congressional Record (Senate – March 23, 1993) document the fact that protecting “abortion” was the central purpose for which the FACE Act was introduced, passed into law, and is used against pro-life advocates today.

Given the above, the now post-*Dobbs* reality that there is no federal constitutional “right” to “abortion” effectively eviscerates the justification and purpose for which the federal FACE Act was passed into law in the first place.

Dobbs eliminated the so-called federal constitutional right to “abortion”. In *Dobbs*, the Supreme Court overruled *Roe v. Wade* 410 U.S. 113 (1973) and *Planned Parenthood of Southeastern Pa. v. Casey* 505 U.S. 833 (1992) and declared that there is no federal constitutional right to “abortion”.

“We hold that Roe and Casey must be overruled. The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision, including the one on which the defenders of Roe and Casey now chiefly rely—the Due Process Clause of the Fourteenth Amendment.”
597 U.S. 215, 231.

Post-*Dobbs* it is inarguable there is no constitutional “right” to “abortion” [in truth, there never was]:
“Held: The Constitution does not confer a right to abortion; Roe and Casey are overruled; and the authority to regulate abortion is returned to the people and their elected representatives.”

Dobbs, 597 U.S. 215

Conclusion: The FACE Act must be overturned and repealed.

Bills to completely repeal the unjust F.A.C.E. Act have already been filed in the U.S. House of Representatives (U.S. Rep Chip Roy (R-TX) with 36 co-sponsors) and in the U.S. Senate (U.S. Senator Mike Lee (R-UT) with 5 co-sponsors).

'[U.S.] Rep. Chip Roy fights to repeal the FACE Act'

Representative Chip Roy (R-TX)

Sept 19, 2023

<https://roy.house.gov/media/press-releases/rep-chip-roy-fights-repeal-face-act>

Excerpt:

“Free Americans should never live in fear of their government targeting them because of their beliefs. Yet, Biden’s Department of Justice has brazenly weaponized the FACE Act against normal, everyday Americans across the political spectrum, simply because they are pro-life. **Our Constitution separates power between the federal government and the states for a reason**, and we ignore that safeguard at our own peril. **The FACE Act is an unconstitutional federal takeover of state police powers; it must be repealed.**” [emphasis added]

H.R.5577 [See Exhibit C]

"FACE Act Repeal Act of 2023"

118th Congress (2023-2024):

Congress.gov

Library of Congress

<https://www.congress.gov/bill/118th-congress/house-bill/5577/all-info>

'[U.S.] Sen. Lee, [U.S.] Rep. Roy Team Up to repeal the FACE Act'

US Senator Mike Lee (R-UT)

October 4, 2023

<https://www.lee.senate.gov/2023/10/sen-lee-rep-roy-team-up-to-repeal-the-face-act>

Excerpt:

WASHINGTON – Senator Mike Lee (R-UT) and Representative Chip Roy (R-TX-21) introduced legislation **to repeal the unconstitutional and easily weaponized Freedom of Access to Clinic Entrances Act or FACE Act.** [emphasis added]

Of the bill, **Senator Lee said**, “*Our Constitution reserved general police power to the states. Congress infringed on the states’ police power when they passed the FACE Act. ... It’s time to repeal the FACE Act.*” [emphasis added]

S.3017 [See Exhibit D]

"Restoring the First Amendment and Right to Peaceful Civil Obedience Act of 2023"

118th Congress (2023-2024):

Congress.gov

Library of Congress

<https://www.congress.gov/bill/118th-congress/senate-bill/3017/all-info?s=5&r=1&q=%7B%22search%22%3A%22S3017%22%7D>

Both U.S. Representative Chip Roy (R-TX) and U.S. Senator Mike Lee (R-UT) argue for the repeal of the FACE ACT because of its infringement upon the police power of the States.

The Government’s Response in Opposition itself recounted the fact of Defendant’s arrest in the instant case by Columbia Police Department officers on November 15, 2022: [p. 2]

“Columbia Police Department (CPD) responded to the incident and placed Lefemine on trespass notice. Lefemine refused to leave the area and continued to block the doors [sic – door]. CPD then charged Lefemine with trespassing and took him into custody.”

So while the record demonstrates the CPD unfortunately removed the Defendant from interposing potentially between human beings within the wombs of their mothers and those inside the Planned Parenthood facility paid to destroy their lives by “abortion”, it is also clear that federal intervention was not needed by the CPD in the [unjust] exercise of their police power to arrest and remove the Defendant.

Moreover, the Defendant was brought to a jury trial on January 24, 2024, where he was convicted of trespassing by a six-man jury rendering a verdict of Guilty, and sentenced to a Fine of \$465.

'Republicans Renew Call to Repeal FACE Act as More Pro-Life Activists Face Prison Time'

Breitbart News

Feb 1, 2024

<https://www.breitbart.com/politics/2024/02/01/republicans-renew-call-to-repeal-face-act-as-more-pro-life-activists-face-prison-time/>

CONCLUSION

For all the foregoing reasons, Defendant respectfully moves this Court for an order dismissing the Indictment/Information and all charges in this case.

