

Latta	Myers	Smith, Denny
Leach (IA)	Neal	(OR)
Lewis (FL)	Nielson	Smith, Robert
Lightfoot	Olin	(NH)
Lipinski	Oxley	Smith, Robert
Lloyd	Penny	(OR)
Lujan	Petri	Stenholm
Luken, Thomas	Pursell	Stump
Lukens, Donald	Rhodes	Sweeney
Madigan	Roberts	Swindall
Marlenee	Sensenbrenner	Tauke
Martin (IL)	Shaw	Thomas (CA)
McCandless	Shays	Upton
McCollum	Shumway	Vucanovich
McEwen	Shuster	Walker
McMillan (NC)	Slattery	Whittaker
Miller (WA)	Slaughter (VA)	Wylie
Moorhead	Smith (TX)	Young (FL)

NOT VOTING—34

Biaggi	Jacobs	Nelson
Boggs	Kemp	Packard
Bonker	Konnyu	Pease
Boulter	Lancaster	Ray
Clement	Leland	Ritter
Duncan	Lewis (CA)	Russo
Espy	Livingston	Saiki
Flippo	Lungren	Spence
Ford (TN)	Mack	Studds
Gray (PA)	MacKay	Tallon
Hayes (IL)	Mica	
Inhofe	Moody	

□ 1525

The Clerk announced the following pair:

On this vote:

Mr. Nelson for, with Mr. Jacobs against.

Mr. HUGHES and BEREUTER changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3245

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Virginia [Mr. WOLF] be removed as a cosponsor of H.R. 3245. His name was inadvertently added as a cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

PERSONAL EXPLANATION

Mr. NIELSON of Utah. Mr. Speaker, last week I was not available because of district business, and I missed roll-call votes 168 through 179.

Had I been present, I would have voted yes on rollcall Nos. 168, 170, 171, 173, 174, 177, 178, and 179.

Had I been present, I would have voted no on rollcall Nos. 169, 172, and 176.

PERSONAL EXPLANATION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute.)

Mr. BEREUTER. Mr. Speaker, I take this time to present my explanation of missed votes. On Thursday and Friday of last week I was absent and excused from the proceedings of the House for reasons of official business. Three recorded votes occurred during my absence. I wish to include for the RECORD at this point my statement of how I would have voted had I been present for these votes. I would have voted as follows:

"Aye" on final passage of H.R. 4418, the National Science Foundation authorization;

"Nay" on the motion to approve the Journal; and

"Aye" on the motion to close the conference on the authorization for the Department of Defense.

LEGISLATIVE PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, I take this time to inform the House that tomorrow the House is scheduled to meet at 10 a.m., but I will state that I intend to ask unanimous consent that when the House adjourns today, it will adjourn to meet at 11 a.m. tomorrow.

Mr. Speaker, tomorrow the House is scheduled to consider the Labor-HHS appropriations for fiscal year 1989 under the leadership of the distinguished gentleman from Kentucky [Mr. NATCHER].

There is a possibility that that appropriation bill may be concluded before the end of what normally would be the legislative day, and I would like to inform the Members that in the event the HHS bill is concluded early, we will begin consideration of the Commerce, State, Justice appropriation bill for fiscal year 1989.

On Thursday the House will meet at 10 a.m. and consider the Agriculture appropriations bill for fiscal year 1989.

HOUR OF MEETING ON TOMORROW

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. on tomorrow, Wednesday, June 15, 1988.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

IMPOSING CRIMINAL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY AND OBSTRUCTION OF PERSONS IN FREE EXERCISE OF RELIGIOUS BELIEFS

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 794) to amend chapter 13 of title 18, United States Code, to impose criminal penalties for damage to religious property and for obstruction of persons in the free exercise of religious beliefs, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. GEKAS. Mr. Speaker, reserving the right to object, I would ask the chairman of the Subcommittee on Criminal Justice, the gentleman from Michigan [Mr. CONYERS], to review and to explain the bill at hand.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank my colleague, the ranking Member of the Subcommittee on Criminal Justice, for yielding.

