

116TH CONGRESS
1ST SESSION

H. R. 223

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish grants to reduce the incidence of hate crimes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Ms. VELÁZQUEZ (for herself, Ms. CLARKE of New York, Ms. NORTON, Ms. SCHAKOWSKY, and Mr. TAKANO) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish grants to reduce the incidence of hate crimes, 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. SHORT TITLE.

4 This Act may be cited as the “Hate Crime Victim
5 Assistance Act of 2019”.

6 SEC. 2. FINDINGS.

7 Congress makes the following findings:

8 (1) Hate crimes have been on the rise over the
9 previous years across the United States. In 2015,

1 according to the Federal Bureau of Investigation
2 (FBI), 56.9 percent of single-bias incidents were
3 motivated by either race, ethnicity or ancestry bias.

4 (2) The same report mentions that 21.4 percent
5 were prompted by religious bias; 18.1 percent sexual
6 orientation bias; 2.0 percent gender-identity bias;
7 and 1.3 percent disability bias.

8 (3) Out of the 56.9 percent of the single-bias
9 incidents that were motivated by race reported to
10 the FBI in 2015, 9.4 percent of these were classified
11 as anti-Hispanic or Latino, and 3.3 percent of these
12 single bias incidents had an anti-Asian bias.

13 (4) Previous data from the FBI suggest that
14 hate crimes against African Americans have seen a
15 dramatic increase over the years. Such trends can be
16 traced back to 2003, when hate crimes against Afri-
17 can Americans were twice as much as all other race
18 groups combined.

19 (5) A 2015 study conducted by the Los Angeles
20 County Commission on Human Relations notes that
21 half of the hate crimes in Los Angeles County were
22 racially motivated—58 percent of those attacks tar-
23 geted the County’s African-American population, al-
24 though they only constituted 4 percent of the coun-
25 ty’s population.

1 (6) Previous research suggests that Black males
2 are also more vulnerable to violent victimization.
3 Furthermore, data suggest that communities of color
4 continue to be victims of hate crime violence.

11 (8) A study conducted by the Human Rights
12 Campaign notes that out of the number of hate
13 crimes committed against the transgender commu-
14 nity from 2013–2015, at least 87 percent of victims
15 were transgender people of color.

16 (9) Only 16, or 30 percent, were killed in
17 States that have hate crime laws that account for
18 crimes motivated by the victim's gender identity; but
19 despite these provisions and a Federal hate crime
20 law, not a single one of these murders was pros-
21 ecuted or reported to the FBI as a hate crime.

22 (10) The United States is currently facing a
23 surge in religious bias. According to the Southern
24 Poverty Law Center, there are currently 917 hate
25 groups operating across the country.

1 (11) A CNN report found that in the first
2 months of 2017 the country experienced a substan-
3 tial increase in Anti-Semitic incidents. In compari-
4 son to the same period in 2016, Anti-Semitic inci-
5 dents were 86 percent higher.

6 (12) Historically hate crimes have gone under
7 reported. On average there are 250,000 hate crime
8 victims each year, of which only one-third are re-
9 ported to the police.

10 (13) It is Congress' responsibility to provide for
11 sustainable and feasible solutions to reduce, prevent
12 and mitigate underlying factors responsible for bias
13 incidents.

14 SEC. 3. LOCAL HATE CRIME HOTLINES AND HATE CRIME
15 INFORMATION AND ASSISTANCE WEB SITES.

16 Title I of the Omnibus Crime Control and Safe
17 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
18 by adding at the end the following:

21 “SEC. 3031. HATE CRIME HOTLINES AND WEBSITES.

22 "(a) GRANT AUTHORIZATION.—The Attorney Gen-
23 eral shall make grants to States, units of local govern-
24 ment, or any combination thereof, in partnership with

1 stakeholders, service providers, and nonprofit organiza-
2 tions.

3 “(b) MANDATORY GRANT USES.—Grant funds shall
4 be expended for each of the following purposes:

5 “(1) HATE CRIME INFORMATION AND ASSIST-
6 ANCE WEBSITE.—To provide for the establishment
7 and operation of a hate crime information and as-
8 sistance website, which shall be a highly secure
9 Internet website that provides information and as-
10 sistance to victims of hate crimes. In establishing
11 and operating the hate crime information and assist-
12 ance website, the grantee shall—

13 “(A) use grant funds for startup and oper-
14 ational costs associated with establishing and
15 operating the website;

16 “(B) provide accurate information that de-
17 scribes the services available to victims of hate
18 crimes, including health care and mental health
19 services, social services, transportation, and
20 other relevant services; and

21 “(C) make the website available to the op-
22 erator of the hate crime hotline established or
23 expanded pursuant to paragraph (2).

