

116TH CONGRESS
2D SESSION

H. R. 7643

To set forth the policy of the United States regarding vandalism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2020

Mrs. LESKO (for herself, Mr. HICE of Georgia, Mr. FULCHER, Mr. BIGGS, Mr. HARRIS, Mr. NORMAN, Mr. DUNCAN, Mr. DESJARLAIS, Mr. DAVIDSON of Ohio, Mr. ROY, Mr. CLOUD, Mr. WRIGHT, Mr. MARSHALL, Mr. YOHIO, Mr. BUDD, Mr. GOSAR, Mr. GIBBS, Mr. STEUBE, and Mr. GUEST) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To set forth the policy of the United States regarding vandalism, and for other purposes.

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. PURPOSE.**

4 The purpose of this Act is as follows:

5 (1) The first duty of government is to ensure
6 domestic tranquility and defend the life, property,
7 and rights of its citizens. Recently, there has been

1 a sustained assault on the life and property of civil-
2 ians, law enforcement officers, government property,
3 and revered American monuments such as the Lin-
4 coln Memorial. Many of the rioters, arsonists, and
5 extremists who have carried out and supported these
6 acts have explicitly identified themselves with
7 ideologies—such as Marxism—that call for the de-
8 struction of the United States system of govern-
9 ment.

10 (2) Anarchists and extremists have sought to
11 advance a fringe ideology that paints the United
12 States of America as fundamentally unjust and have
13 sought to impose that ideology on Americans
14 through violence and mob intimidation. They have
15 led riots in the streets, burned police vehicles, killed
16 and assaulted government officers as well as busi-
17 ness owners defending their property, and even
18 seized an area within one city where law and order
19 gave way to anarchy. During the unrest, innocent
20 citizens also have been harmed and killed.

21 (3) These criminal acts are frequently planned
22 and supported by agitators who have traveled across
23 State lines to promote their own violent agenda.
24 These radicals shamelessly attack the legitimacy of
25 our institutions and the very rule of law itself.

1 (4) Key targets in the violent extremists' cam-
2 paign against our country are public monuments,
3 memorials, and statues. Their selection of targets re-
4 veals a deep ignorance of our history, and is indic-
5 ative of a desire to indiscriminately destroy anything
6 that honors our past and to erase from the public
7 mind any suggestion that our past may be worth
8 honoring, cherishing, remembering, or under-
9 standing. For example, vandals toppled a statue of
10 President Ulysses S. Grant in San Francisco. To
11 them, it made no difference that President Grant led
12 the Union Army to victory over the Confederacy in
13 the Civil War, enforced Reconstruction, fought the
14 Ku Klux Klan, and advocated for the Fifteenth
15 Amendment, which guaranteed freed slaves the right
16 to vote. In Charlotte, North Carolina, the names of
17 507 veterans memorialized on a World War II
18 monument were painted over with a symbol of com-
19 munism. In Boston, a memorial commemorating an
20 African-American regiment that fought in the Civil
21 War was defaced with graffiti. In Madison, Wis-
22 consin, rioters knocked over the statue of an aboli-
23 tionist immigrant who fought for the Union during
24 the Civil War. Christian figures are now in the
25 crosshairs, too. Recently, an influential activist for

1 one movement that has been prominent in setting
2 the agenda for demonstrations in recent weeks de-
3 clared that many existing religious depictions of
4 Jesus and the Holy Family should be purged from
5 our places of worship.

6 (5) Individuals and organizations have the right
7 to peacefully advocate for either the removal or the
8 construction of any monument. But no individual or
9 group has the right to damage, deface, or remove
10 any monument by use of force.