Mr. Speaker, the bill that we have before us today, S. 794, expands current law to make it a Federal crime to travel in or use an instrumentality of interstate or foreign commerce to damage religious real property or obstruct persons engaged in the free exercise of their religious beliefs. It is virtually identical to H.R. 3258 which passed the House with strong bipartisan support on October 5, 1987. There are only three minor differences between S. 794 and the House passed bill, each of which are acceptable to Members on both sides of the aisle. First, this bill adds a scienter element by inserting the word "intentionally" before each of the two provisions setting forth the prohibited conduct in section (1)(a). Second, a provision has been added which requires written notification by the Attorney General that a prosecution under this act is in the public interest and necessary to secure substantial justice. This appears as section (1)(d). And finally, the word "mosque" is specifically included within the definition of real religious property set forth in section (1)(e).

Mr. Speaker, acts of vandalism, harassment and violence targeted at people and property solely because of their race, religion, sexual orientation, or ethnic origin threaten to tear apart the fabric of our society. This type of conduct demands a strong governmental response, one designed to discourage the perpetrators, provide support to the victims, and educate members of the affected communities. I believe that this legislation, S. 794, represents an important first step toward addressing these needs.

Religiously motivated violence and vandalism appears to be on the rise in our society. Although precise statistics on the number of these incidents are not yet compiled by the Federal law enforcement community, data from those States and localities which do collect such information does show an increase.

One month ago, on May 18, the House overwhelmingly passed a bill I introduced, H.R. 3193, the Hate Crime Statistics Act. That legislation requires the Attorney General to collect and publish statistics on crimes which manifest prejudice based on race, religion, homosexuality, or heterosexuality, or ethnic origin. Once it is enacted into law, we will have accurate nationwide statistics on the overall hate crime problem to guide police and legislators in their efforts to curtail them.

The Anti-Defamation League of B'nai B'rith regulatory compiles data on anti-Semitic incidents. In January of this year, the ADL reported that it had received information on 1,018 incidents in 1987, an increase of 12 percent over the previous year—694 of these involved acts of vandalism ranging from swastika daubings to arson and pipe bombings. There were 324 acts of harassment, threats, and assaults.

The American-Arab Anti-Discrimination Committee has also reported incidents of religiously motivated violence and vandalism. At a hearing held in June 1986, by the Subcommittee on Criminal Justice, which examined hate violence directed at Americans of Arab descent, testimony was received about the Dar as-Salaam Mosque in Houston which in June 1985, was damaged by two bombs thrown through the window. A dinner which had been scheduled there the previous day to celebrate a religious holiday had been canceled due to a series of threats received over the phone.

An important factor in eliminating religiously motivated crimes is the concern and support shown by members of one religious group or community toward another. At the hearing I have described on anti-Arab violence, we heard testimony from Hyman Bookbinder of the American Jewish Committee. He came to express his organization's view that violence against any social or ethnic group is intolerable. This type of compassion and understanding helps build bridges that can overcome differences and disagreements. Arabs and Jews sitting at the same table, denouncing violence and searching for peace was a welcome sight for me and my colleagues on the subcommittee to see.

I want to commend my colleague from Kansas, Mr. GLICKMAN, who authored H.R. 3258, for his commitment and leadership on this matter. The enactment of this legislation will help increase public awareness of this and other types of hate crimes. It will do much to stem the tide of violence

which threatens to drown religious freedom in this country.

A hate crime injures more than just the immediate victim; it threatens the free exercise of civil and constitutional rights by each of us. By criminalizing acts of religious violence and vandalism and devoting Federal resources to the collection of information about hate crimes, we will be demonstrating a strong national commitment to their ultimate elimination.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS].

