

116TH CONGRESS
2D SESSION

H. R. 8852

To amend title 18, United States Code, to provide that offenses committed on the basis of political affiliation constitute hate crimes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2020

Ms. GABBARD (for herself and Mr. GAETZ) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, 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 amend title 18, United States Code, to provide that offenses committed on the basis of political affiliation constitute 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 “Protecting Political
5 Expression Act of 2020”.

6 **SEC. 2. POLITICAL AFFILIATION HATE CRIMES.**

7 (a) CIVIL RIGHTS CRIMES.—Section 245 of title 18,
8 United States Code, is amended by striking “or national

1 origin” each place it appears and inserting “, national ori-
 2 gin, or political affiliation (as such term is defined in the
 3 Protecting Political Expression Act of 2020)”.

4 (b) DAMAGE TO RELIGIOUS PROPERTY.—Section
 5 247(c) of title 18, United States Code, is amended by
 6 striking “or ethnic characteristics” and inserting “ethnic
 7 characteristics, or political affiliation (as such term is de-
 8 fined in the Protecting Political Expression Act of 2020)”.

9 (c) HATE CRIME ACTS.—Section 249 of title 18,
 10 United States Code, is amended by inserting “political af-
 11 filiation,” after “actual or perceived” each place it ap-
 12 pears.

13 (d) INTIMIDATION IN FAIR HOUSING.—Section 901
 14 of the Civil Rights Act of 1968 (42 U.S.C. 3631) is
 15 amended by striking “or national origin” each place it ap-
 16 pears and inserting “national origin, or political affiliation
 17 (as such term is defined in the Protecting Political Ex-
 18 pression Act of 2020)”.

19 (e) SENTENCING ENHANCEMENTS FOR HATE
 20 CRIMES.—Section 280003(a) of the Violent Crime Control
 21 and Law Enforcement Act of 1994 (28 U.S.C. 994 note)
 22 is amended by striking “or sexual orientation” and insert-
 23 ing “, sexual orientation, or political affiliation (as such
 24 term is defined in the Protecting Political Expression Act
 25 of 2020)”.

1 **SEC. 3. DATA COLLECTION; REPORT.**

2 (a) DATA COLLECTION.—The Attorney General shall
3 collect data on instances of alleged offenses under section
4 245 of title 18, United States Code, committed on the
5 basis of political affiliation, including details about the al-
6 leged offense and its outcome, including demographic in-
7 formation of victim and the accused.

8 (b) REPORT.—The Attorney General shall submit to
9 Congress, on an annual basis, for the 5 years after the
10 date of enactment of this Act, a report on the data col-
11 lected under subsection (a), including an assessment of
12 why such offenses are occurring, and recommendations on
13 how to prevent such offenses. Reports under this sub-
14 section may not contain any information that may reveal
15 the identity of an individual crime victim.

16 **SEC. 4. NONDISCRIMINATION IN FEDERALLY ASSISTED**
17 **PROGRAMS.**

18 Section 601 of the Civil Rights Act of 1964 (42
19 U.S.C. 2000d) is amended by striking “or national origin”
20 and inserting “national origin, or political affiliation (as
21 such term is defined in the Protecting Political Expression
22 Act of 2020)”.

23 **SEC. 5. NONDISCRIMINATION IN EMPLOYMENT.**

24 Title VII of the Civil Rights Act of 1964 (42 U.S.C.
25 2000e et seq.) is amended—

1 (1) in section 703, by striking “or national ori-
2 gin” each place it appears and inserting “national
3 origin, or political affiliation (as such term is defined
4 in the Protecting Political Expression Act of 2020)”;
5 and

6 (2) in section 704, by striking “or national ori-
7 gin” and inserting “national origin, or political affili-
8 ation (as such term is defined in the Protecting Po-
9 litical Expression Act of 2020)”.

10 **SEC. 6. DEFINITION OF POLITICAL AFFILIATION.**

11 In this Act, the term “political affiliation” means any
12 of the following:

13 (1) Joining, belonging to, or withdrawing from
14 any political party, political action committee, or
15 super-PAC.

16 (2) Expressing support for, opposition to, or in-
17 difference toward a matter of controverted political
18 interest.

19 (3) Contributing, whether financially or in-kind,
20 to any ballot question, referendum, legislation, polit-
21 ical candidate, political party, political action com-
22 mittee, or super-PAC.

23 (4) Endorsing or expressing support for, oppo-
24 sition to, or indifference toward any ballot question,

- 1 referendum, legislation, political candidate, political
- 2 party, political action committee, or super-PAC.
- 3 Such term shall not be construed to prevent a mission-
- 4 oriented organization or entity from taking otherwise law-
- 5 ful steps to preserve the integrity of its mission.

