

111TH CONGRESS  
1ST SESSION

# H. R. 262

To prevent hate crimes, to provide support services for victims of hate crimes,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2009

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Energy and Commerce, Education and Labor, Oversight and Government Reform, House Administration, and Financial Services, 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

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## A BILL

To prevent hate crimes, to provide support services for  
victims 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “David Ray Ritcheson Hate Crime Prevention Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title and table of contents.

## TITLE I—ASSISTANCE FOR VICTIMS OF HATE CRIMES

- Sec. 101. Unemployment compensation.  
 Sec. 102. Insurance protection for victims of hate crimes.  
 Sec. 103. Entitlement to leave for victims of hate crimes.  
 Sec. 104. Temporary housing assistance.  
 Sec. 105. Counseling grant program.

## TITLE II—RESOURCES

- Sec. 201. National clearinghouse and resource center.  
 Sec. 202. National hate crime hotline and Internet website grant.  
 Sec. 203. Federal employee programs relating to hate crimes.

## TITLE III—EDUCATION AND PREVENTION SERVICES

- Sec. 301. Elementary and secondary hate crime educational grants.  
 Sec. 302. College and university hate crime educational grants.

1           **TITLE I—ASSISTANCE FOR**  
 2           **VICTIMS OF HATE CRIMES**

3   **SEC. 101. UNEMPLOYMENT COMPENSATION.**

4           (a) UNEMPLOYMENT COMPENSATION.—Subsection  
 5 (a) of section 3304 of the Internal Revenue Code of 1986  
 6 is amended by striking “and” at the end of paragraph  
 7 (18), by striking the period at the end of paragraph (19)  
 8 and inserting “; and”, and by inserting after paragraph  
 9 (19) the following new paragraph:

10                   “(20) compensation shall be payable in the case  
 11           of an individual separated from employment due to  
 12           circumstances directly resulting from the individual’s  
 13           experience as a victim of a hate crime.”;

14           (b) SPECIAL RULES RELATING TO HATE CRIMES.—  
 15 Section 3304 of the Internal Revenue Code of 1986 is  
 16 amended by adding at the end the following new sub-  
 17 section:

1 “(g) SPECIAL RULES RELATING TO HATE CRIMES.—

2 “(1) For purposes of determining, under sub-  
3 section (a)(20), whether an individual’s separation  
4 from employment shall be treated as directly result-  
5 ing from the individual’s experience as a victim of a  
6 hate crime, it shall be sufficient if the separation  
7 from employment resulted from—

8 “(A) the individual’s relocation to another  
9 geographic area in order to avoid future hate  
10 crimes against the individual or the individual’s  
11 family;

12 “(B) the individual’s need to recover from  
13 physical injury or emotional distress resulting  
14 from the individual’s experience as a victim of  
15 a hate crime; or

16 “(C) the employer’s denial of the individ-  
17 ual’s request for the temporary leave from em-  
18 ployment authorized by section 102 of the Fam-  
19 ily and Medical Leave Act of 1993 to address  
20 the hate crime and its consequences.

21 “(2) For purposes of this section, the term  
22 ‘hate crime’ means a criminal offense in which the  
23 prosecutor has determined that the defendant inten-  
24 tionally selected a victim, or in the case of a prop-  
25 erty crime, the property that is the object of the

1 crime, because of the actual or perceived race, color,  
2 religion, national origin, ethnicity, gender, disability,  
3 or sexual orientation of any person.”.

4 **SEC. 102. INSURANCE PROTECTION FOR VICTIMS OF HATE**  
5 **CRIMES.**

6 (a) **DISCRIMINATION PROHIBITED.**—An insurer may  
7 not take into account whether a person is or has been a  
8 victim of a hate crime when making a determination with  
9 respect to—

10 (1) the eligibility (including continued eligi-  
11 bility) of such person to enroll (or continue enroll-  
12 ment) under the terms of the plan, coverage, or pol-  
13 icy of insurance involved;

14 (2) the rate or premium of a plan or policy of  
15 insurance involved; and

16 (3) the amount of coverage provided (or a de-  
17 termination of coverage for a claim made) under the  
18 plan, coverage, or policy of insurance involved.

