

the 100th Congress, and I urge my colleagues to join me in support of this measure.

Mr. Speaker, like many of my colleagues in the House, I have heard from angry and upset constituents about the problems they have encountered when trying to fly. In fact, airline flight delays and cancellations have reached record levels, and complaints about airline service to the U.S. Department of Transportation have tripled in the past year. The problems most frequently mentioned by my constituents include abruptly canceled or long-delayed flights that inevitably lead to missed connections and disrupted travel plans, lost or late-arriving baggage, as well as just plain poor customer service.

The provisions of H.R. 3051 would require airlines to make monthly disclosures to the Transportation Department detailing their ontime records as well as information on lost or damaged baggage, overbookings, bumping of passengers, percentage of missed connections by passengers and percentage of canceled flights, provided that these flights aren't canceled for safety reasons. DOT is also required to publish a monthly report on this airline information and make it available to the public through airline ticket offices.

Additionally, H.R. 3051 requires that both DOT and the airlines establish toll-free passenger complaint phone numbers, which will appear on all airline tickets. Furthermore, this measure requires airlines to provide one-way, space-available airline tickets to any passenger whose checked baggage is not available within 2 hours after the arrival of a flight. If the baggage is not available within 24 hours, the airline must provide the passenger with a round-trip, space-available ticket between the same two points of travel. Other issues addressed by the Airline Passenger Protection Act of 1987 include computer reservation systems, airport capacity levels and labor protective provisions.

Mr. Speaker, with the benefit of the knowledge that this legislation will bring out into the open, the American consumer will be better able to make a well-informed decision about how he or she would like to travel. H.R. 3051 deserves the strong support of the House of Representatives, and I again urge my colleagues to join me in adopting the Airline Passenger Protection Act of 1987.

Thank you very much, Mr. Speaker.

Mr. LIGHTFOOT. Mr. Speaker, I rise in opposition to H.R. 3051, the Airline Passenger Protection Act of 1987, for several reasons that I want to share with my colleagues.

First, I want to state that I share the concerns of the authors of this bill with regard to the current state of the quality of service provided by the Nation's airlines. Flight delays and cancellations, lost and damaged luggage, overbooking, and missed connections are all problems that have become commonplace. As Members of this body, we are responsible for helping to correct these problems and ensure some minimum standard of airline service quality.

During the hearings we held on this legislation earlier this year it became apparent that the problems I just mentioned are caused primarily by several main factors: weather, air traffic control system capacity, airport capacity, and airline management practices. Because of a lack of specific data, it's difficult at this point to determine the extent to which each of these factors is to blame. Today we

appear, nevertheless, to be rushing ahead with legislation that singles out one of these—the airlines themselves—as the focus of punitive action.

The inclination of some to move in this direction is understandable. When we buy a ticket from a given airline, sit on the runway in their airliner for 2 hours, and then miss a connection to another one of their flights, that airline becomes the most immediate identifiable source of our frustration. And to some degree, that is probably an accurate attribution.

How often, however, does the typical passenger attribute their frustration to the overloaded air traffic control system, uncontrollable weather patterns, lack of runways, noise problems, multiyear delays in the FAA's technology procurement system, or—heaven forbid—the U.S. Congress for refusing to release the \$5 billion aviation trust fund surplus? I would venture to say not near as often as an accurate assessment of the situation would demand.

The legislation we are considering today, H.R. 3051, contains several positive provisions that require the airlines to report information that will enable airline consumers to make an informed choice. These provisions, some of which have already been implemented by the Department of Transportation, are a movement in a positive direction and should be encouraged. Other provisions, such as the free-ticket requirements, are, in my view, an unwarranted movement backward toward deregulation. This type of requirement is not likely to solve any of our problems, but it is likely to increase the cost of flying. I want to remind my colleagues that for every degree we move in this direction, we diminish the estimated \$6 billion in annual savings for the consumer that the Brookings Institute estimates is a result of deregulation of the airline industry.

Mr. Speaker, I simply do not believe the information we have available to us justifies the extremity of some of the provisions in this bill. I am requesting a study from the General Accounting Office to determine more precisely what are the causes of the delays, cancellations, lost luggage, and other problems we currently face in this area. I will be happy to share that information with my colleagues as soon as I receive it. For now, however, I intend to vote against H.R. 3051 and I encourage my colleagues to do the same.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MINETA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ECKART). The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and pass the bill, H.R. 3051, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

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

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

There was no objection.

#### IMPOSING CRIMINAL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3258) 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.

The Clerk read as follows:

H.R. 3258

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

“(2) 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) As used in this section—

“(1) the term ‘religious real property’ means any church, synagogue, 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 SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, H.R. 3258 has been unanimously reported by the Committee on the Judiciary. It addresses the problem of religiously motivated violence by amending title 18 of the United States Code to make it a Federal crime to engage in certain activity in order to obstruct persons freely exercising their religious beliefs or to damage to destroy a house of worship (such as a church, synagogue, or mosque), religious cemetery, or other real property because of the religious character of that property. Current Federal law permits prosecution of religiously motivated violence only in limited circumstances. H.R. 3258 will expand current law so that there can be Federal prosecution if the perpetrator travels in or uses an instrumentality of interstate commerce.