24 “(2) HATE CRIME HOTLINES.—To establish or
25 expand a hate crime hotline to provide information

1 and assistance to victims of hate crimes. In addition,
2 grantees may, in operating the hotline, work in con-
3 junction with other local programs and activities
4 that serve targeted areas and that provide legal,
5 health (including physical and mental health), and
6 other support services to victims of hate crimes. In
7 establishing and operating the hotline, the entity
8 shall—

9 “(A) contract with a carrier for the use of
10 a toll-free telephone line;

11 “(B) employ, train (including technology
12 training), and supervise personnel to answer in-
13 coming calls and provide counseling and refer-
14 ral services to callers on a 24-hour-a-day basis;

15 “(C) assemble and maintain a current
16 database of information relating to services for
17 victims of hate crimes to which callers through-
18 out the United States may be referred; and

19 “(D) be prohibited from asking hotline
20 callers about their citizenship status.

21 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to require any shelter or service
23 provider, whether public or private, to be linked to the
24 hate crime information and assistance website or to pro-

1 vide information to the recipient of the grant described
2 in paragraph (1) or to the website.

3 “(d) APPLICATION.—The Attorney General may ap-
4 prove an application for a grant under this section only
5 if such application—

6 “(1) contains such agreements, assurances, and
7 information, be in such form, and be submitted in
8 such manner, as the Attorney General shall by rule
9 require;

10 “(2) in the case of an application for a grant
11 to carry out activities described in subsection (b)(2),
12 includes a complete description of the applicant’s
13 plan for the operation of a hate crime hotline, in-
14 cluding descriptions of—

15 “(A) the training program for hotline per-
16 sonnel, including technology training to ensure
17 that all persons affiliated with the hotline are
18 able to effectively operate any technological sys-
19 tems used by the hotline;

20 “(B) the hiring criteria for hotline per-
21 sonnel;

22 “(C) the methods for the creation, mainte-
23 nance, and updating of a resource database;

24 “(D) a plan for publicizing the availability
25 of the hotline;

1 “(E) a plan for providing service to non-
2 English speaking callers that—

3 “(i) is based on data from the Bureau
4 of the Census and be consistent with the
5 local area demographics where the hate
6 crime hotline will operate—such plan will
7 outline which languages are most prevalent
8 and commonly requested for translation
9 services; or

10 “(ii) is based on qualitative and quan-
11 titative observation from community serv-
12 ice providers including those that provide
13 health and mental health services, social
14 services, transportation, and other relevant
15 services; and

16 “(F) a plan for facilitating access to the
17 hotline by persons with hearing impairments;
18 and

19 “(3) in the case of an application for a grant
20 to carry out activities described in subsection
21 (b)(1)—

22 “(A) include a complete description of the
23 applicant’s plan for the development, operation,
24 maintenance, and updating of information and

1 resources of the hate crime information and as-
2 sistance website;

3 “(B) include a certification that the appli-
4 cant will implement a high-level security system
5 to ensure the confidentiality of the website, tak-
6 ing into consideration the safety of hate crime
7 victims;

8 “(C) include an assurance that, after the
9 third year of the website project, the recipient
10 of the grant will develop a plan to secure other
11 public or private funding resources to ensure
12 the continued operation and maintenance of the
13 website;

14 “(D) demonstrate that the applicant has
15 recognized expertise in the area of hate crimes
16 and a record of high quality service to victims
17 of hate crimes, including a demonstration of
18 support from advocacy groups; and

19 “(E) demonstrate that the applicant has a
20 commitment to diversity, and to the provision of
21 services to the ethnic, racial, religious, and non-
22 English speaking minorities, in addition to
23 older individuals, individuals with disabilities,
24 and individuals of various gender, gender iden-
25 tity, and sexual orientation.

1 “(e) RENEWAL OF GRANTS.—A grant made under
2 this part may be renewed, without limitations on the dura-
3 tion of such renewal, to provide additional funds, if the
4 Attorney General determines that the funds made avail-
5 able to the recipient were used in a manner required under
6 an approved application and if the recipient can dem-
7 onstrate significant progress in achieving the objectives of
8 the initial application.

