

to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the president of the foundation to the President of the Senate dated February 17, 1987.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 792

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 410(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)) is amended to replace the phrase "\$11,969,000 for the fiscal year 1986 and \$11,969,000 for the fiscal year 1987" with the phrase "\$11,300,000 for the fiscal year 1988 and such sums as may be necessary for the fiscal year 1989". Amounts appropriated under this paragraph are authorized to remain available until expended.

INTER-AMERICAN FOUNDATION,  
February 17, 1987.

HON. GEORGE H.W. BUSH,  
President, U.S. Senate,  
Washington, DC.

DEAR MR. PRESIDENT: The Inter-American Foundation respectfully submits proposed legislation amending the Foreign Assistance Act of 1969 to authorize the sum of eleven million three hundred thousand dollars (\$11,300,000) for Fiscal Year 1988, and such sums as may be necessary for Fiscal Year 1989.

The Office of Management and Budget advises that there is no objection to the presentation of this draft proposal to the Congress, and that its enactment would be in accord with the program of the President.

If there are any questions, please contact us.

Sincerely,

DEBORAH SZEKELY,  
President. ●

By Mr. PELL (by request):

S. 793. A bill to authorize appropriations for the African Development Foundation; to the Committee on Foreign Relations.

AFRICAN DEVELOPMENT FOUNDATION  
AUTHORIZATION

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to authorize appropriations for the African Development Foundation for fiscal year 1988 and 1989.

This proposed legislation has been requested by the African Development Foundation and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the president of the foundation to the President of the Senate dated February 18, 1987.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 793

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

AUTHORIZATION OF APPROPRIATIONS

Section 510 of title V of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 2151) is amended by deleting "\$3,872,000 for fiscal year 1986 and \$3,872,000 for fiscal year 1987" in the first sentence, and inserting "\$6,754,000 for fiscal year 1988 and such sums as may be necessary for fiscal year 1989" in lieu thereof.

AFRICAN DEVELOPMENT FOUNDATION,  
February 18, 1987.

HON. GEORGE H.W. BUSH,  
Vice President of the United States and  
President of the Senate, U.S. Senate,  
Washington, DC.

DEAR MR. PRESIDENT: I herewith transmit a bill to amend the International Security and Development Cooperation Act of 1980 to authorize appropriations for the Foundation for Fiscal Year 1988.

The bill authorizes the appropriation of \$6,754,000 for the African Development Foundation for Fiscal Year 1988, and such sums as may be necessary for Fiscal Year 1989.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

LEONARD H. ROBINSON, JR.,  
President. ●

By Mr. METZENBAUM. (for himself, Mr. LAUTENBERG, Mr. INOUE, Mr. SPECTER, Mr. WIRTH, Mr. WEICKER, Mr. SANFORD, and Ms. MIKULSKI):

S. 794. A bill to amend chapter 13 of title 18, United States Code, to impose criminal penalties and provide a civil action for damage to religious property and for injury to persons in the free exercise of religious beliefs; to the Committee on the Judiciary.

FEDERAL REMEDIES FOR RELIGIOUS VIOLENCE

● Mr. METZENBAUM. Mr. President, today, I am introducing a bill which will provide a strong Federal remedy for violence against persons who seek to exercise their right to the free exercise of religion. This bill provides Federal criminal and civil remedies for the destruction of religious property and the use of violence to interfere with the free exercise of religion.

Religious violence is not new, but there has been a resurgence in recent years. The violence has been targeted at Jewish, Protestant, and Catholic worshippers. Black as well as white congregations have been victimized. In 1986 alone, there were incidents of religious violence in many States, including California, Maryland, North Carolina, Oregon, Idaho, New Jersey, Ohio,

New York, Connecticut, and Tennessee. This kind of violence and intimidation is just one aspect of a disturbing reawakening of prejudice and bigotry in this country.

It is important that the Congress provide a remedy for this conduct. Some State statutes now provide remedies for religious violence, but the effectiveness and enforcement of these statutes vary from State to State.