Religiously motivated violence appears to be on the rise. Although precise statistics on the number of incidents directed at religious groups are not compiled as a part of the Uniform Crime Report, localities which do maintain such statistics have reported increases in crimes motivated by religious bias. These reports indicate that these episodes are becoming increasingly violent due to the radicalization of hate groups which perpetrate such crimes. The Anti-Defamation League of B'nai B'rith reports that there was more violent crime by hate groups in the 3 years from 1983 to 1986 than there had been over the previous two decades. Witnesses at hearings held by the Subcommittee on Criminal Justice last Congress, pointed out that many of the hate groups have members in various States and operate across State lines. They also argued that it is imperative to send a strong signal that such acts of violence will not be tolerated in our society.

As a result of these hearings, the subcommittee drafted a bill that the House passed by a voice vote late last Congress. The bill before us today, H.R. 3258, is very similar to that bill.

I also want to commend my colleagues from Kansas, who not only

sponsored H.R. 3258, but also last Congress' bill. His commitment and leadership on this matter have been outstanding.

Mr. Speaker, H.R. 3258 was reported from committee without dissent. Enactment of it will help increase public awareness of hate crimes and provide for distinct penalties in order to help stem the tide of violence that threatens to drown the freedom of choosing one's religious observance. I urge my colleagues to support this legislation.

I want to call my colleagues attention to a typographical error in the committee report which accompanies this bill, Report 100-337. In the second full paragraph on page 5, the cite to section 247(a)(2) in line 7 should read 247(a)(1).

Mr. Speaker, this bill, as I noted earlier, has been the result of a bipartisan effort. I want to recognize the important assistance in formulating the legislation that was provided by two organizations—the American Jewish Congress and the Anti-Defamation League of B'nai B'rith. Since the Justice Department does not keep statistics on the number of crimes motivated by religious bias, the ADL—one of the few organizations that compiles such statistics on a nationwide basis—was an important resource. In addition, the American Jewish Committee supplied the subcommittee with an important memorandum on certain legal issues. Both groups are to be commended for their efforts.

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Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the Subcommittee on Criminal Justice, Mr. CONYERS, has very adequately described the background and the provisions of this legislation. As was mentioned, this piece of legislation was passed during the last term and failed to reach full maturity only because of the lack of action of the other body.

One thing must be said for the record to reestablish something that was important to this Member at the outset of discussion of this legislation last term in which I repeat now is, and I have always felt and I think everyone on the committee knows and feels, that several States of the Union have the capacity to deal with acts of vandalism no matter against what property that vandalism may be perpetrated.

That is a basic issue.

But the legislation on which we are now about to embark brings the Federal judiciary into the system, the law enforcement constabulary of the Federal Government into play because of the possibility and the reality that these kinds of acts, the ones proscribed by this legislation, very often could and would take on the tone of crossing State lines for different kinds of religious-based persecutions and criminal acts.

So where the State governments can act properly and with full jurisdiction, so be it. We do not interfere with that in this legislation. But in those circumstances where the connection of interstate commerce would appear, then the Federal Government through this legislation would be in full jurisdiction to proceed to work its will in these very important criminal kinds of ventures.

Mr. Speaker, with that I offer the support of this legislation as we did last time.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I rise in support of H.R. 3258.

This bill is substantially the same as legislation which I cosponsored, and which passed this House, during the previous Congress. The Senate was unable to act upon that bill because House action came so late in the session.

Crimes against religious property, and those which interfere with the free exercise of one's religion, are truly hateful. They undermine one of this Nation's most cherished rights and thus cannot be tolerated. As with most law enforcement, the primary responsibility here should be upon States and localities. However, sometimes crimes are of such a nature that Federal law enforcement can serve as an important supplement to local law enforcement. This is certainly the case when those destroying religious property or interfering with the free exercise of religion travel across State lines.

Mr. Speaker, this bill is carefully crafted to maintain the proper balance between local and Federal jurisdiction and I believe it merits the support of the entire House as an important step toward guaranteeing one of our most cherished freedoms.

Mr. GEKAS. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN], the author of the bill and a distinguished member of the Committee on the Judiciary.

(Mr. GLICKMAN asked and was given permission to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I rise in support of H.R. 3258 and thank Chairman CONYERS for so quickly moving this bill through the legislative process. I also thank my colleague Mr. GEKAS for his special help.

As Mr. CONYERS stated, H.R. 3258 would make it a Federal offense to destroy or damage real property because of the religious character of the property or to obstruct any person in his or her free exercise of religious beliefs. I introduced this bill in the last Congress and again this year because of the growing problem of violence aimed at religious property and the exercise

of religious beliefs. In spite of this Nation's willingness to accept and embrace various religions and forms of worship, there remains a minority within our population who see fit, for whatever reason, to vandalize and destroy religious property and, in turn, to jeopardize the freedom of others to safely practice their religious beliefs. The entire range of faiths, including Baptist, Catholic, Episcopal, and Jewish have been targets of such attacks.