9 “(f) NO-COST EXTENSIONS.—Notwithstanding sub-
10 section (e), the Attorney General may extend a grant pe-
11 riod, without limitations as to the duration of such exten-
12 sion, to provide additional time to complete the objectives
13 of the initial grant award.

14 “(g) DEFINITIONS.—For the purposes of this part:
15 “(1) The term ‘hate crime’ means a crime in
16 which the defendant intentionally selects a victim, or
17 in the case of a property crime, the property that is
18 the object of the crime, because of the actual or per-
19 ceived race, color, religion, national origin, ethnicity,
20 gender, gender identity, disability, or sexual orienta-
21 tion of any person.

22 “(2) The term ‘targeted area’ means an area
23 with a demonstrated lack of resources, as deter-
24 mined by the Attorney General, for victims of hate
25 crimes.

1 "(h) AUTHORIZATION OF APPROPRIATIONS.—

2 “(1) IN GENERAL.—There is authorized to be
3 appropriated to carry out this section \$20,000,000
4 for fiscal year 2020 and each succeeding fiscal year.

5 “(2) WEBSITE.—Of the amounts appropriated,
6 not less than 10 percent shall be used for purposes
7 of carrying out activities under subsection (b)(1).

8 “(3) AVAILABILITY.—Funds authorized to be
9 appropriated under this section may remain avail-
10 able until expended.

11 "SEC. 3032. REPORT.

12 “A State or unit of local government that receives
13 funds under this part during a fiscal year shall submit
14 to the Attorney General a description and an evaluation
15 report on a date specified by the Attorney General regard-
16 ing the effectiveness of the programs carried out with a
17 grant under this part.”.

18 SEC. 4. LOCAL LAW ENFORCEMENT HATE CRIME EDU-
19 CATION AND TRAINING GRANT PROGRAM.

20 Title I of such Act, as amended, is further amended
21 by inserting after part MM the following:

1 **“PART NN—HATE CRIME EDUCATION AND**
2 **TRAINING GRANT PROGRAM**

3 **“SEC. 3041. HATE CRIME EDUCATION AND TRAINING GRANT**
4 **PROGRAM.**

5 **“(a) GRANT AUTHORIZATION.—**

6 **“(1) IN GENERAL.—**The Attorney General shall
7 establish a program to make grants to States and
8 units of local government for any purpose described
9 in paragraph (2).

10 **“(2) PURPOSE.—**The purpose of the grant pro-
11 gram under this subsection is to enable a law en-
12 forcement agency of a State or unit of local govern-
13 ment to establish and carry out education and train-
14 ing programs on solving and preventing hate crimes
15 and establishing community dialogue with groups
16 whose members are at-risk of being victims of hate
17 crimes.

18 **“(3) ELIGIBILITY.—**To be eligible to receive a
19 grant under this part, a State or unit of local gov-
20 ernment shall be in compliance with reporting re-
21 quirements applicable to such entity pursuant to the
22 Hate Crimes Statistics Act (28 U.S.C. 534 note).

23 **“(b) PREFERENTIAL CONSIDERATION OF CERTAIN**
24 **GRANT APPLICATIONS.—**The Attorney General shall give
25 priority in considering applications that show dispropor-
26 tionate hate crime activity relative to the total population

1 within the local area where the education and training pro-
2 gram will operate.

3 “(c) DISPROPORTIONATE HATE CRIME ACTIVITY.—
4 For the purposes of this section, the Attorney General,
5 in consultation with the Bureau of the Census, shall de-
6 velop guidelines that define and quantify levels of hate
7 crime activity using statistical data from the Census and
8 data available from the Hate Crimes Statistics Act.

9 “(d) CONTENTS.—In accordance with such require-
10 ments as the Attorney General may by rule establish, each
11 application for a grant under this section shall—

12 “(1) include a long-term strategy and detailed
13 implementation plan that reflects consultation with
14 community groups and appropriate stakeholders;

15 “(2) demonstrate a specific public safety need;

16 “(3) explain the applicant’s inability to address
17 the need without Federal assistance;

18 “(4) identify related governmental and commu-
19 nity initiatives which compliment or will be coordi-
20 nated with the proposal;

21 “(5) certify that there has been appropriate co-
22 ordination with all affected agencies;

23 “(6) explain how the grant will be used to reori-
24 ent the affected law enforcement agency’s mission
25 toward community-oriented policing or enhance its

1 involvement in or commitment to community-ori-
2 ented policing; and

3 “(7) provide assurances that the applicant will,
4 to the extent practicable, seek, recruit, and hire
5 members of racial and ethnic minority groups and
6 women in order to increase their ranks within the
7 sworn positions in the law enforcement agency.

