

In the Senate of the United States,

June 26, 1996.

Resolved, That the bill from the House of Representatives (H.R. 3525) entitled “An Act to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

2 *This Act may be cited as the “Church Arson Preven-*
3 *tion Act of 1996”.*

4 ***SEC. 2. FINDINGS.***

5 *The Congress finds the following:*

6 *(1) The incidence of arson or other destruction or*
7 *vandalism of places of religious worship, and the in-*
8 *cidence of violent interference with an individual’s*
9 *lawful exercise or attempted exercise of the right of re-*

1 *religious freedom at a place of religious worship pose*
2 *a serious national problem.*

3 (2) *The incidence of arson of places of religious*
4 *worship has recently increased, especially in the con-*
5 *text of places of religious worship that serve predomi-*
6 *nantly African-American congregations.*

7 (3) *Changes in Federal law are necessary to deal*
8 *properly with this problem.*

9 (4) *Although local jurisdictions have attempted*
10 *to respond to the challenges posed by such acts of de-*
11 *struction or damage to religious property, the problem*
12 *is sufficiently serious, widespread, and interstate in*
13 *scope to warrant Federal intervention to assist State*
14 *and local jurisdictions.*

15 (5) *Congress has authority, pursuant to the*
16 *Commerce Clause of the Constitution, to make acts of*
17 *destruction or damage to religious property a viola-*
18 *tion of Federal law.*

19 (6) *Congress has authority, pursuant to section*
20 *2 of the 13th amendment to the Constitution, to make*
21 *actions of private citizens motivated by race, color, or*
22 *ethnicity that interfere with the ability of citizens to*
23 *hold or use religious property without fear of attack,*
24 *violations of Federal criminal law.*

1 **SEC. 3. PROHIBITION OF VIOLENT INTERFERENCE WITH**
2 **RELIGIOUS WORSHIP.**

3 *Section 247 of title 18, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (a), by striking “subsection (c)*
6 *of this section” and inserting “subsection (d)”;*

7 *(2) by redesignating subsections (c), (d), and (e),*
8 *as subsections (d), (e), and (f), respectively;*

9 *(3) by striking subsection (b) and inserting the*
10 *following:*

11 *“(b) The circumstances referred to in subsection (a) are*
12 *that the offense is in or affects interstate or foreign com-*
13 *merce.*

14 *“(c) Whoever intentionally defaces, damages, or de-*
15 *stroys any religious real property because of the race, color,*
16 *or ethnic characteristics of any individual associated with*
17 *that religious property, or attempts to do so, shall be pun-*
18 *ished as provided in subsection (d).”;*

19 *(4) in subsection (d), as redesignated—*

20 *(A) in paragraph (2)—*

21 *(i) by inserting “to any person, includ-*
22 *ing any public safety officer performing du-*
23 *ties as a direct or proximate result of con-*
24 *duct prohibited by this section,” after “bod-*
25 *ily injury”; and*

1 (ii) by striking “ten years” and insert-
2 ing “20 years”;

3 (B) by redesignating paragraphs (2) and
4 (3) as paragraphs (3) and (4), respectively;

5 (C) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) if bodily injury results to any person, in-
8 cluding any public safety officer performing duties as
9 a direct or proximate result of conduct prohibited by
10 this section, and the violation is by means of fire or
11 an explosive, a fine under this title or imprisonment
12 for not more than 40 years, or both;”;

13 (5) in subsection (f), as redesignated—

14 (A) by striking “religious property” and in-
15 serting “religious real property” both places it
16 appears; and

17 (B) by inserting “, including fixtures or re-
18 ligious objects contained within a place of reli-
19 gious worship” before the period; and

20 (6) by adding at the end the following new sub-
21 section:

22 “(g) No person shall be prosecuted, tried, or punished
23 for any noncapital offense under this section unless the in-
24 dictment is found or the information is instituted not later

