

117TH CONGRESS  
1ST SESSION

# S. 937

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## AN ACT

To facilitate the expedited review of COVID–19 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “COVID–19 Hate  
3 Crimes Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Following the spread of COVID–19 in  
7 2020, there has been a dramatic increase in hate  
8 crimes and violence against Asian-Americans and  
9 Pacific Islanders.

10 (2) According to a recent report, there were  
11 nearly 3,800 reported cases of anti-Asian discrimina-  
12 tion and incidents related to COVID–19 between  
13 March 19, 2020, and February 28, 2021, in all 50  
14 States and the District of Columbia.

15 (3) During this time frame, race has been cited  
16 as the primary reason for discrimination, making up  
17 over 90 percent of incidents, and the United States  
18 condemns and denounces any and all anti-Asian and  
19 Pacific Islander sentiment in any form.

20 (4) Roughly 36 percent of these incidents took  
21 place at a business and more than 2,000,000 Asian-  
22 American businesses have contributed to the diverse  
23 fabric of American life.

24 (5) More than 1,900,000 Asian-American and  
25 Pacific Islander older adults, particularly those older  
26 adults who are recent immigrants or have limited

1 English proficiency, may face even greater chal-  
2 lenges in dealing with the COVID–19 pandemic, in-  
3 cluding discrimination, economic insecurity, and lan-  
4 guage isolation.

5 (6) In the midst of this alarming surge in anti-  
6 Asian hate crimes and incidents, a shooter murdered  
7 the following 8 people in the Atlanta, Georgia re-  
8 gion, 7 of whom were women and 6 of whom were  
9 women of Asian descent:

10 (A) Xiaojie Tan.

11 (B) Daoyou Feng.

12 (C) Delaina Ashley Yaun González.

13 (D) Paul Andre Michels.

14 (E) Soon Chung Park.

15 (F) Hyun Jung Grant.

16 (G) Suncha Kim.

17 (H) Yong Ae Yue.

18 (7) The people of the United States will always  
19 remember the victims of these shootings and stand  
20 in solidarity with those affected by this senseless  
21 tragedy and incidents of hate that have affected the  
22 Asian and Pacific Islander communities.

23 **SEC. 3. REVIEW OF HATE CRIMES.**

24 (a) IN GENERAL.—Not later than 7 days after the  
25 date of enactment of this Act, the Attorney General shall

1 designate an officer or employee of the Department of  
2 Justice whose responsibility during the applicable period  
3 shall be to facilitate the expedited review of hate crimes  
4 (as described in section 249 of title 18, United States  
5 Code) and reports of any such crime to Federal, State,  
6 local, or Tribal law enforcement agencies.

7 (b) **APPLICABLE PERIOD DEFINED.**—In this section,  
8 the term “applicable period” means the period beginning  
9 on the date on which the officer or employee is designated  
10 under subsection (a), and ending on the date that is 1  
11 year after the date on which the emergency period de-  
12 scribed in subparagraph (B) of section 1135(g)(1) of the  
13 Social Security Act (42 U.S.C. 1320b–5(g)(1)) ends, ex-  
14 cept that the Attorney General may extend such period  
15 as appropriate.

16 **SEC. 4. GUIDANCE.**

17 (a) **GUIDANCE FOR LAW ENFORCEMENT AGEN-**  
18 **CIES.**—The Attorney General shall issue guidance for  
19 State, local, and Tribal law enforcement agencies, pursu-  
20 ant to this Act and other applicable law, on how to—

21 (1) establish online reporting of hate crimes or  
22 incidents, and to have online reporting that is equal-  
23 ly effective for people with disabilities as for people  
24 without disabilities available in multiple languages as  
25 determined by the Attorney General;

1           (2) collect data disaggregated by the protected  
2 characteristics described in section 249 of title 18,  
3 United States Code; and

4           (3) expand public education campaigns aimed  
5 at raising awareness of hate crimes and reaching  
6 victims, that are equally effective for people with dis-  
7 abilities as for people without disabilities.

8           (b) **GUIDANCE RELATING TO COVID–19 PAN-**  
9 **DEMIC.**—The Attorney General and the Secretary of  
10 Health and Human Services, in coordination with the  
11 COVID–19 Health Equity Task Force and community-  
12 based organizations, shall issue guidance aimed at raising  
13 awareness of hate crimes during the COVID–19 pan-  
14 demic.