11 (6) In the midst of these attacks, many State
12 and local governments appear to have lost the ability
13 to distinguish between the lawful exercise of rights
14 to free speech and assembly and unvarnished van-
15 dalism. They have surrendered to mob rule, imper-
16 iling community safety, allowing for the wholesale
17 violation of our laws, and privileging the violent im-
18 pulses of the mob over the rights of law-abiding citi-
19 zens. Worse, they apparently have lost the will or
20 the desire to stand up to the radical fringe and de-
21 fend the fundamental truth that America is good,
22 her people are virtuous, and that justice prevails in
23 this country to a far greater extent than anywhere
24 else in the world. Some particularly misguided public
25 officials even appear to have accepted the idea that

1 violence can be virtuous and have prevented their
2 police from enforcing the law and protecting public
3 monuments, memorials, and statues from the mob's
4 ropes and graffiti.

5 **SEC. 2. POLICY.**

6 (a) It is the policy of the United States to prosecute
7 to the fullest extent permitted under Federal law, and as
8 appropriate, any person or any entity that destroys, dam-
9 ages, vandalizes, or desecrates a monument, memorial, or
10 statue within the United States or otherwise vandalizes
11 government property. The desire of the Congress to pro-
12 tect Federal property is clearly reflected in section 1361
13 of title 18, United States Code, which authorizes a penalty
14 of up to 10 years' imprisonment for the willful injury of
15 Federal property. More recently, under the Veterans' Me-
16 morial Preservation and Recognition Act of 2003, section
17 1369 of title 18, United States Code, the Congress pun-
18 ished with the same penalties the destruction of Federal
19 and in some cases State-maintained monuments that
20 honor military veterans. Other criminal statutes, such as
21 the Travel Act, section 1952 of title 18, United States
22 Code, permit prosecutions of arson damaging monuments,
23 memorials, and statues on State grounds in some cases.
24 Civil statutes like the Public System Resource Protection
25 Act, section 100722 of title 54, United States Code, also

1 hold those who destroy certain Federal property account-
2 able for their offenses. The Federal Government will not
3 tolerate violations of these and other laws.

4 (b) It is the policy of the United States to prosecute
5 to the fullest extent permitted under Federal law, and as
6 appropriate, any person or any entity that participates in
7 efforts to incite violence or other illegal activity in connec-
8 tion with the riots and acts of vandalism described in sec-
9 tion 1. Numerous Federal laws, including section 2101 of
10 title 18, United States Code, prohibit the violence that has
11 typified the past few weeks in some cities. Other statutes
12 punish those who participate in or assist the agitators who
13 have coordinated these lawless acts. Such laws include sec-
14 tion 371 of title 18, United States Code, which criminal-
15 izes certain conspiracies to violate Federal law, section 2
16 of title 18, United States Code, which punishes those who
17 aid or abet the commission of Federal crimes, and section
18 2339A of title 18, United States Code, which prohibits
19 as material support to terrorism efforts to support a de-
20 fined set of Federal crimes. Those who have joined in re-
21 cent violent acts around the United States will be held
22 accountable.

23 (c) It is the policy of the United States to prosecute
24 to the fullest extent permitted under Federal law, and as
25 appropriate, any person or any entity that damages, de-

1 faces, or destroys religious property, including by attack-
2 ing, removing, or defacing depictions of Jesus or other re-
3 ligious figures or religious art work. Federal laws prohibit,
4 under certain circumstances, damage or defacement of re-
5 ligious property, including the Church Arson Prevention
6 Act of 1996, section 247 of title 18, United States Code,
7 and section 371 of title 18, United States Code. The Fed-
8 eral Government will not tolerate violations of these laws
9 designed to protect the free exercise of religion.

10 (d) It is the policy of the United States, as appro-
11 priate and consistent with applicable law, to withhold Fed-
12 eral support tied to public spaces from State and local gov-
13 ernments that have failed to protect public monuments,
14 memorials, and statues from destruction or vandalism.
15 These jurisdictions' recent abandonment of their law en-
16 forcement responsibilities with respect to public monu-
17 ments, memorials, and statues casts doubt on their will-
18 ingness to protect other public spaces and maintain the
19 peace within them. These jurisdictions are not appropriate
20 candidates for limited Federal funds that support public
21 spaces.