Federal criminal statutes provide only limited protection from religious violence. The courts have held that statutes which provide civil remedies for racial discrimination by private individuals do not cover vandalism and destructive acts motivated by hostility to a religious group. In *Shaare Tefila Congregation v. Cobb*, 785 F.2d 523 (4th Cir. 1986), the court of appeals held that vandalism of a synagogue could not be remedied under the Federal civil rights laws because the court felt that the claim was not based on racial discrimination. This case is now before the Supreme Court and the introduction of this bill should not be construed as an effort to reverse this decision or as indicating agreement with the decision of the court of appeals. The plaintiffs may well have a valid claim in that case under current law on the basis that the facts show racial discrimination or otherwise support a finding of liability.

Despite the fact that the plaintiffs may still be able to prevail in this particular case, the fact remains that the federal civil rights laws do not provide a criminal or civil remedy for purely private conduct based solely on religious discrimination. Consequently, there may be no remedy under the civil rights laws for wanton destruction of a church or synagogue because of religious prejudice.

The bill I am introducing today has two basic provisions. First, any person who travels in interstate commerce and damages religious property because of the religious character of the property or obstructs any person in the free exercise of religion is subject to criminal penalties. Second, any person who suffers personal injury or damage to property from such conduct can recover damages in a civil case. These provisions would provide a Federal remedy, for example, for a religious congregation whose church is damaged by persons motivated by religious intolerance.

Our Nation has historically been committed to assuring the free exercise of religion, conduct protected by the Constitution. In cases where these fundamental liberties are threatened by others, it is appropriate that there be a specific remedy based on Federal law.

I urge my colleagues to support this measure, which is designed to protect person of all religious faiths in their exercise of this fundamental right.

I ask unanimous consent that a copy of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 794

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CRIMINAL PENALTIES AND CIVIL ACTION FOR DAMAGES TO RELIGIOUS PROPERTY AND INJURY TO PERSONS IN THE FREE EXERCISE OF RELIGIOUS BELIEFS.**

(a) OFFENSE.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 247. Damage to religious property; injury to persons in the free exercise of religious beliefs

“(a) Whoever, travels in, or uses a facility or instrumentality of, interstate or foreign commerce and subsequently—

“(1) defaces, damages, or destroys any religious real property, because of the religious character of that property; or

“(2) obstructs, by force or threat of force, any person in the enjoyment of that person's free exercise of religious beliefs;

shall be punished as provided in subsection (b) of this section.

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

“(1) if death results, a fine in accordance with this title and imprisonment for any term of years or for life, or both;

“(2) if serious bodily injury results, a fine in accordance with this title and imprisonment for not more than fifteen years, or both; and

“(3) in any other case, a fine in accordance with this title and imprisonment for not more than five years, or both.

“(c) Any person injured personally or in his business or therefore in any court of competent jurisdiction and shall recover any damages such person sustains. An action for injuries brought under this subsection shall not depend on a prior criminal conviction based on such injuries.

“(d) As used in this section—

“(1) the term ‘religious real property’ means any church, synagogue, religious cemetery, or other religious real property; and

“(2) the term ‘serious bodily injury’ means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.”.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

“247. Damage to religious property; injury to persons in the free exercise of religious beliefs.”.

By Mr. CRANSTON:

S. 795. A bill to provide for the settlement of water rights claims of the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians in San Diego County, CA, and for other purposes; to the Select Committee on Indian Affairs.

**SAN LUIS REY INDIAN WATER RIGHTS SETTLEMENT ACT**

● Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to provide for the settlement of water rights claims of the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands of Mission Indians in San Diego County, CA. The bill is identical to

legislation Senator PETE WILSON and I sponsored in the 99th Congress, S. 2676, as reported by the Select Committee on Indian Affairs. I'm pleased to say that Congressman RON PACKARD is sponsoring companion legislation in the House.

Around the turn of the century the United States set-aside Indian reservations in the San Luis Rey River valley for five bands of Mission Indians—the La Jolla, Rincon, San Pasqual, Pauma and Pala. At the same, the predecessor of Escondido was busy appropriating water in the area under State law and building the Escondido Canal to convey the water to Lake Wohlford for storage.