Further reserving the right to object, Mr. Speaker, I simply want to state that although there are many of us who continue to fear the overexpansion of Federal jurisdiction in matters that are best handled by law enforcement on the local level and although we made that point clear in many different ways, even in this legislation, we recognize that this legislation is a good compromise between that concern or that worry and the need to focus on the vandalism that now knows no boundaries and crosses State lines with respect to the intent to conduct such vandalism. Therefore, in the limited way the Federal Government has to involve itself, it does so through this legislation, and we approve the concept.

For those purposes, Mr. Speaker, I will withdraw any objection I might have.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, I thank my colleague for yielding, and I thank the gentleman from Michigan [Mr. CONYERS] and the gentleman from Pennsylvania [Mr. GEKAS] for their help on this bill.

Mr. Speaker, I was the principal sponsor of the religious violence bill that passed the House last year. The Senate bill, S. 794, differs from the House bill in a few minor respects: it includes a provision that requires certification by the Attorney General or his designee that prosecution of a specific incident under the law would be in the public interest. The Justice Department assures us that this is not a cumbersome procedure. The bill also makes it clear that only "intentional" attacks are subject to the penalties enumerated in the law, and the loss caused by the destruction or defacement of religious property must be in excess of \$10,000. I believe that none of these changes substantially affect or weakens the bill.

I support this bill because the incidence of religious violence and other hate motivated crimes is increasing in this country. Even more ominous is the increase of racist organizations, such as the Skinheads and the Aryan Youth Movement, which profess broad hatred toward blacks and Jews. Frightening stories of churches, synagogues, mosques being defaced and

vandalized appear in the press almost weekly, and there is great concern that these attacks could continue in the future. We in Congress must send out the message that violence against religious institutions will not be tolerated, and that those who act upon religious and ethnic hatred will be severely punished. I request my colleagues support in approving these changes and sending S. 794 to the President, who I expect to sign it.

Mr. FISH. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, S. 794 is very similar to H.R. 3258 introduced by my colleague from Kansas, Mr. GLICKMAN, which I supported and which passed the House October 5, 1987, under suspension. S. 794 differs only in that three minor amendments were added during consideration in the other body in response to suggestions of the Justice Department. These amendments are of a noncontroversial nature and represent, I think an improvement of the bill. S. 794 is similar to legislation I introduced several years ago.

Mr. Speaker, crimes against religious property and those which interfere with the free exercise of one's religion are hateful and cannot be tolerated in our democracy. These crimes undermine a basic and cherished right. While the primary responsibility to prevent such crimes should be upon States and localities, sometimes these crimes are of such a nature that Federal law enforcement can serve as an important supplementary tool. This is particularly so when those destroying religious property or interfering with the free exercise of religion travel across State lines.

Mr. Speaker, I urge support of this bill.

□ 1535

Mr. DYMALLY. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. Mr. Speaker, I yield to the gentleman from California.

Mr. DYMALLY. Mr. Speaker, I would like to pose a question to the chairman through the gentleman from Pennsylvania [Mr. GEKAS].

Does the bill cover religious shrines such as temples; for example, a Hindu temple or other religious buildings which are not included specifically in the bill?

Mr. GEKAS. Mr. Speaker, I would have to answer affirmatively to the gentleman from California [Mr. DYMALLY] that the language that is already included in the bill is contemplated to cover institutions of religious leaning of all stripes.

Mr. DYMALLY. Mr. Speaker, I thank the gentleman from Pennsylvania.

Mr. CONYERS. Mr. Speaker, will the gentleman yield to me?

Mr. GEKAS. I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I absolutely concur in his response to the

gentleman from California [Mr. DYMALLY].

Mr. GEKAS. Mr. Speaker, I withdraw my reservation of objection and urge passage of the bill.

The SPEAKER pro tempore (Mr. RAHALL). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 794

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

SECTION 1. CRIMINAL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY AND FOR OBSTRUCTION OF PERSONS IN THE FREE EXERCISE OF RELIGIOUS BELIEFS.

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

"§ 247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs

"(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

"(1) intentionally defaces, damages, or destroys any religious real property, because of the religious character of that property, or attempts to do so; or

"(2) intentionally obstructs, by force or threat of force, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do so;

shall be punished as provided in subsection (c) of this section.

