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Calendar No. 443

104TH CONGRESS

2D SESSION S. 1890 To increase Federal protection against arson and other destruction of places of religious worship.
IN THE SENATE OF THE UNITED STATES

JUNE 19, 1996 Mr. FAIRCLOTH (for himself, Mr. KENNEDY, Mr. HATCH, Mr. BIDEN, Mr. LOTT, Mr. DASCHLE, Mr. THURMOND, Mr. BYRD, Mr. WARNER, Mr. LEAHY, Mr. COCHRAN, Mr. HEFLIN, Mr. D’AMATO, Mr. JOHNSTON, Mr. GRAMM, Mr. BREAUX, Mr. FRIST, Ms. MOSELEY-BRAUN, Mr. LEVIN, Mr. SIMON, Mr. ROCKEFELLER, Mr. REID, Mr. DODD, Mr. GLENN, Mr. KERREY, Mr. KERRY, Mr. HARKIN, Mr. BRADLEY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mrs. BOXER, Mr. WYDEN, Mrs. HUTCHISON, Mr. COVERDELL, Mr. PRYOR, Mr. LAUTENBERG, and Mrs. FEINSTEIN) intro- duced the following bill; which was read twice and ordered to be placed

on the calendar

A BILL
To increase Federal protection against arson and other
destruction of places of religious worship.
1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the ‘‘Church Arson Preven-

5 tion Act of 1996’’.

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1 SEC. 2. FINDINGS.

2 The Congress finds the following:
3 (1) The incidence of arson or other destruction

4 or vandalism of places of religious worship, and the
5 incidence of violent interference with an individual’s
6 lawful exercise or attempted exercise of the right of

7 religious freedom at a place of religious worship pose
8 a serious national problem.
9 (2) The incidence of arson of places of religious

10 worship is particularly acute in the context of places
11 of religious worship that serve predominantly Afri-

12 can-American congregations.
13 (3) Damage to religious property based on the

14 religious, racial, or ethnic character of that prop-
15 erty—
16 (A) hinders interstate commerce by imped-

17 ing the movement of members of targeted
18 groups in areas of our Nation and preventing

19 them from engaging in commerce in those areas
20 on account of their race, color, religion, or na-
21 tional origin;

22 (B) impedes individuals in moving inter-
23 state because of their race, color, religion, or

24 national origin;
25 (C) is often committed by individuals with
26 ties to groups that operate nationwide; and

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1 (D) disrupts the tranquility and safety of
2 communities and is deeply divisive.

3 (4) Changes in Federal law are necessary to
4 deal properly with this problem.
5 (5) Although local jurisdictions have attempted

6 to respond to the challenges posed by such acts of
7 destruction or damage to religious property, the

8 problem is sufficiently serious, widespread, and
9 interstate in scope to warrant Federal intervention
10 to assist State and local jurisdictions.

11 (6) Congress has authority pursuant to the
12 Commerce clause of the Constitution to make acts of

13 destruction or damage to religious property a viola-

14 tion of Federal law.

15 (7) Congress has authority pursuant to section

16 2 of the 13th amendment to make actions of private
17 citizens motivated by race, color, or ethnicity that

18 interfere with the ability of citizens to hold or use
19 religious property without fear of attack, violations

20 of Federal criminal law.

21 (8) Congress has authority pursuant to section
22 2 of the 13th amendment to make the commission
23 of an arson or other bias motivated destruction or

24 vandalism of a place of religious worship violations

25 of Federal criminal law.

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1 (9) Congress has the authority pursuant to sec-
2 tion 5 of the 14th amendment to make violent inter-

3 ference with a citizen’s free exercise of the right of
4 religious worship through damage to religious prop-

5 erty a violation of Federal law.
6 SEC. 3. PROHIBITION OF VIOLENT INTERFERENCE WITH
7 RELIGIOUS WORSHIP.
8 Section 247 of title 18 of the United States Code is
9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1) by inserting ‘‘, racial,
12 or ethnic’’ after ‘‘of the religious’’; and

13 (B) by striking ‘‘subsection (c)’’ and in-
14 serting ‘‘subsection (d)’’;
15 (2) by striking subsection (b) and inserting the

16 following:
17 ‘‘(b) The circumstances referred to in subsection (a)
18 are that—

19 ‘‘(1) the offense is in or affects interstate or

20 foreign commerce; or
21 ‘‘(2) in committing, planning, or preparing to
22 commit an offense, the defendant—

23 ‘‘(A) travels in interstate or foreign com-
24 merce; or

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1 ‘‘(B) uses the mail or any facility or in-
2 strumentality of interstate or foreign com-

3 merce.’’;
4 (3) by redesignating subsections (c), (d), and
5 (e), as subsections (d), (e), and (f), respectively, and

6 adding the following subsection:
7 ‘‘(c) Whoever intentionally defaces, damages, or de-

8 stroys any religious real property because of the race, 9 color, religious characteristics or ethnic characteristics of

10 any individual associated with that religious property, or
11 attempts to do so, shall be punished as provided in sub-
12 section (d) of this section.’’;