19 (b) **DEFINITIONS.**—

20 (1) **HATE CRIME.**—For purposes of this section,  
21 the term “hate crime” means a criminal offense in  
22 which the prosecutor has determined that the de-  
23 fendant intentionally selected a victim, or in the case  
24 of a property crime, the property that is the object  
25 of the crime, because of the actual or perceived race,

1 color, religion, national origin, ethnicity, gender, dis-  
2 ability, or sexual orientation of any person.

3 (2) INSURER.—For purposes of this section, the  
4 term “insurer” includes a group health plan (as de-  
5 fined in section 2791(a) of the Public Health Service  
6 Health Act (42 U.S.C. 300gg–91(a)), a health insur-  
7 ance issuer (as defined in section 2791(b)(2) of the  
8 Public Health Service Act (42 U.S.C. 300gg–  
9 91(b)(2)) offering group insurance coverage in con-  
10 nection with a group health plan, and individual  
11 health insurance coverage (as defined in section  
12 2791(b)(5) of the Public Health Service Health Act  
13 (42 U.S.C. 300gg–91(b)(5)).

14 (c) EFFECT ON OTHER LAWS.—Nothing in this sec-  
15 tion shall be construed to preempt any law, rule, or regula-  
16 tion of a State or political subdivision of a State.

17 **SEC. 103. ENTITLEMENT TO LEAVE FOR VICTIMS OF HATE**  
18 **CRIMES.**

19 (a) ENTITLEMENT TO LEAVE FOR VICTIMS OF HATE  
20 CRIMES.—

21 (1) AUTHORITY FOR LEAVE.—Section  
22 102(a)(1) of the Family and Medical Leave Act of  
23 1993 (29 U.S.C. 2612(a)(1)) is amended by adding  
24 at the end the following:

1           “(F) In order to care for the spouse, or a  
2           son, daughter, or parent of the employee, if  
3           such spouse, son, daughter, or parent is ad-  
4           dressing a hate crime and its consequences.

5           “(G) Because the employee is addressing a  
6           hate crime and its consequences, the employee  
7           is unable to perform the functions of the posi-  
8           tion of such employee.”.

9           (2) DEFINITIONS.—Section 101 of the Family  
10          and Medical Leave Act of 1993 (29 U.S.C. 2611) is  
11          amended by adding at the end the following:

12           “(20) HATE CRIME.—The term ‘hate crime’  
13          means a criminal offense in which the prosecutor  
14          has determined that the defendant intentionally se-  
15          lected a victim, or in the case of a property crime,  
16          the property that is the object of the crime, because  
17          of the actual or perceived race, color, religion, na-  
18          tional origin, ethnicity, gender, disability, or sexual  
19          orientation of any person.

20           “(21) ADDRESSING A HATE CRIME AND ITS  
21          CONSEQUENCES.—The term ‘addressing a hate  
22          crime and its consequences’ means—

23           “(A) seeking medical attention for or re-  
24          covering from injuries caused by being a victim  
25          of a hate crime;

1           “(B) seeking legal assistance or remedies,  
2           including communicating with the police or an  
3           attorney, or participating in any legal pro-  
4           ceeding related to being a victim of a hate  
5           crime;

6           “(C) attending support groups for victims  
7           of hate crimes; and

8           “(D) obtaining psychological counseling re-  
9           lated to the experience of being a victim of a  
10          hate crime.”.

11          (3) INTERMITTENT OR REDUCED LEAVE.—Sec-  
12          tion 102(b) of the Family and Medical Leave Act of  
13          1993 (29 U.S.C. 2612(b)) is amended by adding at  
14          the end the following:

15          “(3) HATE CRIMES.—Leave under subpara-  
16          graph (F) or (G) of subsection (a)(1) may be taken  
17          by an employee intermittently or on a reduced leave  
18          schedule. The taking of leave intermittently or on a  
19          reduced leave schedule pursuant to this paragraph  
20          shall not result in a reduction in the total amount  
21          of leave to which the employee is entitled under sub-  
22          section (a) beyond the amount of leave actually  
23          taken.”.