Respectfully submitted,



/s/ Steven C. Lefemine

STEVEN C. LEFEMINE

Defendant

PO Box 12222, Columbia, SC 29211

(803) 760-6306 * CP@spiritcom.net

Columbia, South Carolina

February 9, 2024

Exhibit A

CONGRESS.GOV

S.636 - Freedom of Access to Clinic Entrances Act of 1994

103rd Congress (1993-1994)

Sponsor: [Sen. Kennedy, Edward M. \[D-MA\]](#) (Introduced 03/23/1993)

Committees: Senate - Labor and Human Resources

Committee Reports: S.Rept 103-117; H.Rept 103-488

Latest Action: 05/26/1994 Became [Public Law No: 103-259](#). (All Actions)

Roll Call Votes: There have been [13 roll call votes](#)

Tracker: ⓘ

Introduced	>	Passed Senate	>	Passed House	>	Resolving Differences	>	To President	>	Became Law
------------	---	---------------	---	--------------	---	-----------------------	---	--------------	---	-------------------

Summary(5) **Text(6)** Actions(91) Titles(8) Amendments(9) Cosponsors(31) Committees(1) Related Bills(3)

	Listen
--	--------

There are 6 versions: Introduced in Senate (03/23/1993) ▼

Text available as: [PDF \(673KB\)](#) | [TXT](#) ⓘ

Shown Here:

Introduced in Senate (03/23/1993)

[Congressional Bills 103th Congress]
 [From the U.S. Government Publishing Office]
 [S. 636 Introduced in Senate (IS)]

103d CONGRESS
1st Session

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.

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, and Mr. Feingold) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

103D CONGRESS
1ST SESSION

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.

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, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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,*

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

4 This Act may be cited as the "Freedom of Access
5 to Clinic Entrances Act of 1993".

6 **SEC. 2. CONGRESSIONAL STATEMENT OF FINDINGS AND**
7 **PURPOSE.**

8 (a) FINDINGS.—Congress finds that—

1 (1) medical clinics and other facilities offering
2 abortion services have been targeted in recent years
3 by an interstate campaign of violence and obstruc-
4 tion aimed at closing the facilities or physically
5 blocking ingress to them, and intimidating those
6 seeking to obtain or provide abortion services;

7 (2) as a result of such conduct, women are
8 being denied access to, and health care providers are
9 being prevented from delivering, vital reproductive
10 health services;

11 (3) such conduct subjects women to increased
12 medical risks and thereby jeopardizes the public
13 health and safety;

14 (4) the methods used to deny women access to
15 these services include blockades of facility entrances;
16 invasions and occupations of the premises; vandalism
17 and destruction of property in and around the facil-
18 ity; bombings, arson, and murder; and other acts of
19 force and threats of force;

20 (5) those engaging in such tactics frequently
21 trample police lines and barricades and overwhelm
22 State and local law enforcement authorities and
23 courts and their ability to restrain and enjoin unlaw-
24 ful conduct and prosecute those who have violated
25 the law;

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

10 (7) prior to the Supreme Court's decision in
11 *Bray v. Alexandria Women's Health Clinic* (No. 90-
12 985, January 13, 1993), such conduct was fre-
13 quently restrained and enjoined by Federal courts in
14 actions brought under section 1980(3) of the Re-
15 vised Statutes (42 U.S.C. 1985(3));

16 (8) in the *Bray* decision, the Court denied a
17 remedy under such section to persons injured by the
18 obstruction of access to abortion services;

19 (9) legislation is necessary to prohibit the ob-
20 struction of access by women to abortion services
21 and to ensure that persons injured by such conduct,
22 as well as the Attorney General, can seek redress in
23 the Federal courts;

24 (10) the obstruction of access to abortion serv-
25 ices can be prohibited, and the right of injured par-

1 ties to seek redress in the courts can be established,
2 without abridging the exercise of any rights guaran-
3 teed under the First Amendment to the Constitution
4 or other law; and

5 (11) Congress has the affirmative power under
6 section 8 of article I of the Constitution and under
7 section 5 of the Fourteenth Amendment to the Con-
8 stitution to enact such legislation.

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

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

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

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

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

24 **“(1) by force or threat of force or by physical**
25 **obstruction, intentionally injures, intimidates or**

1 interferes with or attempts to injure, intimidate or
2 interfere with any person because that person is or
3 has been, or in order to intimidate such person or
4 any other person or any class of persons, from—

5 “(A) obtaining abortion services; or

6 “(B) lawfully aiding another person to ob-
7 tain abortion services; or

8 “(2) intentionally damages or destroys the
9 property of a medical facility or in which a medical
10 facility is located, or attempts to do so, because such
11 facility provides abortion services,

12 shall be subject to the penalties provided in subsection (b)
13 and the civil remedy provided in subsection (e).