8 “(e) RENEWAL OF GRANTS.—A grant made under
9 this part may be renewed, without limitations on the dura-
10 tion of such renewal, to provide additional funds, if the
11 Attorney General determines that the funds made avail-
12 able to the recipient were used in a manner required under
13 an approved application and if the recipient can dem-
14 onstrate significant progress in achieving the objectives of
15 the initial application.

16 “(f) NO-COST EXTENSIONS.—Notwithstanding sub-
17 section (e), the Attorney General may extend a grant pe-
18 riod, without limitations as to the duration of such exten-
19 sion, to provide additional time to complete the objectives
20 of the initial grant award.

21 “(g) SUSPENSION OF FUNDS.—If the Attorney Gen-
22 eral determines that a grant recipient under this section
23 is not in substantial compliance with the terms and re-
24 quirements of an approved grant application, the Attorney

1 General may revoke or suspend funding of that grant, in
2 whole, or in part.

3 “(h) AVAILABILITY AND AUDITING.—The Attorney
4 General shall have access for the purpose of audit and ex-
5 amination to any pertinent books, documents, papers, or
6 records of a grant recipient under this section and to the
7 pertinent books, documents, papers, or records of State
8 and local governments, persons, businesses, and other en-
9 tities that are involved in programs, projects, or activities
10 for which assistance is provided under this part.

11 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$15,000,000 for the fiscal year 2020 and each succeeding
14 fiscal year.

15 **“SEC. 3042. REPORT.**

16 “A State or unit of local government that receives
17 funds under this part during a fiscal year shall submit
18 to the Attorney General a description and an evaluation
19 report on a date specified by the Attorney General regard-
20 ing the effectiveness of the programs carried out with a
21 grant under this part.”.

22 **SEC. 5. COMMUNITY BASED RESPONSES TO HATE CRIMES.**

23 (a) IN GENERAL.—The Attorney General shall estab-
24 lish a grant program within the Office for Victims of
25 Crime in the Office of Justice Programs, under which the

1 Attorney General may award grants to local community
2 based organizations, nonprofit organizations, and faith-
3 based organizations to establish or expand local programs
4 and activities that serve targeted areas and that provide
5 legal, health (including physical and mental health), and
6 other support services to victims of hate crimes as defined
7 in subsection (g)(1) of section 3. Grant funds may be used
8 for activities including—
9 (1) hiring counselors;
10 (2) providing training and resources to victims;
11 and
12 (3) language support services.

13 (b) TARGETED AREA DEFINED.—For the purposes
14 of this section, a targeted area shall be defined as the area
15 described in and defined in subsection (g)(2) of section
16 3 of this Act.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$15,000,000 for the fiscal year 2020 and each succeeding
20 fiscal year.

21 **SEC. 6. DATABASE OF HATE CRIME REPORTS TO LOCAL
22 HOTLINES.**

23 (a) IN GENERAL.—A grantee receiving funds under
24 this Act shall, on the date that is 1 year after the date
25 of the enactment of this Act, and annually thereafter, sub-

1 mit to the appropriate State Attorney General, and the
2 Attorney General, an annual report of hate crimes re-
3 ported to the hotlines established under part MM of the
4 Omnibus Crime Control and Safe Streets Act of 1968 (42
5 U.S.C. 3711 et seq.).

6 (b) REPORT CONTENTS.—The report in subsection
7 (a) shall include the following information with respect to
8 each hate crime reported:

9 (1) A description of hate crimes that occurred
10 in the State, including a description of where the
11 hate crimes occurred in the grantee's State.

12 (2) The frequency, in total number and percent-
13 age terms, of the use of weapons in reported hate
14 crimes in the grantee's State.

15 (3) A summary of the total number of hate
16 crimes that were reported in the grantee's State.

17 (4) A description of the methodologies used by
18 the grantee to collect data.

19 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to require the publication of per-
21 sonally identifiable data, which include the names, ad-
22 dresses, or physical description of any victims or persons
23 reporting hate crimes.

24 (d) ADDITIONAL REPORTING REQUIREMENTS PER-
25 MITTED FOR CERTAIN REPORTS.—The Attorney General

1 may, during the first 180 days after the Act's enactment,
2 prescribe additional reporting requirements for reports
3 submitted to the Federal Government, subject to the limi-
4 tations in subsection (d), to ensure consistent data report-
5 ing.

○