15 **SEC. 5. JABARA-HEYER NO HATE ACT.**

16           (a) **SHORT TITLE.**—This section may be cited as the  
17 “Khalid Jabara and Heather Heyer National Opposition  
18 to Hate, Assault, and Threats to Equality Act of 2021”  
19 or the “Jabara-Heyer NO HATE Act”.

20           (b) **FINDINGS.**—Congress finds the following:

21           (1) The incidence of violence known as hate  
22 crimes, or crimes motivated by bias, poses a serious  
23 national problem.

24           (2) According to data obtained by the Federal  
25 Bureau of Investigation, the incidence of such vio-

1 lence increased in 2019, the most recent year for  
2 which data is available.

3 (3) In 1990, Congress enacted the Hate Crime  
4 Statistics Act (Public Law 101–275; 28 U.S.C. 534  
5 note) to provide the Federal Government, law en-  
6 forcement agencies, and the public with data regard-  
7 ing the incidence of hate crime. The Hate Crime  
8 Statistics Act and the Matthew Shepard and James  
9 Byrd, Jr. Hate Crimes Prevention Act (division E of  
10 Public Law 111–84; 123 Stat. 2835) have enabled  
11 Federal authorities to understand and, where appro-  
12 priate, investigate and prosecute hate crimes.

13 (4) A more complete understanding of the na-  
14 tional problem posed by hate crime is in the public  
15 interest and supports the Federal interest in eradi-  
16 cating bias-motivated violence referenced in section  
17 249(b)(1)(C) of title 18, United States Code.

18 (5) However, a complete understanding of the  
19 national problem posed by hate crimes is hindered  
20 by incomplete data from Federal, State, and local  
21 jurisdictions through the Uniform Crime Reports  
22 program authorized under section 534 of title 28,  
23 United States Code, and administered by the Fed-  
24 eral Bureau of Investigation.

1           (6) Multiple factors contribute to the provision  
2 of inaccurate and incomplete data regarding the in-  
3 cidence of hate crime through the Uniform Crime  
4 Reports program. A significant contributing factor is  
5 the quality and quantity of training that State and  
6 local law enforcement agencies receive on the identi-  
7 fication and reporting of suspected bias-motivated  
8 crimes.

9           (7) The problem of crimes motivated by bias is  
10 sufficiently serious, widespread, and interstate in na-  
11 ture as to warrant Federal financial assistance to  
12 States and local jurisdictions.

13           (8) Federal financial assistance with regard to  
14 certain violent crimes motivated by bias enables Fed-  
15 eral, State, and local authorities to work together as  
16 partners in the investigation and prosecution of such  
17 crimes.

18 (c) DEFINITIONS.—In this section:

19           (1) HATE CRIME.—The term “hate crime”  
20 means an act described in section 245, 247, or 249  
21 of title 18, United States Code, or in section 901 of  
22 the Civil Rights Act of 1968 (42 U.S.C. 3631).

23           (2) PRIORITY AGENCY.—The term “priority  
24 agency” means—

1 (A) a law enforcement agency of a unit of  
2 local government that serves a population of not  
3 less than 100,000, as computed by the Federal  
4 Bureau of Investigation; or

5 (B) a law enforcement agency of a unit of  
6 local government that—

7 (i) serves a population of not less than  
8 50,000 and less than 100,000, as com-  
9 puted by the Federal Bureau of Investiga-  
10 tion; and

11 (ii) has reported no hate crimes  
12 through the Uniform Crime Reports pro-  
13 gram in each of the 3 most recent calendar  
14 years for which such data is available.

15 (3) STATE.—The term “State” has the mean-  
16 ing given the term in section 901 of title I of the  
17 Omnibus Crime Control and Safe Streets Act of  
18 1968 (34 U.S.C. 10251).

19 (4) UNIFORM CRIME REPORTS.—The term  
20 “Uniform Crime Reports” means the reports author-  
21 ized under section 534 of title 28, United States  
22 Code, and administered by the Federal Bureau of  
23 Investigation that compile nationwide criminal sta-  
24 tistics for use—

1 (A) in law enforcement administration, op-  
2 eration, and management; and

3 (B) to assess the nature and type of crime  
4 in the United States.