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

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

19 “(2) in the case of a second or subsequent of-
20 fense after a prior conviction under this section, be
21 fined in accordance with title 18 or imprisoned not
22 more than 3 years, or both;

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

1 “(c) STUDY.—

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

16 “(A) the nature and extent of incidents in
17 which conduct prohibited by subsection (a) has
18 occurred throughout the United States;

19 “(B) the impact of such incidents on the
20 medical facilities and providers that have been
21 targeted, and on the ability of physicians and
22 other health care providers to deliver reproduc-
23 tive health services to their patients; and

1 “(C) the effects of such incidents on the
2 mental and physical health of women, includ-
3 ing—

4 “(i) any medical risks or complica-
5 tions associated with delays in obtaining,
6 or failure to obtain, testing, screening or
7 treatment services in the areas of repro-
8 ductive health;

9 “(ii) any medical risks or complica-
10 tions associated with delays in the termi-
11 nation of a pregnancy;

12 “(iii) any harm to maternal or child
13 health associated with delays in obtaining,
14 or failure to obtain, prenatal services; and

15 “(iv) any other effects of delays in ob-
16 taining or failure to obtain reproductive
17 health services.

18 Such study shall take into account any short-term
19 effects on the delivery of reproductive health services
20 by the targeted facilities and providers, as well as
21 any long-term implications for the health and wel-
22 fare of women in the general population.

23 “(2) REPORT.—Not later than 1 year after the
24 date of enactment of this section, the Secretary shall
25 prepare and submit to the appropriate committees of

1 Congress a report that describes the results of the
2 study conducted under paragraph (1), together with
3 any appropriate recommendations and proposed leg-
4 islation.

5 “(d) INVESTIGATION OF VIOLATIONS.—

6 “(1) IN GENERAL.—The Secretary shall con-
7 duct an investigation, on the request of a medical fa-
8 cility providing reproductive health services or on the
9 initiative of the Secretary, to determine whether any
10 person has violated or is violating this section.

11 “(2) ASSISTANCE.—The Secretary may obtain
12 the assistance of the Attorney General, or a State or
13 local government agency under a cooperative agree-
14 ment with such agency, in conducting investigations
15 under paragraph (1).

16 “(3) REFERRAL.—If the Secretary determines
17 that reasonable cause exists to believe that a viola-
18 tion of this section has occurred or is occurring, the
19 Secretary shall immediately refer the matter to the
20 Attorney General for appropriate action under sub-
21 section (e)(2).

22 “(e) CIVIL REMEDIES.—

23 “(1) RIGHT OF ACTION.—

24 “(A) IN GENERAL.—Any person aggrieved
25 by reason of the conduct prohibited by sub-

1 section (a) may commence a civil action for the
2 relief set forth in subparagraph (B).

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

15 “(2) ACTION BY ATTORNEY GENERAL.—

16 “(A) IN GENERAL.—If the Attorney Gen-
17 eral has reasonable cause to believe that any
18 person or group of persons is being, has been,
19 or may be injured by conduct constituting a vio-
20 lation of this section, and such conduct raises
21 an issue of general public importance, the At-
22 torney General may commence a civil action in
23 any appropriate United States District Court.

24 “(B) DAMAGES.—In any action under sub-
25 paragraph (A), the court may award appro-

1 priate relief, including temporary, preliminary
2 or permanent injunctive relief and compen-
3 satory damages to persons aggrieved as de-
4 scribed in paragraph (1)(B). The court, to vin-
5 dicate the public interest, may also assess a
6 civil penalty against each respondent—

7 “(i) in an amount not exceeding
8 \$15,000, for a first violation; and

9 “(ii) in an amount not exceeding
10 \$25,000, for any subsequent violation.

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

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

16 “(2) deprive State and local law enforcement
17 authorities of responsibility for prosecuting acts that
18 may be violations of this section and that are viola-
19 tions of State or local law;

20 “(3) provide exclusive authority to prosecute, or
21 exclusive penalties for, acts that may be violations of
22 this section and that are violations of other Federal
23 laws;

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

4 “(5) prohibit expression protected by the First
5 Amendment to the Constitution.

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

7 “(1) ABORTION SERVICES.—The term ‘abortion
8 services’ includes medical, surgical, counselling or re-
9 ferral services relating to the termination of a preg-
10 nancy.

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

20 “(3) MEDICAL FACILITY.—The term ‘medical
21 facility’ includes a hospital, clinic, physician’s office,
22 or other facility that provides health or surgical serv-
23 ices.

24 “(4) STATE.—The term ‘State’ includes a State
25 of the United States, the District of Columbia, and

12

1 any commonwealth, territory, or possession of the
2 United States.”.

○

Exhibit B

SENATE—Tuesday, March 23, 1993

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BARBARA BOXER, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Behold, how good and how pleasant it is for brethren to dwell together in unity.—Psalms 133:1.

God our Father, we are grateful for E Pluribus Unum—"out of many—one." Thank you for the pluralism that is America—for the rich diversity that characterizes our Nation. Thank You for the political system built upon that diversity. Thank You for diversity which prevents unity from becoming uniformity and for unity which prevents diversity from becoming fragmentation.