Thirty years later, in the 1920's, Vista's predecessor purchased the 42,000 acre Warner Ranch and built a dam on its western boundary, thereby controlling the headwaters of the San Luis Rey River. Then Escondido and Vista combined their resources and since 1922 have controlled and diverted nearly 90 percent of the San Luis Rey River water which originates above the intake to the Escondido Canal, which is located on the La Jolla Indian Reservation upstream from the four other Indian reservations.

The Federal Government was directly involved in these developments. Acting for the United States on behalf of the Indians the Secretary of the Interior between 1892 and 1924 granted Federal licenses and permits and entered into a series of contracts with the predecessors of Escondido and Vista to protect their water rights and the rights-of-way for the Escondido Canal.

All parties abided by these various licenses, permits and contracts until 1969 when the Indians filed suit in Federal District Court seeking to have all the contracts and permits declared void, to have their water rights adjudicated, and to recover substantial damages from Escondido and Vista. Escondido and Vista dispute the Indians' claims and also contend that the Federal Government should be held responsible for any losses they may sustain in the litigation because they relied upon the actions of the Federal Government when they invested millions of dollars in constructing and maintaining water systems.

After 18 years the water rights suit still has not gone to trial. The trial, scheduled to begin in November 1985, was postponed to enable the parties to the litigation to concentrate their efforts on enactment of this legislation which they all support.

The legislation is premised on the belief that the Indian water rights dispute should be resolved in a manner that is least disruptive to existing non-Indian uses of the San Luis Rey River water and that the settlement should enable the Indians to develop viable economically self sufficient communities.

The settlement consists of two basic parts: First, division of the local water

and the costs associated with its development and distribution among the Indians, Escondido, and Vista; and second, purchase by the Indians and delivery to their reservations of Central Valley project (CVP) water.

In detail, the settlement provides that instead of the historical 90-10 split between Escondido and Vista on the one hand and the Bands on the other, the parties will divide the local water 50-50. To accomplish this end, Escondido and Vista have agreed to share with the Bands use of the existing facilities. They also have agreed to purchase from the Bands any water the Bands do not use on reservation for 90 percent of the cost of obtaining water from their alternative source (MWD and SDCWA) for the first 7,000 acre feet per year and 80 percent of that cost for the remainder. To assure the Bands a reliable supply of water even in the most severe drought conditions, Escondido and Vista have agreed to guarantee the Indians a minimum of 7,000 acre-feet of local water for on reservation use. Escondido and Vista would continue to bear all costs of operating, maintaining, or replacing Henshaw Dam, the Escondido Canal, Wohlford Dam and Vista would continue to be solely responsible for repaying the \$7 million indebtedness it incurred in 1980 in connection with a flow retardation structure in front of Henshaw Dam. The Bands would pay all costs of covering or undergrounding Escondido Canal. Finally, the Bands, Escondido and Vista would share the costs of operating, maintaining, replacing and further developing the Warner wellfield facilities.

Since the 18,000 acre-feet of water produced by the San Luis Rey River system per year is not enough to meet the needs of all five Bands and provide sufficient water to justify Escondido and Vista's continued involvement and investment in the river, the settlement provides the Bands 22,700 acre-feet of CVP water at a cost of approximately \$100 an acre-foot. The water would be delivered through existing State, MWD, and SDCWA facilities and the Indians would pay all of the cost of using these facilities.

In addition the Federal Government would sell the Indians approximately 72.6 million kwh of electricity required to deliver the water to the reservations, less than 1 percent of the power generated by the CVP, and would be taken at times when generation exceeds the amount needed to satisfy the Federal Government's contract obligations. The Bands would pay the operation and maintenance costs, but not the capital costs of the CVP. The Indians could use the CVP water or sell it to others, but the revenues would have to be used for economic development of the reservations and could not be distributed to individuals. The Bands agree to sell 6,000 acre-feet per year of the CVP water to Escondido and Vista.