24          (4) PAID LEAVE.—Section 102(d)(2)(A) of the  
25          Family and Medical Leave Act of 1993 (29 U.S.C.

1 2612(d)(2)(A)) is amended by striking “(C), or (E)”  
2 and inserting “(C), (E), (F), or (G)”.

3 (5) CERTIFICATION.—Section 103 of the Fam-  
4 ily and Medical Leave Act of 1993 (29 U.S.C. 2613)  
5 is amended by adding at the end the following:

6 “(g) HATE CRIMES.—

7 “(1) IN GENERAL.—An employer may require  
8 that a request for leave under subparagraph (F) or  
9 (G) of section 102(a)(1) be supported by documenta-  
10 tion of the hate crime.

11 “(2) CONFIDENTIALITY.—An employer shall  
12 keep any information relating to a hate crime experi-  
13 enced by the employee or the spouse, son, daughter,  
14 or parent of the employee confidential, including an  
15 employee’s statement, any corroborating evidence,  
16 and the fact that the employee has requested leave  
17 for the purpose of addressing a hate crime and its  
18 consequences, except to the extent—

19 “(A) consented to by the employee where  
20 disclosure is necessary to protect the employee’s  
21 safety or the safety of coworkers; or

22 “(B) requested by the employee to docu-  
23 ment a hate crime to a court or agency.”.

24 (b) ENTITLEMENT TO LEAVE FOR FEDERAL EM-  
25 PLOYEES AS VICTIMS OF HATE CRIMES.—

1           (1) AUTHORITY FOR LEAVE.—Section  
2           6382(a)(1) of title 5, United States Code, is amend-  
3           ed by adding at the end the following:

4           “(E) In order to care for the spouse, or a son,  
5           daughter, or parent of the employee, if such spouse,  
6           son, daughter, or parent is addressing a hate crime  
7           and its consequences.

8           “(F) Because the employee is addressing a hate  
9           crime and its consequences, the employee is unable  
10          to perform the functions of the employee’s posi-  
11          tion.”.

12          (2) DEFINITIONS.—Section 6381 of title 5,  
13          United States Code, is amended by striking “and”  
14          at the end of paragraph (10), by striking the period  
15          at the end of paragraph (11) and inserting a semi-  
16          colon, and by adding at the end the following:

17          “(12) the term ‘hate crime’ means a criminal  
18          offense in which the prosecutor has determined that  
19          the defendant intentionally selected a victim, or in  
20          the case of a property crime, the property that is the  
21          object of the crime, because of the actual or per-  
22          ceived race, color, religion, national origin, ethnicity,  
23          gender, disability, or sexual orientation of any per-  
24          son; and

1           “(13) the term ‘addressing a hate crime and its  
2 consequences’ means—

3           “(A) seeking medical attention for or re-  
4 covering from injuries caused by being a victim  
5 of a hate crime;

6           “(B) seeking legal assistance or remedies,  
7 including communicating with the police or an  
8 attorney, or participating in any legal pro-  
9 ceeding related to being a victim of a hate  
10 crime;

11           “(C) attending support groups for victims  
12 of hate crimes; and

13           “(D) obtaining psychological counseling re-  
14 lated to the experience of being a victim of a  
15 hate crime.”.

16           (3) INTERMITTENT OR REDUCED LEAVE.—Sec-  
17 tion 6382(b) of title 5, United States Code, is  
18 amended by adding at the end the following:

19           “(3) Leave under subparagraph (E) or (F) of  
20 subsection (a)(1) may be taken by an employee  
21 intermittently or on a reduced leave schedule. The  
22 taking of leave intermittently or on a reduced leave  
23 schedule pursuant to this paragraph shall not result  
24 in a reduction in the total amount of leave to which

1 the employee is entitled under subsection (a) beyond  
2 the amount of leave actually taken.”.

