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

PERSONAL EXPLANATION

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

Mr. BERGER. 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 bill;

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

"Aye" on the motion to close the debate on the bill.

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

Mr. OWENS. Mr. Speaker, the bill that we have before us today, S. 794, is a much-need 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 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 8, 1987. There are three main 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 stating the perpetrator must have acted "willfully." 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(1)(a). And finally, the word "mosque" is specifically included within the definition of real religious property set forth in section 1(1). 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(1)(a). And finally, the word "mosque" is specifically included within the definition of real religious property set forth in section 1(1).

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 agencies, 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 compiled 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 10 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. 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-Salam Mosque in Houston which in June 1985, was damaged by two bombs thrown through the window. A dinner which had been scheduled for 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 violence and vandalism 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. His understanding helps build bridges that can overcome differences and disagreements. Arabs and Jews sitting at the same table, denouncing violence and racism, was a real sight for me and my colleagues on the subcommittee to see.

I want to commend my colleague from Kansas, Mr. GEKAS, 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 commitment to their ultimate elimination.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Michigan (Mr. Cowan).

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, this legislation is a good compromise between that concern or that worry and the need to focus on the vandalism that now has crossed 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. Mr. Speaker, I thank my colleague for yielding, and I thank the gentleman from Michigan (Mr. Cowen) and the gentleman from Pennsylvania (Mr. Gekas) for their help on this bill.

Mr. Speaker, this 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 several 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 enacted under the law. At 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 weaken 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 on religious and ethnic hatred will be severely punished. I request my colleagues support in approving these changes and sending S. 794 to the President, whom 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. Gekas, 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 the 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 the States and localities, sometimes the 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.
Mr. GEKAŚ. 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:

"227. 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 defaces, or attempts to do so; or

"(2) otherwise obstructs, by force or threat of force, any person in the enjoyment of his right to object, I yield to the gentleman from Wisconsin.

"There was no objection.

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 for other purposes, the Secretary of the Senate shall make the following change:

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

(i) Section 26(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w(a)(4)) is amended by—

(1) repealing clause (1) of subparagraph (2) 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. 2303) to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site, with a Senate amendment therein, and to 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 10, insert:

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

Section 507(a) of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 925a) is amended, as amended, is further amended as follows:

(1) in clause (6), strike "region; and" and insert "Arts. and"

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

(3) Add the following new clause:

"(4) The 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. RAIPAN HARBOUR AND SAN JOSÉ HARBOUR PROJECTS.

(a) There is authorized to be appropriated to the Secretary of the Interior such sums as are necessary for construction of the Baipan 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 the Northern Mariana Islands.

The amendment has been cleared by both the minority and majority leaders. The amendment has been placed on the calendar, and the table.