1 *than 7 years after the date on which the offense was com-*
2 *mited.”.*

3 **SEC. 4. LOAN GUARANTEE RECOVERY FUND.**

4 *(a) IN GENERAL.—*

5 *(1) IN GENERAL.—Using amounts described in*
6 *paragraph (2), the Secretary of Housing and Urban*
7 *Development (referred to as the “Secretary”) shall*
8 *make guaranteed loans to financial institutions in*
9 *connection with loans made by such institutions to*
10 *assist organizations described in section 501(c)(3) of*
11 *the Internal Revenue Code of 1986 that have been*
12 *damaged as a result of acts of arson or terrorism in*
13 *accordance with such procedures as the Secretary*
14 *shall establish by regulation.*

15 *(2) USE OF CREDIT SUBSIDY.—Notwithstanding*
16 *any other provision of law, for the cost of loan guar-*
17 *antees under this section, the Secretary may use not*
18 *more than \$5,000,000 of the amounts made available*
19 *for fiscal year 1996 for the credit subsidy provided*
20 *under the General Insurance Fund and the Special*
21 *Risk Insurance Fund.*

22 *(b) TREATMENT OF COSTS.—The costs of guaranteed*
23 *loans under this section, including the cost of modifying*
24 *loans, shall be as defined in section 502 of the Congressional*
25 *Budget Act of 1974.*

1 (c) *LIMIT ON LOAN PRINCIPAL.*—*Funds made avail-*
2 *able under this section shall be available to subsidize total*
3 *loan principal, any part of which is to be guaranteed, not*
4 *to exceed \$10,000,000.*

5 (d) *TERMS AND CONDITIONS.*—*The Secretary shall—*

6 (1) *establish such terms and conditions as the*
7 *Secretary considers to be appropriate to provide loan*
8 *guarantees under this section, consistent with section*
9 *503 of the Credit Reform Act; and*

10 (2) *include in the terms and conditions a re-*
11 *quirement that the decision to provide a loan guaran-*
12 *tee to a financial institution and the amount of the*
13 *guarantee does not in any way depend on the pur-*
14 *pose, function, or identity of the organization to*
15 *which the financial institution has made, or intends*
16 *to make, a loan.*

17 **SEC. 5. COMPENSATION OF VICTIMS; REQUIREMENT OF IN-**
18 **CLUSION IN LIST OF CRIMES ELIGIBLE FOR**
19 **COMPENSATION.**

20 *Section 1403(d)(3) of the Victims of Crime Act of 1984*
21 *(42 U.S.C. 10602(d)(3)) is amended by inserting “crimes,*
22 *whose victims suffer death or personal injury, that are de-*
23 *scribed in section 247 of title 18, United States Code,” after*
24 *“includes”.*

1 **SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**
2 **ASSIST STATE AND LOCAL LAW ENFORCE-**
3 **MENT.**

4 *There are authorized to be appropriated to the Depart-*
5 *ment of the Treasury and the Department of Justice, in-*
6 *cluding the Community Relations Service, in fiscal years*
7 *1996 and 1997 such sums as are necessary to increase the*
8 *number of personnel, investigators, and technical support*
9 *personnel to investigate, prevent, and respond to potential*
10 *violations of sections 247 and 844 of title 18, United States*
11 *Code.*

12 **SEC. 7. REAUTHORIZATION OF HATE CRIMES STATISTICS**
13 **ACT.**

14 *The first section of the Hate Crimes Statistics Act (28*
15 *U.S.C. 534 note) is amended—*

16 *(1) in subsection (b), by striking “for the cal-*
17 *endar year 1990 and each of the succeeding 4 cal-*
18 *endar years” and inserting “for each calendar year”;*
19 *and*

20 *(2) in subsection (c), by striking “1994” and in-*
21 *serting “2002”.*

22 **SEC. 8. SENSE OF THE CONGRESS.**

23 *The Congress—*

24 *(1) commends those individuals and entities that*
25 *have responded with funds to assist in the rebuilding*

1 *of places of worship that have been victimized by*
2 *arson; and*

3 *(2) encourages the private sector to continue*
4 *these efforts so that places of worship that are victim-*
5 *ized by arson, and their affected communities, can*
6 *continue the rebuilding process with maximum finan-*
7 *cial support from private individuals, businesses,*
8 *charitable organizations, and other non-profit enti-*
9 *ties.*

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

H. R. 3525

AMENDMENT