

trafficking cartels. The Stroessner government has done little to indicate that it will fight the narcotraffickers effectively. As Stroessner himself has said, in defense of his dictatorship which denies all individual rights but has provided 35 years of stability: "Corruption is the price you pay for peace."●

Mr. BYRD. Mr. President, there has been morning business today, has there not?

The PRESIDING OFFICER. The leader is correct.

CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting leader on the other side of the aisle as to whether or not Calendar Orders Nos. 638, 648, 664, and 674 have been cleared on that side of the aisle.

Mr. PRESSLER. They have.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of those four calendar orders seriatim.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIMINAL AND CIVIL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY AND INJURY TO PERSONS IN THE FREE EXERCISE OF THEIR RELIGIOUS BELIEFS

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 794) to amend chapter 13 of title 18, United States Code, to impose criminal penalties and provide a civil action for damage to religious property and for injury to persons in the free exercise of their religious beliefs.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

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 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."

Mr. METZENBAUM. Mr. President, S. 794 would provide a strong and effective tool for the Federal Government to prosecute persons who use force and intimidation to interfere with the religious worship of others.

S. 794 makes it a Federal crime: First, to deface, damage, or destroy religious property because of the religious character of that property, or second, to intentionally obstruct, by force or threat of force, any person in the enjoyment of that person's free exercise of religion. S. 794 provides strong penalties for interference with religious worship. Where death results from the commission of a crime, up to life imprisonment may be imposed. In the case of serious bodily injury, fines and imprisonment of up to 10 years may be imposed. In other cases, fines and up to 1 year imprisonment may be imposed. These penalties are appropriate when intolerance to religious beliefs is expressed through force and violence.

The need for the passage of this bill is evidenced by the growing number of incidents of violence motivated by hostility to certain religious groups. Recent studies by the anti-defamation league of B'nai B'rith, the Center for Democratic renewal, and the Lawyers Committee for Civil Rights show that persons of many faiths have been targeted including Jews, Catholics, Buddhists, Unitarians, and Muslims. Those responsible for the violence include

old groups like the Ku Klux Klan, new groups such as the Neo-Nazi "Skinheads," and individuals. The perpetrators of this violence share common ideologies of intolerance and bigotry. The activities of these bigots have created justifiable concerns about religious tolerance and make S. 794 an appropriate response to this violence which threatens one of our most precious rights, the right to the free exercise of religion.

There is broad-based support for S. 794. On October 5, 1987, by voice vote the House passed a companion bill H.R. 3258 cosponsored by Mr. DAN GLICKMAN. S. 794 and its House companion are supported by the Justice Department. The Anti-Defamation League of B'nai B'rith, the General Board of Church and Society of the United Methodist Church, the National Institute Against Prejudice and Violence, the American Jewish Committee, and the American Jewish Congress.

I urge my colleagues to support this bill in order to guarantee Federal protection for a fundamental constitutional right, the right to the free exercise of religion.

Thank you, Mr. President.

Mr. CRANSTON. Mr. President, the Senate is about to consider passage of S. 794, legislation introduced by the distinguished Senator from Ohio [Mr. METZENBAUM], which is intended to make violence motivated by religious hatred a Federal criminal offense. I strongly support this legislation and applaud Senator METZENBAUM for his leadership in addressing this important problem. We need to take steps to deal forcefully with the type of bigotry and hatred which underlies these types of acts of violence.

However, I have strongly felt that the Federal Government needs to address all forms of hate crimes. Earlier this year, the Senator from Massachusetts [Mr. KERRY] and I introduced legislation, S. 2109, which would amend various provisions of the United States Code to provide criminal penalties for violations of the civil rights of individuals based upon their affectional or sexual orientation. On April 19, 1988, I introduced an amendment to the pending measure, amendment No. 1966, CONGRESSIONAL RECORD, S4288, which would have added violence against individuals based upon their affectional or sexual orientation.

Unfortunately, efforts to reach a time agreement which would have enabled this amendment to be considered in connection with S. 794 were unsuccessful. Since it became apparent that continuing to press for consideration of this amendment would jeopardize passage of S. 794, I agreed to withhold the amendment at this time.

I intend to continue to press for consideration of the amendment, along with another measure, S. 2000, the proposed "Hate Crimes Statistics Act,"

which I have introduced which would direct the Attorney General to collect data on the incidence of crimes that manifest prejudice based upon race, religion, affectional or sexual orientation, or ethnicity. We need to deal with all forms of hate crimes and to make it clear that these acts of hatred will not be tolerated in our society. Violence against gay or lesbian individuals is as repugnant as violence directed against individuals because of their race, their religion or their ethnicity.

Mr. SIMON. Mr. President, today I join my distinguished colleague from Ohio, Senator HOWARD METZENBAUM in commending the Senate on the passage of S. 794. This legislation makes it a Federal offense to interfere with the exercise of religious freedom, or to damage or desecrate religious property. I cosponsored this bill, which was favorably reported by my subcommittee, and I am pleased to support its passage.

