

PROTECTING RELIGIOUSLY AFFILIATED INSTITUTIONS
ACT OF 2017

DECEMBER 11, 2017.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GOODLATTE, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 1730]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1730) to amend title 18, United States Code, to provide for the protection of community centers with religious affiliation, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
The Amendment	1
Purpose and Summary	2
Background and Need for the Legislation	2
Hearings	2
Committee Consideration	3
Committee Votes	3
Committee Oversight Findings	3
New Budget Authority and Tax Expenditures	3
Congressional Budget Office Cost Estimate	3
Duplication of Federal Programs	4
Disclosure of Directed Rule Makings	4
Performance Goals and Objectives	4
Advisory on Earmarks	5
Section-by-Section Analysis	5
Changes in Existing Law Made by the Bill, as Reported	5

The Amendment

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Religiously Affiliated Institutions Act of 2017”.

SEC. 2. PROTECTION OF COMMUNITY CENTERS WITH RELIGIOUS AFFILIATION.

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

(1) in subsection (a)(2), by inserting after “threat of force,” the following: “including by threat of force against religious real property,”;

(2) in subsection (d)—

(A) in paragraph (3), by striking “and” at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

“(4) if damage to or destruction of property results from the acts committed, by means of fire or explosives, in violation of this section, a fine in accordance with this title and imprisonment for not more than 3 years, or both; and”;

(3) in subsection (f), by inserting before the period at the end the following: “; or real property owned or leased by a nonprofit, religiously affiliated organization”.

Purpose and Summary

H.R. 1730 amends the Church Arson Prevention Act to clarify that the conduct covered under this statute includes bomb threats to religious institutions, whether they be synagogues, mosques, churches, or religious community centers. Subsection (a)(2) of the Act is sometimes charged in conjunction with the federal bomb statute, in cases in which defendants have threatened to bomb religious buildings. This legislation adds language to subsection (a)(2) to clarify that threats covered under this subsection include threats to property, such as bomb threats, so long as the threat causes such intimidation to intentionally obstruct an individual’s ability to exercise his or her religious beliefs. In practice, this would only arise in the case of a threat so serious that it caused someone to feel fear of bodily harm and, therefore, to feel physically obstructed from exercising their religious beliefs.

The legislation also modestly increases the criminal penalty in this section for cases in which the underlying conduct causes damage or destruction to property, but only where such damage is caused by fire or explosives. Finally, it clarifies that “religious real property” includes property that is leased by religious institutions, to ensure property such as religious community centers are covered.

Background and Need for the Legislation

In the past year, the number of threats toward religious institutions has skyrocketed. According to the Anti-Defamation League, between January and March alone, there were 161 hoax bomb threats against Jewish Community Centers and other Jewish institutions, an increase of 127 percent over the same quarter in 2016. This year, Islamic centers and mosques have been burned in the states of Texas, Washington, and Florida. H.R. 1730 therefore clarifies that the criminal penalties under the Church Arson Prevention Act apply to religiously affiliated institutions and increases criminal penalties under the Act for serious threats to religiously affiliated institutions that effectively obstruct access to the property, in order to deter these threats.

Hearings

The Committee on the Judiciary held no hearings on H.R. 1730.

Committee Consideration

On November 2, 2017, the Committee met in open session and ordered the bill H.R. 1730 favorably reported by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 1730.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1730, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 20, 2017.

Hon. BOB GOODLATTE,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1730, the Protecting Religiously Affiliated Institutions Act of 2017.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

cc: Honorable John Conyers Jr.
Ranking Member

**H.R. 1730—Protecting Religiously Affiliated Institutions Act
of 2017**

As ordered reported by the House Committee on the Judiciary on
November 2, 2017

H.R. 1730 would broaden the coverage of current laws against damaging religious property; that change would allow the government to pursue some cases that it otherwise may not be able to prosecute. CBO expects that the bill would apply to a relatively small number of offenders, however, so any increase in costs for law enforcement, court proceedings, or prison operations would not be significant. Any such spending would be subject to the availability of appropriated funds.

Because people prosecuted and convicted under H.R. 1730 could be subject to criminal fines, the federal government might collect additional fines under the bill. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent without further appropriation action. CBO expects that any additional revenues and associated direct spending would not be significant because the bill would probably affect a small number of cases.

Pay-as-you-go procedures apply because enacting H.R. 1730 would affect direct spending and revenues. However, CBO estimates that any such effects would be insignificant on an annual basis.

CBO estimates that enacting H.R. 1730 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1730 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

Duplication of Federal Programs

No provision of H.R. 1730 establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Disclosure of Directed Rule Makings

The Committee finds that H.R. 1730 contains no directed rule making within the meaning of 5 U.S.C. § 551.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 1730 clarifies that the criminal penalties under the Church Arson Prevention Act apply to religiously affiliated institutions and increases criminal penalties under the Act for serious threats to religiously affiliated institutions that effectively block access to the property.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1730 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

Section 1. Short Title. This section amends the short title of the bill to read “Protecting Religiously Affiliated Institutions Act of 2017.”

Section 2. Protection of Community Centers with Religious Affiliation. This section:

1. Amends subsection (a)(2) of the Church Arson Prevention Act to clarify that threats include threats against property to demonstrate this can be used as a corollary charge to the federal bomb threats statute;
2. Provides for a fine and up to three years’ incarceration in cases in which the offense caused damage by use of fire or explosives; and
3. Clarifies that religious real property includes land owned or leased by religiously affiliated nonprofits.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

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PART I—CRIMES

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CHAPTER 13—CIVIL RIGHTS

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§ 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) intentionally defaces, damages, or destroys any religious real property, because of the religious character of that property, or attempts to do so; or
- (2) intentionally obstructs, by force or threat of force, *including by threat of force against religious real property*, 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 (d).

(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign commerce.

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

(d) The punishment for a violation of subsection (a) of this section shall be—

(1) if death results from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, a fine in accordance with this title and imprisonment for any term of years or for life, or both, or may be sentenced to death;

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

(3) if bodily injury to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, a fine in accordance with this title and imprisonment for not more than 20 years, or both; **[and]**

(4) if damage to or destruction of property results from the acts committed, by means of fire or explosives, in violation of this section, a fine in accordance with this title and imprisonment for not more than 3 years, or both; and

[(4)] (5) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

(e) No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or his designee that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice.

(f) As used in this section, the term “religious real property” means any church, synagogue, mosque, religious cemetery, or other religious real property, including fixtures or religious objects contained within a place of religious worship, or real property owned or leased by a nonprofit, religiously affiliated organization.

(g) No person shall be prosecuted, tried, or punished for any non-capital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.

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