God of Peace, we know that one instrument cannot make harmony, nor can a hundred instruments playing the same tune. It takes different instruments following different scores to make a symphony.

Grant, dear God, that the Senate will be a symphony making beautiful music that preserves and blesses the Nation.

In the name of Jesus, Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 23, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BARBARA BOXER, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. BOXER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994-98

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of Senate Concurrent Resolution 18, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget of the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

(1) DeConcini amendment No. 185, to ensure that fiscal year 1998 funding levels for Community Policing Program are consistent with the levels requested by the President in his investment program.

(2) Wellstone amendment No. 186, to express the sense of the Senate that any increase in revenues set forth in this resolution do not assume an energy tax or fee on nonconventional fuels.

(3) Bingaman amendment No. 188, to state the assumptions of the resolution regarding fees for domestic livestock grazing on Federal lands and royalty fees for hardrock mining.

(4) Nunn amendment No. 189, to express the sense of the Senate regarding the effects of changes in inflation assumptions and in assumptions regarding Federal pay increases on spending levels for national defense and other Federal functions.

(5) Nunn amendment No. 192, to express the sense of the Senate regarding the consistency of level of appropriations for national defense for fiscal year 1994 and the budget resolution.

(6) Wallop amendment No. 194, to alter the instructions to the Committee on Energy and Natural Resources by reducing the amounts assumed to be generated through increases in grazing fees, changes to the Mining Laws of the United States, increases in recreation fees, and imposition of an irrigation surcharge.

(7) Brown amendment No. 196, to reduce Function 920 to reflect a freeze of Federal department and agency overhead in fiscal year 1994 and 1995, and an adjustment for inflation through 1998.

(8) Domenici amendment No. 198, to adjust defense spending consistent with a \$60 billion reduction from last year's defense plan over 1994 to 1998.

(9) Leahy amendment No. 202, to ensure that fiscal year 1998 funding levels for Women, Infants, and Children (WIC) Program are consistent with the levels requested by the President in his investment program.

(10) Gorton amendment No. 209, to delete the increases in Inland Waterways diesel fuel user fee and offset the revenue losses by reducing domestic discretionary increases by equivalent amount including a sense of the Senate that the WIC, Headstart, and Childhood Immunization programs be held harmless from these spending reductions.

(11) Murkowski amendment No. 203, to conform the budget resolution with the assumption that the assumed Btu tax not apply to aviation fuel.

AMENDMENT NO. 203

The ACTING PRESIDENT pro tempore. The pending question is the Murkowski amendment.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. Madam President, may I inquire of the time remaining on the Murkowski amendment?

The ACTING PRESIDENT pro tempore. Under the previous order 80 minutes remain equally divided.

Mr. MURKOWSKI. I thank the Chair. The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. MURKOWSKI. Madam President, I appreciate the attention of the Chair.

Yesterday before this body I had the opportunity to offer on behalf of Senator DANFORTH, Senator STEVENS, Senator McCAIN, and Senator GORTON an amendment numbered 203.

Madam President, in view of the time allotted to me I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 15 minutes.

Mr. MURKOWSKI. Madam President, let me briefly describe what my amendment does. My amendment reduces revenues that are assumed to be raised by the Btu tax by \$4.5 million over 5 years. Specifically, the purpose is to exempt the effect of the Btu tax on airline fuel. The revenue loss is offset by cutting an equal amount of \$224 billion in new spending which is in the administration's plan.

Specifically, the Btu tax, in the opinion of the Senator from Alaska, is unfair and unjust for those who depend on oil. It taxes oil up to 60 cents per million Btu; yet it taxes other forms of energy at only 26 cents per million Btu.

In other words, coal is taxed at 26 cents, nuclear energy is taxed at 26 cents, and hydro is taxed at 26 cents. Why is oil suddenly singled out to bear this surtax of 34 cents? One would suggest that perhaps the budgeters needed more revenue and decided to penalize oil. It seems like we have elevated oil up to the level of a sin tax similar to tobacco and liquor.

You and I know, Madam President, you cannot run an airplane on hydroelectric generation and you cannot burn coal to power an airplane. You have to burn oil, in the form of aviation fuel.

Specifically, my amendment provides relief for the airline industry which

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

1980's, the Reagan administration sought to have PUHCA repealed. The Banking Committee opposed this proposal, feeling that PUHCA continued to serve a meaningful consumer protection function.

PUHCA has been amended over the years, most recently by the Energy Policy Act of 1992. I opposed early versions of that legislation, because I felt they did not adequately protect consumers. Working with the Energy Committee, the Banking Committee drafted significant amendments to PUHCA that maintain consumer and investor protections.

PUHCA successfully reshaped the structure of the public utility industry, fostering stability and financial integrity. As of February 1993, just 12 utility holding companies were registered with the SEC under PUHCA.