13 (4) in subsection (d)(2), as redesignated, by
14 striking ‘‘a fine in accordance with this title and im-
15 prisonment for not more than ten years, or both’’

16 and inserting the following: ‘‘in accordance with the
17 penalties provided in section 844(i) of this title’’;

18 (5) in subsection (f), as redesignated, by insert-
19 ing ‘‘, including fixtures or religious objects con-
20 tained within a place of religious worship’’ after

21 ‘‘other religious property’’; and
22 (6) by inserting the following new subsection:

23 ‘‘(g) No person shall be prosecuted, tried, or punished
24 for any noncapital offense under this section unless the

25 indictment is found or the information is instituted within

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1 7 years after the date on which the offense was commit-
2 ted.’’.
3 SEC. 4. LOAN GUARANTEE RECOVERY FUND.

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, for the cost of loans guaranteed (referred to

6 as ‘‘guaranteed loans’’) by the Secretary of Housing and
7 Urban Development (the ‘‘Secretary’’), the Secretary may

8 use up to $5,000,000 of the credit subsidy provided under 9 the General and Special Risk Insurance Fund from the

10 Department of Housing and Urban Development fiscal
11 year 1996 appropriations Act. Guaranteed loans shall be
12 extended to financial institutions in connection with loans

13 made by such institutions to assist organizations described 14 in section 501(c)(3) of the Internal Revenue Code of 1986

15 that have been damaged as a result of acts of arson or
16 terrorism, as certified pursuant to procedures to be estab-
17 lished by the Secretary. Any loan guarantee program es-

18 tablished pursuant to this authorization shall be adminis-19 tered by the Federal Housing Administration.
20 (b) TRANSFER OF BALANCES.—Amounts for guaran-

21 tees may be derived from the transfer of unobligated bal-
22 ances in the account (including recaptures of previously

23 obligated amounts notwithstanding section 8(bb) of the 24 United States Housing Act of 1937).

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1 (c) TREATMENT OF COSTS.—The costs of guaranteed
2 loans, including the cost of modifying loans, shall be as

3 defined in section 502 of the Congressional Budget Act

4 of 1974.

5 (d) LIMIT ON LOAN PRINCIPAL.—Funds made avail-

6 able by this section shall be available to subsidize total
7 loan principal, any part of which is to be guaranteed, not

8 to exceed $10,000,000.
9 (e) TERMS AND CONDITIONS.—The Secretary shall—
10 (1) establish such terms and conditions as the

11 Secretary considers appropriate to provide guaran-
12 tees under this section; and
13 (2) include in the terms and conditions a re-

14 quirement that the decision to provide a guarantee

15 to a financial institution and the amount of the

16 guarantee does not in any way depend on the pur-
17 pose, function, or identity of the organization to

18 which the financial institution has made, or intends
19 to make, a loan.

20 SEC. 5. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO

21 ASSIST STATE AND LOCAL LAW ENFORCE-
22 MENT.

23 There are authorized to be appropriated to the De-
24 partment of the Treasury and the Department of Justice, 25 including the Community Relations Service, in fiscal years

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1 1996 and 1997 such sums as are necessary to increase
2 the number of personnel, investigators, and technical sup-

3 port personnel to investigate, prevent, and respond to po-4 tential violations of sections 247 and 844 of title 18, 5 United States Code, and section 5861 of the Internal Rev-

6 enue Code of 1986 directed toward religious real property.
7 These additional investigators, technical support person-

8 nel, and other personnel shall primarily participate in the 9 investigation, response to, and prevention of possible viola-

10 tions of the Federal laws referred to in the preceding sen-
11 tence and train and empower State and local law enforce-
12 ment in the investigation and prevention of suspicious
13 fires.
14 SEC. 6. REAUTHORIZATION OF HATE CRIMES STATISTICS

15 ACT.

16 The first section of the Hate Crimes Statistics Act
17 (28 U.S.C. 534 note) is amended—

18 (1) in subsection (b), by striking ‘‘for the cal-
19 endar year 1990 and each of the succeeding 4 cal-
20 endar years’’ and inserting ‘‘for each calendar year’’;

21 and
22 (2) in subsection (c), by striking ‘‘through fiscal

23 year 1994’’.

24 SEC. 7. SENSE OF THE SENATE.
25 The Senate—

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1 (1) commends those individuals and entities
2 that have responded with funds to assist in the re-

3 building of places of worship that have been victim-
4 ized by arson; and
5 (2) encourages the private sector to continue

6 these efforts so that places of worship that are vic-
7 timized by arson, and their affected communities,

8 can continue the rebuilding process with maximum
9 financial support from private individuals, busi-

10 nesses, charitable organizations, and other non-profit
11 entities.
12 SEC. 8. SEVERABILITY.

13 If any provision of this Act, an amendment made by
14 this Act, or the application of such provision or amend-

15 ment to any person or circumstance is held to be unconsti-
16 tutional, the remainder of this Act, the amendments made
17 by this Act, and the application of the provisions of such

18 to any other person or circumstance shall not be affected 19 thereby.

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