5 (5) UNIT OF LOCAL GOVERNMENT.—The term  
6 “unit of local government” has the meaning given  
7 the term in section 901 of title I of the Omnibus  
8 Crime Control and Safe Streets Act of 1968 (34  
9 U.S.C. 10251).

10 (d) REPORTING OF HATE CRIMES.—

11 (1) IMPLEMENTATION GRANTS.—

12 (A) IN GENERAL.—The Attorney General  
13 may make grants to States and units of local  
14 government to assist the State or unit of local  
15 government in implementing the National Inci-  
16 dent-Based Reporting System, including to  
17 train employees in identifying and classifying  
18 hate crimes in the National Incident-Based Re-  
19 porting System.

20 (B) PRIORITY.—In making grants under  
21 subparagraph (A), the Attorney General shall  
22 give priority to States and units of local govern-  
23 ment that develop and implement the programs  
24 and activities described in subsection (f)(2)(A).

25 (2) REPORTING.—

1 (A) COMPLIANCE.—

2 (i) IN GENERAL.—Except as provided  
3 in clause (ii), in each fiscal year beginning  
4 after the date that is 3 years after the date  
5 on which a State or unit of local govern-  
6 ment first receives a grant under para-  
7 graph (1), the State or unit of local gov-  
8 ernment shall provide to the Attorney Gen-  
9 eral, through the Uniform Crime Report-  
10 ing system, information pertaining to hate  
11 crimes committed in that jurisdiction dur-  
12 ing the preceding fiscal year.

13 (ii) EXTENSIONS; WAIVER.—The At-  
14 torney General—

15 (I) may provide a 120-day exten-  
16 sion to a State or unit of local govern-  
17 ment that is making good faith efforts  
18 to comply with clause (i); and

19 (II) shall waive the requirements  
20 of clause (i) if compliance with that  
21 subparagraph by a State or unit of  
22 local government would be unconstitu-  
23 tional under the constitution of the  
24 State or of the State in which the unit

1                   of local government is located, respec-  
2                   tively.

3                   (B) FAILURE TO COMPLY.—If a State or  
4                   unit of local government that receives a grant  
5                   under paragraph (1) fails to substantially com-  
6                   ply with subparagraph (A) of this paragraph,  
7                   the State or unit of local government shall  
8                   repay the grant in full, plus reasonable interest  
9                   and penalty charges allowable by law or estab-  
10                  lished by the Attorney General.

11               (e) GRANTS FOR STATE-RUN HATE CRIME HOT-  
12               LINES.—

13                   (1) GRANTS AUTHORIZED.—

14                   (A) IN GENERAL.—The Attorney General  
15                   shall make grants to States to create State-run  
16                   hate crime reporting hotlines.

17                   (B) GRANT PERIOD.—A grant made under  
18                   subparagraph (A) shall be for a period of not  
19                   more than 5 years.

20                   (2) HOTLINE REQUIREMENTS.—A State shall  
21                   ensure, with respect to a hotline funded by a grant  
22                   under paragraph (1), that—

23                   (A) the hotline directs individuals to—

24                   (i) law enforcement if appropriate;

25                   and

1 (ii) local support services;

2 (B) any personally identifiable information  
3 that an individual provides to an agency of the  
4 State through the hotline is not directly or indi-  
5 rectly disclosed, without the consent of the indi-  
6 vidual, to—

7 (i) any other agency of that State;

8 (ii) any other State;

9 (iii) the Federal Government; or

10 (iv) any other person or entity;

11 (C) the staff members who operate the  
12 hotline are trained to be knowledgeable about—

13 (i) applicable Federal, State, and local  
14 hate crime laws; and

15 (ii) local law enforcement resources  
16 and applicable local support services; and

17 (D) the hotline is accessible to—

18 (i) individuals with limited English  
19 proficiency, where appropriate; and

20 (ii) individuals with disabilities.

21 (3) BEST PRACTICES.—The Attorney General  
22 shall issue guidance to States on best practices for  
23 implementing the requirements of paragraph (2).

24 (f) INFORMATION COLLECTION BY STATES AND  
25 UNITS OF LOCAL GOVERNMENT.—

1 (1) DEFINITIONS.—In this subsection:

2 (A) COVERED AGENCY.—The term “cov-  
3 ered agency” means—

4 (i) a State law enforcement agency;

5 and

6 (ii) a priority agency.

7 (B) ELIGIBLE ENTITY.—The term “eligible  
8 entity” means—

9 (i) a State; or

10 (ii) a unit of local government that  
11 has a priority agency.