BUMPERS BILL MUST BE REFERRED TO BANKING COMMITTEE

As a general rule, legislation to transfer enforcement jurisdiction under a statute is referred to the committee that currently has jurisdiction, not the committee that would exercise jurisdiction should the legislation be enacted. For example, in the 101st Congress S. 2814 would have amended the Commodity Exchange Act to transfer regulation of stock index futures from the Commodities Futures Trading Commission to the SEC. That bill was sent to the Agriculture Committee, which has jurisdiction over the CFTC and the Commodity Exchange Act.

By the same token, a bill to transfer enforcement of PUHCA from the SEC must come to the Banking Committee, which has jurisdiction over the SEC, PUHCA and all Federal securities laws. To prove this point, I am introducing Senator BUMPERS' bill exactly as it appeared in the CONGRESSIONAL RECORD—not just the first two sections, but the entire six sections.

The Senate Rules delineate the jurisdictions of the various committees for one purpose: to allow the Senate to operate more efficiently. The Parliamentarian has ruled the bill must be referred to the Banking Committee. Senator BUMPERS and the members of the Energy Committee should recognize the Banking Committee's jurisdiction over any legislation amending PUHCA. •

By Mr. KENNEDY (for himself, Mrs. BOXER, Mr. CAMPBELL, Mrs. FEINSTEIN, Mr. HARKIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. SIMON, Mr. ROBB, Mr. WELLSTONE, Mr. FELL, Ms. MOSELEY-BRAUN, and Mr. FEINGOLD):

S. 636. 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; to the Committee on Labor and Human Resources.

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

Mr. KENNEDY. Mr. President, today we are introducing legislation to protect women, physicians, and other health personnel, and public and private health clinics, from opponents of abortion who resort to violence, blockades, and other vigilante tactics.

Federal action is clearly needed to deal with the ongoing wave of violence aimed at clinics across the country where abortions are performed, and at the medical personnel who work there. These violent tactics have included assault and murder, bombings and bomb threats, arson, clinic blockades, invasions and occupations of clinics, and other reprehensible forms of intimidation and vandalism.

The Supreme Court's ruling in the Bray case last January makes clear that existing Federal laws are inadequate to deal with this challenge. This legislation is designed to fill that gap and provide effective remedies for women, physicians, nurses, and communities across the country.

The murder of Doctor Gunn at the clinic in Pensacola, FL, is the latest tragic result of these extremist tactics, but it is far from an isolated attack. Over 100 clinics have been torched or bombed in the past 15 years. Over 300 have been invaded and over 400 have been vandalized. Already this year, clinics have sustained more than \$1.3 million in damage from arson alone.

The killing of Doctor Gunn was a shocking murder of a physician who was assisting women in the lawful exercise of their constitutional right to choose. Greater protections under Federal law are needed before the toll from these nationwide extremist acts rises higher.

The bill we are introducing today is aimed at the use or threat of force or physical obstruction to interfere with access to abortion services. It will prohibit assaults and attacks on medical personnel and clinic property. It will address the range of terrorist acts aimed at abortion providers. It will make conduct of this kind a Federal criminal offense, and remove any doubt that Federal law enforcement authorities have the power to act.

Our bill will also help the victims of these abhorrent tactics. It establishes a private right of action for women who have been prevented or intimidated from exercising their right to choose. The right of action will also be available to clinics and providers targeted by such tactics. In addition, the bill authorizes the Attorney General to bring civil suits to obtain injunctions against offensive conduct, seek damages for the victims, and impose stiff fines on the perpetrators.

The right to peaceful protest is protected by the Constitution, and nothing in this legislation undermines that basic right. Peaceful expression of

anti-abortion views will not be penalized. But violent, intimidating, and destructive conduct, undertaken in order to interfere with the right to choose, has no such protection, and will be prohibited by this legislation.

This bill deserves broad support from all who abhor resorting to violence in these circumstances, whatever their views on abortion. It sends a message that extremist tactics will not be tolerated in our society, and that women, health care personnel, and health facilities deserve the full protection of the law against those who take the law into their own hands.

Mr. President, I ask unanimous consent that the text of the bill may be printed in the RECORD.

S. 636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1993".

SEC. 2. CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

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

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

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

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

(5) those engaging in such tactics frequently trample police lines and barricades and overwhelm State and local law enforcement authorities and courts and their ability to restrain and enjoin unlawful conduct and prosecute those who have violated the law;

(6) such conduct operates to infringe upon women's ability to exercise full enjoyment of rights secured to them by Federal and State law, both statutory and constitutional, and burdens interstate commerce, including by interfering with business activities of medical clinics involved in interstate commerce and by forcing women to travel from States where their access to reproductive health services is obstructed to other States;

(7) prior to the Supreme Court's decision in *Bray v. Alexandria Women's Health Clinic* (No. 90-965, January 13, 1993), such conduct was frequently restrained and enjoined by Federal courts in actions brought under section 1980(3) of the Revised Statutes (42 U.S.C. 1985(3));

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

(9) legislation is necessary to prohibit the obstruction of access by women to abortion services and to ensure that persons injured by such conduct, as well as the Attorney

March 23, 1993

CONGRESSIONAL RECORD—SENATE

6095

General, can seek redress in the Federal courts;

(10) the obstruction of access to abortion services can be prohibited, and the right of injured parties to seek redress in the courts can be established, without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or other law; and

(11) Congress has the affirmative power under section 8 of article I of the Constitution and under section 5 of the Fourteenth Amendment to the Constitution to enact such legislation.

