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) introduced 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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Church Arson Prevention Act of 1996”.

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SEC. 2. FINDINGS.

The Congress finds the following:

(1) The incidence of arson or other destruction or vandalism of places of religious worship, and the incidence of violent interference with an individual’s lawful exercise or attempted exercise of the right of religious freedom at a place of religious worship pose a serious national problem.

(2) The incidence of arson of places of religious worship is particularly acute in the context of places of religious worship that serve predominantly African-American congregations.

(3) Damage to religious property based on the religious, racial, or ethnic character of that property—

(A) hinders interstate commerce by impeding the movement of members of targeted groups in areas of our Nation and preventing them from engaging in commerce in those areas on account of their race, color, religion, or national origin;

(B) impedes individuals in moving interstate because of their race, color, religion, or national origin;

(C) is often committed by individuals with ties to groups that operate nationwide; and
(D) disrupts the tranquility and safety of communities and is deeply divisive.

(4) Changes in Federal law are necessary to deal properly with this problem.

(5) Although local jurisdictions have attempted to respond to the challenges posed by such acts of destruction or damage to religious property, the problem is sufficiently serious, widespread, and interstate in scope to warrant Federal intervention to assist State and local jurisdictions.

(6) Congress has authority pursuant to the Commerce clause of the Constitution to make acts of destruction or damage to religious property a violation of Federal law.

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

(8) Congress has authority pursuant to section 2 of the 13th amendment to make the commission of an arson or other bias motivated destruction or vandalism of a place of religious worship violations of Federal criminal law.
(9) Congress has the authority pursuant to section 5 of the 14th amendment to make violent interference with a citizen’s free exercise of the right of religious worship through damage to religious property a violation of Federal law.

SEC. 3. PROHIBITION OF VIOLENT INTERFERENCE WITH RELIGIOUS WORSHIP.

Section 247 of title 18 of the United States Code is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting “, racial, or ethnic” after “of the religious”; and

(B) by striking “subsection (c)” and inserting “subsection (d)”;

(2) by striking subsection (b) and inserting the following:

“(b) The circumstances referred to in subsection (a) are that—

“(1) the offense is in or affects interstate or foreign commerce; or

“(2) in committing, planning, or preparing to commit an offense, the defendant—

“(A) travels in interstate or foreign commerce; or
“(B) uses the mail or any facility or instrumentality of interstate or foreign commerce.”;

(3) by redesignating subsections (c), (d), and (e), as subsections (d), (e), and (f), respectively, and adding the following subsection:

“(c) Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color, religious characteristics or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall be punished as provided in subsection (d) of this section.”;

(4) in subsection (d)(2), as redesignated, by striking “a fine in accordance with this title and imprisonment for not more than ten years, or both” and inserting the following: “in accordance with the penalties provided in section 844(i) of this title”;

(5) in subsection (f), as redesignated, by inserting “, including fixtures or religious objects contained within a place of religious worship” after “other religious property”; and

(6) by inserting the following new subsection:

“(g) No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted within

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7 years after the date on which the offense was committed.”.

SEC. 4. LOAN GUARANTEE RECOVERY FUND.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the cost of loans guaranteed (referred to as “guaranteed loans”) by the Secretary of Housing and Urban Development (the “Secretary”), the Secretary may use up to $5,000,000 of the credit subsidy provided under the General and Special Risk Insurance Fund from the Department of Housing and Urban Development fiscal year 1996 appropriations Act. Guaranteed loans shall be extended to financial institutions in connection with loans made by such institutions to assist organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have been damaged as a result of acts of arson or terrorism, as certified pursuant to procedures to be established by the Secretary. Any loan guarantee program established pursuant to this authorization shall be administered by the Federal Housing Administration.

(b) TRANSFER OF BALANCES.—Amounts for guarantees may be derived from the transfer of unobligated balances in the account (including recaptures of previously obligated amounts notwithstanding section 8(bb) of the United States Housing Act of 1937).
(c) TREATMENT OF COSTS.—The costs of guaranteed loans, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(d) LIMIT ON LOAN PRINCIPAL.—Funds made available by this section shall be available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $10,000,000.

(e) TERMS AND CONDITIONS.—The Secretary shall—

(1) establish such terms and conditions as the Secretary considers appropriate to provide guarantees under this section; and

(2) include in the terms and conditions a requirement that the decision to provide a guarantee to a financial institution and the amount of the guarantee does not in any way depend on the purpose, function, or identity of the organization to which the financial institution has made, or intends to make, a loan.

SEC. 5. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, in fiscal years
1996 and 1997 such sums as are necessary to increase the number of personnel, investigators, and technical support personnel to investigate, prevent, and respond to potential violations of sections 247 and 844 of title 18, United States Code, and section 5861 of the Internal Revenue Code of 1986 directed toward religious real property. These additional investigators, technical support personnel, and other personnel shall primarily participate in the investigation, response to, and prevention of possible violations of the Federal laws referred to in the preceding sentence and train and empower State and local law enforcement in the investigation and prevention of suspicious fires.

SEC. 6. REAUTHORIZATION OF HATE CRIMES STATISTICS ACT.

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

(1) in subsection (b), by striking “for the calendar year 1990 and each of the succeeding 4 calendar years” and inserting “for each calendar year”; and

(2) in subsection (c), by striking “through fiscal year 1994”.

SEC. 7. SENSE OF THE SENATE.

The Senate—
(1) commends those individuals and entities that have responded with funds to assist in the re-
building of places of worship that have been victim-
ized by arson; and

(2) encourages the private sector to continue these efforts so that places of worship that are vic-
timized by arson, and their affected communities, can continue the rebuilding process with maximum financial support from private individuals, busi-
nesses, charitable organizations, and other non-profit entities.

SEC. 8. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amend-
ment to any person or circumstance is held to be unconsti-
tutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected thereby.
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A BILL

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