12 (2) GRANTS.—

13 (A) IN GENERAL.—The Attorney General  
14 may make grants to eligible entities to assist  
15 covered agencies within the jurisdiction of the  
16 eligible entity in conducting law enforcement ac-  
17 tivities or crime reduction programs to prevent,  
18 address, or otherwise respond to hate crime,  
19 particularly as those activities or programs re-  
20 late to reporting hate crimes through the Uni-  
21 form Crime Reports program, including—

22 (i) adopting a policy on identifying,  
23 investigating, and reporting hate crimes;

1 (ii) developing a standardized system  
2 of collecting, analyzing, and reporting the  
3 incidence of hate crime;

4 (iii) establishing a unit specialized in  
5 identifying, investigating, and reporting  
6 hate crimes;

7 (iv) engaging in community relations  
8 functions related to hate crime prevention  
9 and education such as—

10 (I) establishing a liaison with for-  
11 mal community-based organizations or  
12 leaders; and

13 (II) conducting public meetings  
14 or educational forums on the impact  
15 of hate crimes, services available to  
16 hate crime victims, and the relevant  
17 Federal, State, and local laws per-  
18 taining to hate crimes; and

19 (v) providing hate crime trainings for  
20 agency personnel.

21 (B) SUBGRANTS.—A State that receives a  
22 grant under subparagraph (A) may award a  
23 subgrant to a unit of local government within  
24 the State for the purposes under that subpara-  
25 graph, except that a unit of local government

1           may provide funding from such a subgrant to  
2           any law enforcement agency of the unit of local  
3           government.

4           (3) INFORMATION REQUIRED OF STATES AND  
5           UNITS OF LOCAL GOVERNMENT.—

6           (A) IN GENERAL.—For each fiscal year in  
7           which a State or unit of local government re-  
8           ceives a grant or subgrant under paragraph (2),  
9           the State or unit of local government shall—

10                   (i) collect information from each law  
11                   enforcement agency that receives funding  
12                   from the grant or subgrant summarizing  
13                   the law enforcement activities or crime re-  
14                   duction programs conducted by the agency  
15                   to prevent, address, or otherwise respond  
16                   to hate crime, particularly as those activi-  
17                   ties or programs relate to reporting hate  
18                   crimes through the Uniform Crime Reports  
19                   program; and

20                   (ii) submit to the Attorney General a  
21                   report containing the information collected  
22                   under clause (i).

23           (B) SEMIANNUAL LAW ENFORCEMENT  
24           AGENCY REPORT.—

1 (i) IN GENERAL.—In collecting the in-  
2 formation required under subparagraph  
3 (A)(i), a State or unit of local government  
4 shall require each law enforcement agency  
5 that receives funding from a grant or  
6 subgrant awarded to the State or unit of  
7 local government under paragraph (2) to  
8 submit a semiannual report to the State or  
9 unit of local government that includes a  
10 summary of the law enforcement activities  
11 or crime reduction programs conducted by  
12 the agency during the reporting period to  
13 prevent, address, or otherwise respond to  
14 hate crime, particularly as those activities  
15 or programs relate to reporting hate  
16 crimes through the Uniform Crime Reports  
17 program.

18 (ii) CONTENTS.—In a report sub-  
19 mitted under clause (i), a law enforcement  
20 agency shall, at a minimum, disclose—

21 (I) whether the agency has  
22 adopted a policy on identifying, inves-  
23 tigating, and reporting hate crimes;

24 (II) whether the agency has de-  
25 veloped a standardized system of col-

1 lecting, analyzing, and reporting the  
2 incidence of hate crime;

3 (III) whether the agency has es-  
4 tablished a unit specialized in identi-  
5 fying, investigating, and reporting  
6 hate crimes;

7 (IV) whether the agency engages  
8 in community relations functions re-  
9 lated to hate crime, such as—

10 (aa) establishing a liaison  
11 with formal community-based or-  
12 ganizations or leaders; and

13 (bb) conducting public meet-  
14 ings or educational forums on the  
15 impact of hate crime, services  
16 available to hate crime victims,  
17 and the relevant Federal, State,  
18 and local laws pertaining to hate  
19 crime; and

20 (V) the number of hate crime  
21 trainings for agency personnel, includ-  
22 ing the duration of the trainings, con-  
23 ducted by the agency during the re-  
24 porting period.