(b) **PURPOSE.**—It is the purpose of this Act to protect and promote the public health and safety by prohibiting the use of force, threat of force or physical obstruction to injure, intimidate or interfere with a person seeking to obtain or provide abortion services, and the destruction of property of facilities providing abortion services, and by establishing the right of private parties injured by such conduct, as well as the Attorney General in appropriate cases, to bring actions for appropriate relief.

SEC. 3. FREEDOM OF ACCESS TO CLINIC ENTRANCES.

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

***SEC. 2715. 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—
 “(A) obtaining abortion services; or
 “(B) lawfully aiding another person to obtain abortion services; or
 “(2) intentionally damages or destroys the property of a medical facility or in which a medical facility is located, or attempts to do so, because such facility provides abortion services,

shall be subject to the penalties provided in subsection (b) and the civil remedy provided in subsection (e).
 “(b) **PENALTIES.**—Whoever violates this section shall—
 “(1) in the case of a first offense, be fined in accordance with title 18 or imprisoned not more than 1 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 title 18 or imprisoned not more than 3 years, or both;

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) **STUDY.**—
 “(1) **IN GENERAL.**—The Secretary shall conduct a study concerning the effect that conduct prohibited by subsection (a) has had, is having or may be expected to have on the delivery of reproductive health services for women and on the health and welfare of women throughout the United States. Such study shall take into account the full range of reproductive health services offered at facilities targeted by such conduct, including abortion services, family planning, pregnancy testing, infertility services, testing and treatment for sexually transmitted diseases, screening for breast and cervical cancer, prenatal services, and other similar activities. Such study shall include consideration of—

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

“(B) the impact of such incidents on the medical facilities and providers that have been targeted, and on the ability of physicians and other health care providers to deliver reproductive health services to their patients; and

“(C) the effects of such incidents on the mental and physical health of women, including—

“(i) any medical risks or complications associated with delays in obtaining, or failure to obtain, testing, screening or treatment services in the areas of reproductive health;

“(ii) any medical risks or complications associated with delays in the termination of a pregnancy;

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

“(iv) any other effects of delays in obtaining or failure to obtain reproductive health services.

Such study shall take into account any short-term effects on the delivery of reproductive health services by the targeted facilities and providers, as well as any long-term implications for the health and welfare of women in the general population.

“(2) **REPORT.**—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the results of the study conducted under paragraph (1), together with any appropriate recommendations and proposed legislation.

“(d) **INVESTIGATION OF VIOLATIONS.**—

“(1) **IN GENERAL.**—The Secretary shall conduct an investigation, on the request of a medical facility providing reproductive health services or on the initiative of the Secretary, to determine whether any person has violated or is violating this section.

“(2) **ASSISTANCE.**—The Secretary may obtain the assistance of the Attorney General, or a State or local government agency under a cooperative agreement with such agency, in conducting investigations under paragraph (1).

“(3) **REFERRAL.**—If the Secretary determines that reasonable cause exists to believe that a violation of this section has occurred or is occurring, the Secretary shall immediately refer the matter to the Attorney General for appropriate action under subsection (e)(2).

“(e) **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).

“(B) **DAMAGES.**—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.**—

“(A) **IN GENERAL.**—If the Attorney General 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, and such conduct raises an issue of general public importance,

the Attorney General may commence a civil action in any appropriate United States District Court.

“(B) **DAMAGES.**—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 \$15,000, for a first violation; and

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

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

“(1) prevent any State from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section;

“(2) deprive State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State or local law;

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

“(4) limit or otherwise affect the right of a person aggrieved by acts that may be violations of this section to seek other available civil remedies; or

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

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

“(1) **ABORTION SERVICES.**—The term ‘abortion services’ includes medical, surgical, counselling or referral services relating to the termination of a pregnancy.

“(2) **ATTORNEY GENERAL.**—The term ‘Attorney General’ includes the Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, or any employee of the Department of Justice or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this section.

“(3) **MEDICAL FACILITY.**—The term ‘medical facility’ includes a hospital, clinic, physician’s office, or other facility that provides health or surgical services.

“(4) **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.”

Ms. MIKULSKI. Mr. President, it is with outrage and sadness that I join with Senator KENNEDY as an original cosponsor of the Freedom of Access to Clinic Entrances Act of 1993.

I am outraged because the previous administration failed to take sufficient action against antichoice protesters who have blocked clinics, harassed women seeking abortion services, stalked physicians and clinic health care workers, and bombed, vandalized, and destroyed clinics. These violent and lawless actions have made a mockery of the Constitution.