3 (4) OTHER LEAVE.—Section 6382(d) of title 5,  
4 United States Code, is amended by striking “(C) or  
5 (D)” and inserting “(C), (D), (E), or (F)”.

6 (5) CERTIFICATION.—Section 6383 of title 5,  
7 United States Code, is amended by adding at the  
8 end the following:

9 “(g)

10 “(1) An employing agency may require that a  
11 request for leave under subparagraph (E) or (F) of  
12 section 6382(a)(1) be supported by documentation  
13 of the hate crime.

14 “(2) An employing agency shall keep any infor-  
15 mation related to a hate crime experienced by an  
16 employee or the spouse, son, daughter, or parent of  
17 the employee confidential, including an employee’s  
18 statement, any corroborating evidence, and the fact  
19 that an employee has requested leave for the pur-  
20 pose of addressing a hate crime and its con-  
21 sequences, except to the extent—

22 “(A) consented to by the employee where  
23 disclosure is necessary to protect the employee’s  
24 safety or the safety of coworkers; or

1           “(B) requested by the employee to provide  
2           documentation to a court or agency.”.

3           (c) EXISTING LEAVE USABLE FOR VICTIMS OF A  
4 HATE CRIME.—

5           (1) USE OF EXISTING LEAVE.—Where an em-  
6           ployee would be otherwise entitled to take paid or  
7           unpaid leave (including family, medical, sick, annual,  
8           personal, or similar leave) from employment pursu-  
9           ant to Federal or State law, an existing benefits pro-  
10          gram or plan, or a collective bargaining agreement,  
11          such employee shall be permitted to use such leave  
12          for the purpose of addressing a hate crime and its  
13          consequences, or for the purpose of caring for the  
14          spouse, or a son, daughter, or parent of the em-  
15          ployee, if such spouse, son, daughter, or parent is  
16          addressing a hate crime and its consequences.

17          (2) DEFINITIONS.—As used in this subsection:

18           (A) HATE CRIME.—The term “hate crime”  
19           has the meaning given such term by section  
20           101(20) of the Family and Medical Leave Act  
21           of 1993 (29 U.S.C. 2611(20)), as amended by  
22           section 103(a) of this Act.

23           (B) ADDRESSING A HATE CRIME AND ITS  
24           CONSEQUENCES.—The term “addressing a hate  
25           crime and its consequences” has the meaning

1 given such phrase by section 101(21) of the  
2 Family and Medical Leave Act of 1993 (29  
3 U.S.C. 2611(21)), as amended by section  
4 103(a) of this Act.

5 (C) EMPLOYER.—The term “employer” in-  
6 cludes any person acting directly or indirectly in  
7 the interest of an employer in relation to any  
8 employee, who is subject to the Family and  
9 Medical Leave Act of 1993 (29 U.S.C. 2601 et  
10 seq.) or to any State law or benefits program  
11 or plan addressing paid or unpaid leave from  
12 employment (including family, medical, sick,  
13 annual, personal, or similar leave). The term  
14 does not include any labor organization (other  
15 than when acting as an employer) or anyone  
16 acting in the capacity of an officer or agent of  
17 such labor organization.

18 (D) EMPLOYEE.—The term “employee”  
19 has the meaning given such term in section 3(e)  
20 of the Fair Labor Standards Act of 1938 (29  
21 U.S.C. 203(e)).

22 (3) CERTIFICATION.—An employer may require  
23 that a request for leave described in paragraph (1)  
24 be supported by documentation of the hate crime.

1           (4) CONFIDENTIALITY.—An employer shall  
2 keep any information relating to a hate crime experi-  
3 enced by an employee or the spouse, son, daughter,  
4 or parent of the employee confidential, including an  
5 employee’s statement, any documentation or cor-  
6 roborating evidence, or the fact that the employee  
7 has requested leave for the purpose of addressing  
8 hate crimes and its consequences, except to the ex-  
9 tent—

10                   (A) consented to by the employee in order  
11 to protect the employee’s safety or the safety of  
12 coworkers; or

13                   (B) requested by the employee to docu-  
14 ment hate crimes to a court or agency.