1           (4) COMPLIANCE AND REDIRECTION OF  
2 FUNDS.—

3           (A) IN GENERAL.—Except as provided in  
4 subparagraph (B), beginning not later than 1  
5 year after the date of this Act, a State or unit  
6 of local government receiving a grant or  
7 subgrant under paragraph (2) shall comply with  
8 paragraph (3).

9           (B) EXTENSIONS; WAIVER.—The Attorney  
10 General—

11           (i) may provide a 120-day extension  
12 to a State or unit of local government that  
13 is making good faith efforts to collect the  
14 information required under paragraph (3);  
15 and

16           (ii) shall waive the requirements of  
17 paragraph (3) for a State or unit of local  
18 government if compliance with that sub-  
19 section by the State or unit of local gov-  
20 ernment would be unconstitutional under  
21 the constitution of the State or of the  
22 State in which the unit of local government  
23 is located, respectively.

24           (g) REQUIREMENTS OF THE ATTORNEY GENERAL.—

1           (1) INFORMATION COLLECTION AND ANALYSIS;  
2       REPORT.—In order to improve the accuracy of data  
3       regarding the incidence of hate crime provided  
4       through the Uniform Crime Reports program, and  
5       promote a more complete understanding of the na-  
6       tional problem posed by hate crime, the Attorney  
7       General shall—

8           (A) collect and analyze the information  
9       provided by States and units of local govern-  
10      ment under subsection (f) for the purpose of  
11      developing policies related to the provision of  
12      accurate data obtained under the Hate Crime  
13      Statistics Act (Public Law 101–275; 28 U.S.C.  
14      534 note) by the Federal Bureau of Investiga-  
15      tion; and

16          (B) for each calendar year beginning after  
17      the date of enactment of this Act, publish and  
18      submit to Congress a report based on the infor-  
19      mation collected and analyzed under subpara-  
20      graph (A).

21          (2) CONTENTS OF REPORT.—A report sub-  
22      mitted under paragraph (1) shall include—

23          (A) a qualitative analysis of the relation-  
24      ship between—

1 (i) the number of hate crimes reported  
2 by State law enforcement agencies or other  
3 law enforcement agencies that received  
4 funding from a grant or subgrant awarded  
5 under paragraph (2) through the Uniform  
6 Crime Reports program; and

7 (ii) the nature and extent of law en-  
8 forcement activities or crime reduction pro-  
9 grams conducted by those agencies to pre-  
10 vent, address, or otherwise respond to hate  
11 crime; and

12 (B) a quantitative analysis of the number  
13 of State law enforcement agencies and other  
14 law enforcement agencies that received funding  
15 from a grant or subgrant awarded under para-  
16 graph (2) that have—

17 (i) adopted a policy on identifying, in-  
18 vestigating, and reporting hate crimes;

19 (ii) developed a standardized system  
20 of collecting, analyzing, and reporting the  
21 incidence of hate crime;

22 (iii) established a unit specialized in  
23 identifying, investigating, and reporting  
24 hate crimes;

1 (iv) engaged in community relations

2 functions related to hate crime, such as—

3 (I) establishing a liaison with for-

4 mal community-based organizations or

5 leaders; and

6 (II) conducting public meetings

7 or educational forums on the impact

8 of hate crime, services available to

9 hate crime victims, and the relevant

10 Federal, State, and local laws per-

11 taining to hate crime; and

12 (v) conducted hate crime trainings for

13 agency personnel during the reporting pe-

14 riod, including—

15 (I) the total number of trainings

16 conducted by each agency; and

17 (II) the duration of the trainings

18 described in subclause (I).

19 (h) ALTERNATIVE SENTENCING.—Section 249 of

20 title 18, United States Code, is amended by adding at the

21 end the following:

22 “(e) SUPERVISED RELEASE.—If a court includes, as

23 a part of a sentence of imprisonment imposed for a viola-

24 tion of subsection (a), a requirement that the defendant

25 be placed on a term of supervised release after imprison-

1 ment under section 3583, the court may order, as an ex-  
2 plicit condition of supervised release, that the defendant  
3 undertake educational classes or community service di-  
4 rectly related to the community harmed by the defendant's  
5 offense.”.

Passed the Senate April 22, 2021.

Attest:

*Secretary.*



117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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