It is a fundamental tenet of this country that we all have the right to lawful demonstration—whatever our beliefs. But opponents of abortion have substituted vigilantism for lawful demonstrations. They have interfered with

a woman's constitutionally protected right to obtain an abortion. They have destroyed clinic facilities, leaving women without access to health care facilities. And they have threatened the safety of individuals providing health care services.

This must be stopped.

I believe that the new Attorney General is going to do just that. She has made clear that she will not tolerate these tactics and that she will prosecute this type of vigilantism to the full extent of the law.

The killing of Dr. Gunn on March 11 in front of a Pensacola clinic has deeply disturbed all of us. It opened the country's eyes once to the inevitable consequence of extremism. There is no rationale, no justification, no solace to be found in Dr. Gunn's death. There is only profound sadness and outrage.

We must be able to protect health care providers like Dr. Gunn. We must assure them that they do not have to risk their life, or the sanctity of their homes and the safety of their families because of the health services they provide to women. The government has the historic role not only of protecting an individual's civil rights but has an obligation to protect the health and safety of its citizens.

The Supreme Court ruling in *Bray versus Alexandria* has left Congress with the responsibility of ensuring that women are able to exercise their right to get an abortion free from intimidation or violence.

There is not sufficient Federal authority to protect individuals seeking health care in family planning facilities; nor is there sufficient Federal authority to protect clinics and the individuals who work there.

This legislation will provide the Attorney General with the authority she needs to put an end once and for all to activities that prevent women and health care providers from gaining access to health care clinics and the services they provide.

I urge its swift consideration and passage.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 637. A bill to suspend temporarily the duty on pentostatin; to the Committee on Finance.

PENTOSTATIN DUTY SUSPENSION

• Mr. BRADLEY. Mr. President, I rise to introduce duty suspension legislation on behalf of the New Jersey-based Warner-Lambert Co. This bill would temporarily suspend the import duty on pentostatin. Joining me is my friend and colleague Senator LAUTENBERG. We introduced similar legislation in the last Congress.

Pentostatin or Nipent, the orphan drug which Warner-Lambert imports, is used to treat hairy cell leukemia patients. Currently, hairy cell leukemia affects about 2,500 patients in the United States.

According to Warner-Lambert, clinical tests indicate positive results from the drug's usage. Warner-Lambert also maintains that due to its small patient population, the tariff suspension would cause no appreciable revenue loss to the Treasury.

According to the International Trade Commission, no domestic producers have registered objections to the proposed suspension. The legislation would enable Warner-Lambert to import the chemicals at reasonable prices, making its products more competitive in the international market and ultimately more affordable for consumers in the domestic market.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PENTOSTATIN.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

9902.31.12	Pentostatin	Free	No change	No change	On or before 12/31/94
	(provided for in subheading 2934.90.47)				

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

• Mr. LAUTENBERG. Mr. President, I am pleased to join as an original cosponsor of legislation to suspend duties on pentostatin, an orphan drug used in the treatment of hairy cell leukemia. Senator BRADLEY and I introduced similar legislation in 1992.

Warner-Lambert, a company headquartered in Morris Plains, NJ, developed pentostatin in a laboratory in Ann Arbor, MI. The drug, whose key component is now made in Michigan, is purified at Warner-Lambert's subsidiary in Frieberg, Germany and then imported back into the United States. According to the International Trade Commission, no comparable drug is manufactured in the United States.

Pentostatin treats patients suffering from hairy cell leukemia and who do not respond to interferon alfa, the most common treatment for hairy cell leukemia. Clinical tests indicate that 80 percent of hairy cell leukemia patients tested who receive pentostatin have a positive result from the use of the drug.

Mr. President, I urge my colleagues to support this measure.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 638. A bill to extend the temporary suspension of duty on jacquard cards and other

cards used as jacquard cards; to the Committee on Finance.

SUSPENSION OF DUTY ON JACQUARD CARDS

• Mr. BRADLEY. Mr. President, I rise to introduce legislation to extend the duty suspension on unpunched Jacquard cards, pattern-setting tapes used in the manufacturing of textiles. Joining me is my friend and colleague Senator LAUTENBERG. I introduced a similar bill which passed during the 101st Congress.

Jerry Valenta and Sons, Inc., which is located in Hawthorne, NJ, uses Jacquard cards to create intricate patterns in textiles. Jacquard cards have never been produced in the United States. Since their machinery cannot operate without them, American companies like Jerry Valenta and Sons are forced to pay high duties to import Jacquard cards, putting them at a competitive disadvantage to foreign companies not subject to the same tariff.

Many of the textiles designed by Jerry Valenta and Sons are exported through manufacturing companies they service to markets in Europe and the Far East, positively impacting the American balance of trade. Extending this duty suspension will lower production cost, benefiting the manufacturing firms, and ultimately, the consumer.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DUTY SUSPENSION.

Headings 9902.39.27 and 9902.48.23 of the Harmonized Tariff Schedule of the United States are each amended by striking "12/31/92" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.