"(b) The circumstances referred to in subsection (a) are that—

"(1) in committing the offense, the defendant travels in interstate or foreign commerce, or uses a facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce; and

"(2) in the case of an offense under subsection (a)(1), the loss resulting from the defacement, damage, or destruction is more than \$10,000.

"(c) The punishment for a violation of subsection (a) of this section shall be—

"(1) if death results, a fine in accordance with this title and imprisonment for any term of years or for life, or both;

"(2) if serious bodily injury results, a fine in accordance with this title and imprisonment for not more than ten years, or both; and

"(3) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

"(d) No prosecution of any offense described in this section shall be undertaken by the United States except upon the notification in writing of the Attorney General or his designee that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice.

"(e) As used in this section—

"(1) the term 'religious real property' means any church, synagogue, mosque, religious cemetery, or other religious real property; and

"(2) the term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty."

SEC. 2. TECHNICAL AMENDMENT.

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

"247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 794, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CORRECTING ENROLLMENT OF S. 952, PROVIDING GREATER DISCRETION FOR SUPREME COURT SELECTION OF CASES FOR REVIEW

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 123) to correct the enrollment of the bill (S. 952) to improve the administration of justice by providing greater discretion to the Supreme Court in cases it will review, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. GEKAS. Mr. Speaker, reserving the right to object, I yield to the gentleman from Wisconsin [Mr. KASTENMEIER] to explain the contents of the legislation.

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman for yielding, and I would be pleased to explain the Senate Concurrent Resolution 123.

Mr. Speaker, it corrects a technical error in the enrollment of the bill S. 952, a bill passed by the House on June 7, 1988, under suspension of the rules. The correction cures an erroneous amendment to section 25 to the Federal Insecticide, Fungicide and Rodenticide Act. The amendment has been cleared by both the minority and also the Committee on Agriculture, and once this enrolling change is made by the Secretary of the Senate, the bill will proceed forthwith to the White House for the signature of President Reagan.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Wisconsin.

Mr. Speaker, I withdraw my reservation of objection and urge adoption of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 123

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 952), an Act to improve the administration of justice by providing greater discretion to the Supreme Court in cases it will review, and for other purposes, the Secretary of the Senate shall make the following change:

Strike out subsection (1) of Section 6 and insert in lieu thereof the following:

(1) Section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w(a)(4)) is amended by—

(1) repealing clause (ii) of subparagraph (E); and

(2) striking out the following:

"(E) JUDICIAL REVIEW.—

"(1) Any", and inserting in lieu thereof the following:

"(E) JUDICIAL REVIEW.—Any".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

INCREASING AUTHORIZATION FOR THE SEWALL-BELMONT HOUSE NATIONAL HISTORIC SITE

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2203) to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, after line 19, insert:

SEC. 2. EXPANSION OF THE DELTA REGION PRESERVATION COMMISSION.

Section 907(a) of Public Law 95-625, as amended, is further amended as follows:

(1) In clause (6), strike "region; and" and insert "region;"

(2) In clause (7), strike "Arts." and insert "Arts; and".

(3) Add the following new clause:

"(8) one member who shall have experience as a folklorist and who is familiar with the cultures of the Mississippi Delta Region appointed by the Secretary of the Smithsonian Institution."

SEC. 3. SALPAN HARBOR AND SAN JOSE HARBOR PROJECTS.

(a) There is authorized to be appropriated to the Secretary of the Interior such sums as are necessary for construction of the Salpan harbor project in the Northern Mariana Islands, in accordance with the May 1987 draft feasibility report of the Honolulu District Engineer.

(b) There is authorized to be appropriated such sums as are necessary for project planning, design, and construction for replacement of the main breakwater and for necessary dredging of the San Jose harbor on the Island of Tinian for in the Northern Mariana Islands. The cost-sharing provisions of Public Law 99-662 shall apply to the project, and particular consideration shall be given to possible defense uses of the harbor in determining the benefits of this project.

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be consid-