

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2383  
OFFERED BY MR. NADLER OF NEW YORK**

Strike all that follows after the enacting clause and  
insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Khalid Jabara and  
3 Heather Heyer National Opposition to Hate, Assault, and  
4 Threats to Equality Act of 2021” or the “Jabara-Heyer  
5 NO HATE Act of 2021”.

**6 SEC. 2. DEFINITIONS.**

7       In this Act:

8           (1) HATE CRIME.—The term “hate crime”  
9       means an act substantially similar to an act de-  
10       scribed in section 245, 247, or 249 of title 18,  
11       United States Code, or in section 901 of the Civil  
12       Rights Act of 1968 (42 U.S.C. 3631) that may con-  
13       stitute a criminal offense under Federal or State  
14       law.

15           (2) HATE CRIMES CATEGORY.—The term “hate  
16       crimes category” means each category by which hate  
17       crimes are distinguished from one another for pur-

1 poses of the National Incident-Based Reporting Sys-  
2 tem.

3 (3) PRIORITY AGENCY.—The term “priority  
4 agency” means—

5 (A) a law enforcement agency of a unit of  
6 local government that serves a population of not  
7 less than 100,000, as computed by the Federal  
8 Bureau of Investigation; or

9 (B) a law enforcement agency of a unit of  
10 local government that—

11 (i) serves a population of not less than  
12 50,000 and less than 100,000, as com-  
13 puted by the Federal Bureau of Investiga-  
14 tion; and

15 (ii) has reported no hate crimes  
16 through the Uniform Crime Reports pro-  
17 gram in each of the 3 most recent calendar  
18 years for which such data is available.

19 (4) STATE.—The term “State” has the mean-  
20 ing given the term in section 901 of title I of the  
21 Omnibus Crime Control and Safe Streets Act of  
22 1968 (34 U.S.C. 10251).

23 (5) UNIFORM CRIME REPORTS.—The term  
24 “Uniform Crime Reports” means the reports author-  
25 ized under section 534 of title 28, United States

1 Code, and administered by the Federal Bureau of  
2 Investigation that compile nationwide criminal sta-  
3 tistics for use—

4 (A) in law enforcement administration, op-  
5 eration, and management; and

6 (B) to assess the nature and type of crime  
7 in the United States.

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

13 **SEC. 3. REPORTING OF HATE CRIMES.**

14 (a) IMPLEMENTATION GRANTS.—

15 (1) IN GENERAL.—The Attorney General may  
16 make grants to States and units of local government  
17 to assist the State or unit of local government in im-  
18 plementing the National Incident-Based Reporting  
19 System, including to train employees in identifying,  
20 classifying, and disaggregating hate crimes in the  
21 National Incident-Based Reporting System.

22 (2) PRIORITY.—In making grants under para-  
23 graph (1), the Attorney General shall give priority to  
24 States and units of local government with larger  
25 populations.

1 (b) REPORTING.—

2 (1) COMPLIANCE.—

3 (A) IN GENERAL.—Except as provided in  
4 subparagraph (B), in each fiscal year beginning  
5 after the date that is 3 years after the date on  
6 which a State or unit of local government first  
7 receives a grant under subsection (a), the State  
8 or unit of local government shall provide to the  
9 Attorney General, through the Uniform Crime  
10 Reporting system, information pertaining to  
11 hate crimes committed in that jurisdiction dur-  
12 ing the preceding fiscal year.

13 (B) EXTENSIONS; WAIVER.—The Attorney  
14 General—

15 (i) may provide a 120-day extension  
16 to a State or unit of local government that  
17 is making good faith efforts to comply with  
18 subparagraph (A); and

19 (ii) shall waive the requirements of  
20 subparagraph (A) if compliance with that  
21 subparagraph by a State or unit of local  
22 government would be unconstitutional  
23 under the constitution of the State or of  
24 the State in which the unit of local govern-  
25 ment is located, respectively.