Unfortunately, the depressed economy in some regions of the country has been cited as one of the reasons for this increase in violence. The Klu Klux Klan recently held a rally in which they accused blacks of taking jobs and Jews of controlling the economy. A continued weak economy may exacerbate this problem and such destructive manifestations.

I know it is easy to feel helpless against these irrational acts of hate. However, we in Congress must not let a sense of hopelessness overtake us. We must work to eliminate both the root of the problem and the symptoms. While it is true that the States have primary responsibility as far as law enforcement, the Federal Government has a responsibility as well, especially given the constitutional protection of religious liberties. This bill should send a strong signal that violence against religious institutions of any kind will not be tolerated in this country.

In closing, I would again like to thank Chairman CONYERS for all his efforts and encourage my colleagues to support this important measure.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take this time merely for the purpose of discussing one constitutional issue that did arise with reference to whether this measure might be tripped up by the establishment clause, which prohibits State and Federal Governments from engaging in any activity that favors or establishes a religion or religious activity.

I do not think we have too much trouble with this problem because, first of all, no excessive entanglement is created between church and state since the Federal Government involvement with religious institutions can be no greater when it affords other protections against criminal conduct which the State is indisputably entitled to provide.

Furthermore, H.R. 3258 is grounded in the commerce clause and as such is capable of sustaining constitutional challenge. The Supreme Court in *United Brotherhood of Carpenters and Joiners versus Scott* in 1983 held that under the commerce clause Congress has the power to prohibit private encroachment on first amendment rights, which this is surely one.

So I thank my colleagues, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. FISH], and of course, the author of the bill, the gentleman from Kansas [Mr. GLICKMAN], and we hope that this time this bill will move to its ultimate enactment.

Mr. BIAGGI. Mr. Speaker, I rise in support of H.R. 3258, legislation which seeks to impose Federal criminal penalties for hate crimes. As a cosponsor of this legislation and as a sponsor of legislation in the past two Congresses which sought to achieve this same goal, I applaud the consideration of this legislation and urge its swift passage.

In my own home State of New York, 3 of the almost 600 New York State Police Agencies have recorded over 1,500 hate crime complaints in the past 3 years. In 1985 of the 565 reports, 191 resulted in arrests. This figure is unacceptable on a national level but when seen as 191 arrests from only 3 police agencies, the result is a grave national scandal. Hate crimes are among the most intimidating and heinous crimes committed against one of our most fundamental freedoms—the freedom of religion. The saddest aspect of hate crimes is that they are carried out by persons who operate with virtual impunity, knowing that any change of prosecution is remote. That is why this legislation is so necessary.

H.R. 3258 has two vital characteristics. It provides a first-time Federal penalty against these crimes. And second it establishes a graduated series of penalties based on the seriousness of the offense, including a fine and life imprisonment should death result from an act of antireligious violence or vandalism. Moreover this legislation properly directs its penalties against a person who "defaced, damages or destroys" religious property and also against those who obstruct, by force or threat of force, any person in their exercise of religious beliefs.

Our newspapers abound with stories of hate crimes. From the New York Post, we read "vandals overturned 150 headstones" and again "in another attack—definitely the work of anti-semites—vandals spray-painted slogans on walls at a mainly Jewish country club in New Jersey for the second straight day." From the Washington Post, we see "anti-semitic incidents in affluent Montgomery County are getting more violent and account for about 75 percent of all reported racial violence in this country." Moreover the Antidefamation League of B'nai B'rith reported that 86 percent of those arrested for anti-Semitic activities in 1986 were under the age of 21. They also reported an almost 60-percent increase in the number of anti-Semitic activities on college campuses. These statistics point to an alarming increase in the hate crime activities of our youth. It is frightening to consider an increase in these terrorists acts in future generations.

Therefore, it is vital that we attack the problem of hate crimes, both through legislation such as this which imposes stricter penalties, but also through public education and awareness. In the words of Dr. Martin Luther King, "injustice anywhere is a threat to justice everywhere." I call upon my colleagues to join me in taking a positive first step forward to eliminating the injustice of hate crimes. Religiously motivated violence and vandalism has no place in any democracy at any time, but

especially not in the United States in this year. As we celebrate the 200th anniversary of our Constitution. Our Founding Fathers established a freedom of religion. We must protect against those actions which seek to jeopardize this right.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 3258.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

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 the bill just passed.

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

There was no objection.

#### RELEASE OF CERTAIN MATERIALS RELATING TO INQUIRY INTO CONDUCT OF U.S. DISTRICT JUDGE ALCEE L. HASTINGS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 274) providing for the release of certain materials relating to the inquiry into the conduct of U.S. district judge Alcee L. Hastings.

The Clerk read as follows:

H. Res. 274

*Resolved*, That the report of the Investigating Committee of the Eleventh Circuit Judicial Council in the matter of certain complaints against United States district judge Alcee L. Hastings transmitted to the House of Representatives under section 372(c) of title 28, United States Code, is released, at noon on the second day following adoption of this resolution, under section 372(c)(14) of such title. All other papers, documents, and records of proceedings relating to such matter transmitted to the House of Representatives under such section 372(c) are, to the extent ordered by the Committee on the Judiciary, released under such section 372(c)(14).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)