22 (e) It is the policy of the United States, as appro-
23 priate and consistent with applicable law, to withhold Fed-
24 eral support from State and local law enforcement agen-
25 cies that have failed to protect public monuments, memo-

1 rials, and statues from destruction or vandalism. Unwill-
2 ingness to enforce State and local laws in the face of at-
3 tacks on our history, whether because of sympathy for the
4 extremists behind this violence or some other improper
5 reason, casts doubt on the management of these law en-
6 forcement agencies. These law enforcement agencies are
7 not appropriate candidates for limited Federal funds that
8 support State and local police.

9 **SEC. 3. ENFORCING LAWS PROHIBITING THE DESECRATION OF PUBLIC MONUMENTS, THE VANDALISM OF GOVERNMENT PROPERTY, AND RECENT ACTS OF VIOLENCE.**

13 (a) IN GENERAL.—The Attorney General shall
14 prioritize within the Department of Justice the investiga-
15 tion and prosecution of matters described in subsections
16 (a), (b), and (c) of section 2. The Attorney General shall
17 take all appropriate enforcement action against individuals
18 and organizations found to have violated Federal law
19 through these investigations.

20 (b) COORDINATION WITH STATES AND LOCAL-
21 ITIES.—The Attorney General shall, as appropriate and
22 consistent with applicable law, work with State and local
23 law enforcement authorities and Federal agencies to en-
24 sure the Federal Government appropriately provides infor-
25 mation and assistance to State and local law enforcement

1 authorities in connection with their investigations or pros-
2 ecutions for the desecration of monuments, memorials,
3 and statues, regardless of whether such structures are sit-
4 uated on Federal property.

5 **SEC. 4. LIMITING FEDERAL GRANTS FOR JURISDICTIONS**
6 **AND LAW ENFORCEMENT AGENCIES THAT**
7 **PERMIT THE DESECRATION OF MONUMENTS,**
8 **MEMORIALS, OR STATUES.**

9 The heads of all executive departments and agencies
10 shall examine their respective grant programs and apply
11 the policies established by subsections (d) and (e) of sec-
12 tion 2 to all such programs to the extent that such applica-
13 tion is both appropriate and consistent with applicable
14 law.

15 **SEC. 5. PROVIDING ASSISTANCE FOR THE PROTECTION OF**
16 **FEDERAL MONUMENTS, MEMORIALS, STAT-**
17 **UES, AND PROPERTY.**

18 Upon the request of the Secretary of the Interior, the
19 Secretary of Homeland Security, or the Administrator of
20 General Services, the Secretary of Defense, the Attorney
21 General, and the Secretary of Homeland Security shall
22 provide, as appropriate and consistent with applicable law,
23 personnel to assist with the protection of Federal monu-
24 ments, memorials, statues, or property. This section shall

1 terminate 6 months from the date of this Act unless ex-
2 tended by Congress.

3 **SEC. 6. GENERAL PROVISIONS.**

4 (a) RULE OF CONSTRUCTION.—Nothing in this Act
5 shall be construed to impair or otherwise affect—

6 (1) the authority granted by law to an executive
7 department or agency, or the head thereof; or

8 (2) the functions of the Director of the Office
9 of Management and Budget relating to budgetary,
10 administrative, or legislative proposals.

11 (b) CONSISTENCY WITH EXISTING LAW.—This Act
12 shall be implemented consistent with applicable law and
13 subject to the availability of appropriations.

14 (c) NO RIGHTS CREATED.—This Act is not intended
15 to, and does not, create any right or benefit, substantive
16 or procedural, enforceable at law or in equity by any party
17 against the United States, its departments, agencies, or
18 entities, its officers, employees, or agents, or any other
19 person.

20 (d) PROSECUTORIAL DISCRETION.—This Act is not
21 intended to, and does not, affect the prosecutorial discre-
22 tion of the Department of Justice with respect to indi-
23 vidual cases.

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