1           (2) FAILURE TO COMPLY.—If a State or unit of  
2           local government that receives a grant under sub-  
3           section (a) fails to substantially comply with para-  
4           graph (1) of this subsection, the State or unit of  
5           local government shall repay the grant in full, plus  
6           reasonable interest and penalty charges allowable by  
7           law or established by the Attorney General.

8   **SEC. 4. GRANTS FOR STATE-RUN HATE CRIME HOTLINES.**

9           (a) GRANTS AUTHORIZED.—

10           (1) IN GENERAL.—The Attorney General shall  
11           develop best practices for and make grants to States  
12           for the creation and operation of State-run hate  
13           crime reporting hotlines.

14           (2) GRANT PERIOD.—A grant made under  
15           paragraph (1) shall be for a period of not more than  
16           5 years.

17           (b) HOTLINE REQUIREMENTS.—A State shall ensure,  
18           with respect to a hotline funded by a grant under sub-  
19           section (a), that—

20           (1) the hotline directs individuals to—

21                   (A) law enforcement if appropriate; and

22                   (B) local support services;

23           (2) any personally identifiable information that  
24           an individual provides to an agency of the State

1 through the hotline is not directly or indirectly dis-  
2 closed, without the consent of the individual, to—

3 (A) any other agency of that State;

4 (B) any other State;

5 (C) the Federal Government; or

6 (D) any other person or entity;

7 (3) the staff members who operate the hotline  
8 are trained to be knowledgeable about—

9 (A) applicable Federal, State, and local  
10 hate crime laws; and

11 (B) local law enforcement resources and  
12 applicable local support services; and

13 (4) the hotline is accessible to—

14 (A) individuals with limited English pro-  
15 ficiency, where appropriate; and

16 (B) individuals with disabilities.

17 (c) BEST PRACTICES.—The Attorney General shall  
18 issue guidance to States on best practices for imple-  
19 menting the requirements of subsection (b).

20 **SEC. 5. INFORMATION COLLECTION BY STATES AND UNITS**  
21 **OF LOCAL GOVERNMENT.**

22 (a) DEFINITIONS.—In this section:

23 (1) APPLICABLE AGENCY.—The term “applica-  
24 ble agency”, with respect to an eligible entity that  
25 is—

1 (A) a State, means—

2 (i) a law enforcement agency of the  
3 State; and

4 (ii) a law enforcement agency of a  
5 unit of local government within the State  
6 that—

7 (I) is a priority agency; and

8 (II) receives a subgrant from the  
9 State under this section; and

10 (B) a unit of local government, means a  
11 law enforcement agency of the unit of local gov-  
12 ernment that is a priority agency.

13 (2) COVERED AGENCY.—The term “covered  
14 agency” means—

15 (A) a State law enforcement agency; and

16 (B) a priority agency.

17 (3) ELIGIBLE ENTITY.—The term “eligible enti-  
18 ty” means—

19 (A) a State; or

20 (B) a unit of local government that has a  
21 priority agency.

22 (b) GRANTS.—

23 (1) IN GENERAL.—The Attorney General may  
24 make grants to eligible entities to assist covered  
25 agencies within the jurisdiction of the eligible entity

1 in conducting law enforcement activities or crime re-  
2 duction programs to prevent, address, or otherwise  
3 respond to hate crime, particularly as those activities  
4 or programs relate to reporting hate crimes through  
5 the Uniform Crime Reports program, including—

6 (A) adopting a policy on identifying, inves-  
7 tigating, and reporting hate crimes;

8 (B) developing a standardized system of  
9 collecting (including disaggregation by hate  
10 crimes category), analyzing, and reporting the  
11 incidence of hate crimes;

12 (C) establishing a unit specialized in iden-  
13 tifying, investigating, and reporting hate  
14 crimes;

15 (D) engaging in community relations func-  
16 tions related to hate crime prevention and edu-  
17 cation such as—