15           (5) ENFORCEMENT.—

16                   (A) PUBLIC ENFORCEMENT.—The Sec-  
17 retary of Labor shall have the powers set forth  
18 in subsections (b), (c), (d), and (e) of section  
19 107 of the Family and Medical Leave Act of  
20 1993 (29 U.S.C. 2617) for the purpose of pub-  
21 lic enforcement of any alleged violation of this  
22 subsection against any employer.

23                   (B) PRIVATE ENFORCEMENT.—The rem-  
24 edies and procedures set forth in subsection (a)  
25 of section 107 of the Family and Medical Leave

1 Act of 1993 (29 U.S.C. 2617) shall be the rem-  
2 edies and procedures pursuant to which an em-  
3 ployee may initiate a legal action against an  
4 employer for alleged violations of this sub-  
5 section.

6 (C) EMPLOYER LIABILITY UNDER OTHER  
7 LAWS.—Nothing in this section shall be con-  
8 strued to limit the liability pursuant to any  
9 other State or Federal law or legal remedy of  
10 an employer to an employee for harm suffered  
11 relating to the employee’s experience as a victim  
12 of a hate crime.

13 **SEC. 104. TEMPORARY HOUSING ASSISTANCE.**

14 (a) IN GENERAL.—The Secretary of Housing and  
15 Urban Development (hereafter in this section referred to  
16 as the “Secretary”) may award grants to qualified organi-  
17 zations (as determined by the Secretary) under this sec-  
18 tion to carry out programs to provide assistance—

19 (1) to individuals—

20 (A) who are victims of a hate crime;

21 (B) homeless or in need of transitional  
22 housing or other housing assistance as a result  
23 of being a victim of a hate crime; and

24 (C) for whom emergency shelter services  
25 are unavailable or insufficient; and

1           (2) dependents of individuals described in para-  
2 graph (1).

3           (b) ASSISTANCE DESCRIBED.—Assistance provided  
4 under this section may include—

5           (1) short-term housing assistance, including  
6 rent, utilities payments assistance, and assistance  
7 with related expenses, such as payment of security  
8 deposits and other costs incidental to relocation to  
9 transitional housing; and

10           (2) support services designed to enable an indi-  
11 vidual or dependents of such individual to locate and  
12 secure permanent housing, and to integrate the indi-  
13 vidual or dependents of such individual into a com-  
14 munity, such as transportation, counseling, child  
15 care services, case management, employment coun-  
16 seling, and other assistance.

17           (c) APPLICATION.—To be eligible to receive a grant  
18 under this section for any fiscal year, a qualified organiza-  
19 tion shall submit an application to the Secretary in such  
20 form and containing such information as the Secretary  
21 may require.

22           (d) REPORTS.—

23           (1) REPORT TO SECRETARY.—An entity that  
24 receives a grant under this section shall annually  
25 prepare and submit to the Secretary a report de-

1 scribing the number of individuals and dependents  
2 assisted, and the types of housing assistance and  
3 support services provided under this section. Each  
4 report shall include information on the purpose and  
5 amount of housing assistance provided to each indi-  
6 vidual or dependent assisted under this section, and  
7 the type of support services provided to each indi-  
8 vidual or dependent assisted under this section.

9 (2) REPORT TO CONGRESS.—The Secretary  
10 shall annually prepare and submit to Congress a re-  
11 port that contains a compilation of the information  
12 contained in reports submitted under paragraph (1).

13 (e) SUPPLEMENT NOT SUPPLANT.—Funds made  
14 available under this section shall supplement, and not sup-  
15 plant, other Federal, State, or local funds available to an  
16 entity to carry out activities described in this section.

17 (f) DEFINITION OF HATE CRIME.—For purposes of  
18 this section, the term “hate crime” means a criminal of-  
19 fense in which the prosecutor has determined that the de-  
20 fendant intentionally selected a victim, or in the case of  
21 a property crime, the property that is the object of the  
22 crime, because of the actual or perceived race, color, reli-  
23 gion, national origin, ethnicity, gender, disability, or sex-  
24 ual orientation of any person.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$10,000,000 for each of fiscal years 2010 through 2015.