This Nation is known around the world for its democratic tradition and values. Included within this tradition is our treasured first amendment right to worship freely. We must never forget the fact that many of our ancestors came to this country in search of freedom to practice their religion. Indeed part of what makes the wonderfully complex tapestry that is our country, is the many religious groups that have found their home here. Our freedom to worship is an integral part of our lives that is often taken for granted.

Unfortunately we are seeing an increasing amount of violence directed at persons because they belong to a particular religious group. The evidence is clear. I was appalled to learn, that on the night marking the 49th anniversary of Kristallnacht, the infamous night Nazis destroyed Jewish-owned store fronts and burned synagogues in Germany, several synagogues and Jewish-owned stores in the Chicago suburbs were vandalized. Whether he or she be Jewish, Christian, or Moslem, no person should suffer or die for practicing his or her faith. No religious symbol should be desecrated to show hatred toward a group of people that share in a particular religious doctrine. In passing this legislation Congress is sending a clear signal that the desecrations, the injuries, the deaths, are intolerable in a free society such as ours.

Although the passage of S. 794 is a positive step, much more must be done. That is why I have introduced S. 702, a proposal directing the Attorney General to acquire data about serious crimes manifesting religious as well as ethnic and racial prejudice. The Constitution Subcommittee of the Senate Judiciary, which I chair, will hold hearings on this measure in the near future.

Again, I commend Senator METZENBAUM and all those who worked on S. 794 for their commitment to this very important issue. Let this be a

message to all: that the words of the first amendment to the Constitution prohibiting the interference with our exercise of religion are not empty words, but a vital part of that which makes us free.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass?

So the bill (S. 794) was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

MR. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MERCHANT MARINE ACT AMENDMENTS

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1988) Amendments to the Merchant Marine Act of 1920.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. (a) Section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), is amended—

(1) by striking "Treasury" the first time it appears and inserting "Treasury, or the actual cost of the transportation, whichever is greater," and

(2) by striking "merchandise." at the end thereof and inserting in lieu thereof the following: "merchandise: Provided further, That for purposes of this section, the term 'merchandise' includes valueless material: Provided further, That this section applies to the transportation of valueless material or any dredged material regardless of whether it has commercial value, from a point or place in the United States or a point or place on the high seas within the Exclusive Economic Zone as defined in the Presidential Proclamation of March 10, 1983, to another point or place in the United States or a point or place on the high seas within that Exclusive Economic Zone: Provided further, That the transportation of any platform jacket in or on a launch barge between two points in the United States, at one of which there is an installation or other device within the meaning of section 4(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)), shall not be deemed transportation subject to this section if the launch barge has a launch capacity of 12,000 long tons or more, was built as of the date of enactment of this proviso, and is documented under the laws of the United States, and the platform jacket cannot be transported on and launched from a launch barge of lesser launch capacity that is iden-

tified by the Secretary of Transportation and is available for such transportation."

(b)(1) For purposes of interpreting the proviso pertaining to transportation of any platform jacket by launch barge, as added by subsection (a) of this section to section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation shall develop, maintain, and periodically update an inventory of launch barges with less than a launch capacity of 12,000 long tons that are qualified to engage in the coastwise trade. Each launch barge listed on such inventory shall be identified by its name, launch capacity, length, beam, depth, and other distinguishing characteristics. For each such launch barge, the name and address of the person to whom inquiries may be made shall also be included on the inventory. A launch barge not listed on such inventory shall be deemed not to be "a launch barge of lesser launch capacity identified by the Secretary of Transportation" within the meaning of such proviso to section 27 of the Merchant Marine Act, 1920.

(2) Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall publish in the Federal Register an initial inventory of launch barges developed and maintained in accordance with paragraph (1) of this subsection.

(3) Not later than 60 days after the date of enactment of this Act, and periodically thereafter, the Secretary shall publish in the Federal Register a current inventory of launch barges developed, maintained, and updated in accordance with paragraph (1) of this subsection.

SEC. 2. Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: ", or to tow any vessel transporting valueless material or any dredged material, regardless of whether it has commercial value, from a point or place in the United States or a point or place on the high seas within the Exclusive Economic Zone as defined in the Presidential Proclamation of March 10, 1983, to another point or place in the United States or a point or place on the high seas within that Exclusive Economic Zone."

SEC. 3. Notwithstanding the provisions of section 1 of this Act, a vessel may transport municipal sewage sludge if that vessel, regardless of where it was built, is documented under the laws of the United States and, on the date of enactment of this Act, that vessel—

(1) is in use by a municipality for the transportation of sewage sludge; or

(2) is under contract with a municipality for the transportation of sewage sludge.

SEC. 4. For purposes of the first paragraph of section 805(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1223(a)), a vessel described in section 3(2) of this Act is not a vessel engaged in domestic intercoastal or coastwise service, but the prohibitions in the second paragraph apply to that vessel.

SEC. 5. Notwithstanding the provisions of section 1 of this Act, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation under section 12106 of title 46, United States Code, to a vessel that—

(1) is engaged in transporting only valueless material in the coastwise trade or transporting dredged material, whether or not of value, (A) from a point or place on the high seas within the Exclusive Economic Zone as defined in the Presidential Proclamation of March 10, 1983, to a point or place in the United States or to another point or place on the high seas within such Exclusive Economic Zone or (B) from a point or place