18 (i) establishing a liaison with formal  
19 community-based organizations or leaders;  
20 and

21 (ii) conducting public meetings or  
22 educational forums on the impact of

23 (iii) hate crimes, services available to  
24 hate crime victims, and the relevant Fed-



1           eral, State, and local laws pertaining to  
2           hate crimes; and

3           (E) providing hate crime trainings, devel-  
4           oped in consultation with state and local law  
5           enforcement agencies and community and civil  
6           rights organizations, for agency personnel (in-  
7           cluding State Attorneys General), which shall  
8           include information on—

9                   (i) how to identify a hate crime;

10                   (ii) best practices for investigating a  
11           hate crime, including the type of informa-  
12           tion the investigator should be seeking;

13                   (iii) best practices for community en-  
14           gagement to support hate crime reporting  
15           and investigations, including community  
16           impact; and

17                   (iv) available Federal resources and  
18           support.

19           (2) SUBGRANTS.—A State that receives a grant  
20           under paragraph (1) may award a subgrant to a pri-  
21           ority agency of a unit of local government within the  
22           State for the purposes under that paragraph.

23           (c) INFORMATION REQUIRED OF STATES AND UNITS  
24           OF LOCAL GOVERNMENT.—

1           (1) IN GENERAL.—For each fiscal year in  
2           which an eligible entity receives a grant under sub-  
3           section (b), the eligible entity shall—

4                   (A) collect information from each applica-  
5                   ble agency summarizing the law enforcement  
6                   activities or crime reduction programs con-  
7                   ducted by the agency to prevent, address, or  
8                   otherwise respond to hate crime, particularly as  
9                   those activities or programs relate to reporting  
10                  hate crimes through the Uniform Crime Re-  
11                  ports program; and

12                   (B) submit to the Attorney General a re-  
13                   port containing the information collected under  
14                   subparagraph (A).

15           (2) SEMIANNUAL LAW ENFORCEMENT AGENCY  
16           REPORT.—

17                   (A) IN GENERAL.—In collecting the infor-  
18                   mation required under paragraph (1)(A), an eli-  
19                   gible entity shall require each applicable agency  
20                   to submit a semiannual report to the eligible  
21                   entity that includes a summary of the law en-  
22                   forcement activities or crime reduction pro-  
23                   grams conducted by the agency during the re-  
24                   porting period to prevent, address, or otherwise  
25                   respond to hate crime, particularly as those ac-

1           tivities or programs relate to reporting hate  
2           crimes through the Uniform Crime Reports pro-  
3           gram.

4           (B) CONTENTS.—In a report submitted  
5           under subparagraph (A), a law enforcement  
6           agency shall, at a minimum, disclose—

7                   (i) whether the agency has adopted a  
8                   policy on identifying, investigating, and re-  
9                   porting hate crimes, including  
10                  disaggregation by hate crimes category;

11                  (ii) whether the agency has developed  
12                  a standardized system of collecting, ana-  
13                  lyzing, and reporting the incidence of hate  
14                  crime, including disaggregation by hate  
15                  crimes category;

16                  (iii) whether the agency has estab-  
17                  lished a unit specialized in identifying, in-  
18                  vestigating, and reporting hate crimes;

19                  (iv) whether the agency engages in  
20                  community relations functions related to  
21                  hate crime, such as—

22                           (I) establishing a liaison with for-  
23                           mal community-based organizations or  
24                           leaders; and

1 (II) conducting public meetings  
2 or educational forums on the impact  
3 of hate crime, services available to  
4 hate crime victims, and the relevant  
5 Federal, State, and local laws per-  
6 taining to hate crime; and

7 (v) the number of hate crime  
8 trainings for agency personnel, including  
9 the duration of the trainings, conducted by  
10 the agency during the reporting period.