(a) IN GENERAL.—The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in heading 9902.39.27 or 9902.48.23 of the Harmonized Tariff Schedule of the United States that was made—

- (1) after December 31, 1992, and
- (2) on or before the date that is 15 days after the date of the enactment of this Act, shall be liquidated or reliquidated as though such entry or withdrawal occurred on the date after the date that 15 days after the date of the enactment of this Act.

• Mr. LAUTENBERG. Mr. President, I am pleased to join as an original cosponsor of legislation to suspend duties on unpunched Jacquard cards, pattern-setting tapes used in the manufacture of textiles. Specifically, the Jacquard weaving process is responsible for the creation of some of the most intricate fabric patterns in existence.

Exhibit C

H.R.5577 - FACE Act Repeal Act of 2023118th Congress (2023-2024) | [Get alerts](#)**Sponsor:** [Rep. Roy, Chip \[R-TX-21\]](#) (Introduced 09/19/2023)**Committees:** House - Judiciary**Latest Action:** House - 09/19/2023 Referred to the House Committee on the Judiciary. (All Actions)**Tracker:**  [Introduced](#) > [Passed House](#) > [Passed Senate](#) > [To President](#) > [Became Law](#)Summary(1) **Text(1)** Actions(2) Titles(2) Amendments(0) Cosponsors(36) Committees(1) Related Bills(1)There is one version of the bill. **Text available as:** [XML/HTML](#) | [XML/HTML \(new window\)](#) | [TXT](#) | [PDF \(226KB\)](#) **Shown Here:****Introduced in House (09/19/2023)**118TH CONGRESS
1ST SESSION**H. R. 5577**

To amend title 18, United States Code, to repeal prohibitions relating to freedom of access to clinic entrances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2023

Mr. ROY (for himself, Mr. DUNCAN, Mr. LAMALFA, Mrs. HARSHBARGER, Mr. BANKS, Mr. SMITH of New Jersey, Mrs. LESKO, Mrs. MILLER of Illinois, Mr. BABIN, Mr. BIGGS, Mr. MOYLAN, Mr. DAVIDSON, Mr. MOONEY, Mr. BUCK, Mr. CLYDE, Mr. GOOD of Virginia, Mrs. LUNA, Mr. GOSAR, Mr. ROSENDALE, Mr. BRECHEEN, Mr. MOORE of Alabama, Mr. SELF, Mr. BURLISON, Mr. LAMBORN, Mr. GREEN of Tennessee, and Mr. TIMMONS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to repeal prohibitions relating to freedom of access to clinic entrances, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,***SECTION 1. SHORT TITLE.**

This Act may be cited as the “FACE Act Repeal Act of 2023”.

SEC. 2. REPEAL OF PROHIBITIONS RELATING TO FREEDOM OF ACCESS TO CLINIC ENTRANCES.(a) **IN GENERAL.**—Section 248 of title 18, United States Code, is repealed.(b) **CLERICAL AMENDMENT.**—The table of sections for [chapter 13](#) of title 18, United States Code, is amended by striking the item relating to section 248.(c) **APPLICABILITY.**—The repeal made in subsection (a) shall apply to any prosecution of an offense that is pending on, or commenced on or after, the date of enactment of this Act.

Exhibit D

CONGRESS.GOV

S.3017 - Restoring the First Amendment and Right to Peaceful Civil Disobedience Act of 2023

118th Congress (2023-2024) | [Get alerts](#)

Sponsor: [Sen. Lee, Mike \[R-LT\]](#) (Introduced 10/04/2023)

Committees: Senate - Judiciary

Latest Action: Senate - 10/04/2023 Read twice and referred to the Committee on the Judiciary. ([All Actions](#))

Tracker: Introduced > Passed Senate > Passed House > To President > Became Law

Summary(0) **Text(1)** Actions(1) Titles(2) Amendments(0) Cosponsors(5) Committees(1) Related Bills(1)



There is one version of the bill. **Text available as:** [XML/HTML](#) | [XML/HTML \(new window\)](#) | [TXT](#) | [PDF \(225KB\)](#)

Shown Here:

Introduced in Senate (10/04/2023)

118TH CONGRESS
1ST SESSION

S. 3017

To amend title 18, United States Code, to repeal prohibitions relating to freedom of access to clinic entrances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2023

Mr. LEE (for himself, Mrs. HYDE-SMITH, Mr. WICKER, Mr. VANCE, Mr. BRAUN, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to repeal prohibitions relating to freedom of access to clinic entrances, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Restoring the First Amendment and Right to Peaceful Civil Disobedience Act of 2023”.

SEC. 2. REPEAL OF PROHIBITIONS RELATING TO FREEDOM OF ACCESS TO CLINIC ENTRANCES.

(a) **IN GENERAL.**—Section 248 of title 18, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 13 of title 18, United States Code, is amended by striking the ~~item~~ relating to section 248.

(c) **APPLICABILITY.**—The repeal made in subsection (a) shall apply to any prosecution of an offense that is pending on, or commenced on or after, the date of enactment of this Act.