11 (d) COMPLIANCE AND REDIRECTION OF FUNDS.—

12 (1) IN GENERAL.—Except as provided in para-  
13 graph (2), beginning not later than 1 year after the  
14 date of this Act, an eligible entity receiving a grant  
15 under subsection (b) shall comply with subsection  
16 (c).

17 (2) EXTENSIONS; WAIVER.—The Attorney Gen-  
18 eral—

19 (A) may provide a 120-day extension to an  
20 eligible entity that is making good faith efforts  
21 to collect the information required under sub-  
22 section (c); and

23 (B) shall waive the requirements of sub-  
24 section (c) for a State or unit of local govern-  
25 ment if compliance with that subsection by the

1 State or unit of local government would be un-  
2 constitutional under the constitution of the  
3 State or of the State in which the unit of local  
4 government is located, respectively.

5 **SEC. 6. REQUIREMENTS OF THE ATTORNEY GENERAL.**

6 (a) INFORMATION COLLECTION AND ANALYSIS; RE-  
7 PORT.—In order to improve the accuracy of data regard-  
8 ing the incidence of hate crime provided through the Uni-  
9 form Crime Reports program, and promote a more com-  
10 plete understanding of the national problem posed by hate  
11 crime, the Attorney General shall—

12 (1) collect and analyze the information provided  
13 by States and units of local government under sec-  
14 tion 5 for the purpose of developing policies related  
15 to the provision of accurate data obtained under the  
16 Hate Crime Statistics Act (Public Law 101–275; 28  
17 U.S.C. 534 note) by the Federal Bureau of Inves-  
18 tigation; and

19 (2) for each calendar year beginning after the  
20 date of enactment of this Act, publish and submit to  
21 Congress a report based on the information collected  
22 and analyzed under paragraph (1).

23 (b) CONTENTS OF REPORT.—A report submitted  
24 under subsection (a) shall include—

1           (1) a qualitative analysis of the relationship be-  
2       tween—

3           (A) the number of hate crimes reported by  
4       State law enforcement agencies or priority  
5       agencies through the Uniform Crime Reports  
6       program; and

7           (B) the nature and extent of law enforce-  
8       ment activities or crime reduction programs  
9       conducted by those agencies to prevent, ad-  
10      dress, or otherwise respond to hate crime; and

11          (2) a quantitative analysis of the number of  
12      State law enforcement agencies and priority agencies  
13      that have—

14          (A) adopted a policy on identifying, inves-  
15      tigating, and reporting hate crimes;

16          (B) developed a standardized system of  
17      collecting, analyzing, and reporting the inci-  
18      dence of hate crimes, including disaggregation  
19      by hate crimes category;

20          (C) established a unit specialized in identi-  
21      fying, investigating, and reporting hate crimes;

22          (D) engaged in community relations func-  
23      tions related to hate crime, such as—

1 (i) establishing a liaison with formal  
2 community-based organizations or leaders;  
3 and

4 (ii) conducting public meetings or  
5 educational forums on the impact of hate  
6 crime, services available to hate crime vic-  
7 tims, and the relevant Federal, State, and  
8 local laws pertaining to hate crime; and

9 (E) conducted hate crime trainings for  
10 agency personnel during the reporting period,  
11 including—

12 (i) the total number of trainings con-  
13 ducted by each agency; and

14 (ii) the duration of the trainings de-  
15 scribed in clause (i).

16 **SEC. 7. ALTERNATIVE SENTENCING.**

17 Section 3583 of title 18, United States Code, is  
18 amended by adding at the end the following:

19 “(1) **ADDITIONAL CONDITIONS FOR CERTAIN OF-**  
20 **FENDERS TARGETING PROTECTED CLASSES.**—Notwith-  
21 standing subsection (d), when imposing conditions of su-  
22 pervised release for an offense under section 245, 247, or  
23 249, a court may order, as a condition of such supervised  
24 release, that the defendant undertake educational classes

- 1 or community service directly related to the community
- 2 harmed by the defendant's offense.”.