4 **SEC. 105. COUNSELING GRANT PROGRAM.**

5 (a) AUTHORIZATION AND ESTABLISHMENT OF  
6 GRANT PROGRAM.—The Attorney General may award  
7 grants to qualified organizations (as determined by the At-  
8 torney General) to assist in the establishment, mainte-  
9 nance, and expansion of programs and projects to provide  
10 counseling and related assistance to victims of hate crimes  
11 and their dependents.

12 (b) APPLICATION.—To be eligible to receive a grant  
13 under this section for any fiscal year, a qualified organiza-  
14 tion shall submit an application to the Attorney General  
15 in such form and containing such information as the At-  
16 torney General may require.

17 (c) USE OF GRANT FUNDS.—The grant funds pro-  
18 vided under this section shall be used to carry out pro-  
19 grams and projects that provide counseling and related as-  
20 sistance to victims of hate crimes and their dependents.

21 (d) SUPPLEMENT NOT SUPPLANT.—Funds made  
22 available under this section shall supplement, and not sup-  
23 plant, other Federal, State, or local funds available to an  
24 entity to carry out activities described in this section.

1 (e) DEFINITIONS.—For the purposes of this sec-  
2 tion—

3 (1) the term “counseling” includes emergency,  
4 short-term, long-term, individual, and group coun-  
5 seling services; and

6 (2) the term “related assistance” includes—

7 (A) assistance with respect to obtaining fi-  
8 nancial assistance under Federal and State pro-  
9 grams;

10 (B) referrals for appropriate health care  
11 services;

12 (C) legal assistance to provide victims of  
13 hate crimes with information and assistance  
14 through the civil and criminal courts; and

15 (D) other supportive services, as deter-  
16 mined to be appropriate by the Attorney Gen-  
17 eral.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out this section  
20 \$10,000,000 for each of fiscal years 2010 through 2015.

## 21 **TITLE II—RESOURCES**

### 22 **SEC. 201. NATIONAL CLEARINGHOUSE AND RESOURCE** 23 **CENTER.**

24 (a) ESTABLISHMENT OF NATIONAL CLEARING-  
25 HOUSE.—The Attorney General may award a grant to a

1 private nonprofit organization to establish and operate a  
2 national clearinghouse and resource center to collect, pre-  
3 pare, and analyze information and statistics and analyses  
4 of the information and statistics relating to the incidence  
5 and prevention of hate crimes.

6 (b) APPLICATION.—To be eligible to receive a grant  
7 under this section a private nonprofit organization shall  
8 submit to the Attorney General an application at such  
9 time, in such manner, and containing such information as  
10 the Attorney General may require.

11 (c) REPORT.—An organization that receives a grant  
12 under this section shall annually prepare and submit to  
13 the Attorney General a report on the information and sta-  
14 tistics collected and analyzed by the national clearinghouse  
15 and resource center.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated to carry out this section  
18 \$10,000,000 for each of fiscal years 2010 through 2015.

19 **SEC. 202. NATIONAL HATE CRIME HOTLINE AND INTERNET**  
20 **WEBSITE GRANT.**

21 (a) IN GENERAL.—The Attorney General may award  
22 one or more grants to qualified organizations (as deter-  
23 mined by the Attorney General)—

24 (1) to provide for the establishment and oper-  
25 ation of a national, toll-free telephone hotline to pro-

1       vide information and assistance to victims of hate  
2       crimes (hereafter referred to as the “national hate  
3       crime hotline”); and

4               (2) to provide for the establishment and oper-  
5       ation of an Internet website to provide information  
6       and assistance to victims of hate crimes (hereafter  
7       referred to as the “hate crime information and as-  
8       sistance website”).

9       (b) USE OF FUNDS.—

10               (1) NATIONAL HATE CRIME HOTLINE.—An en-  
11       tity that receives a grant under this section for ac-  
12       tivities described in subsection (a)(1) shall use the  
13       funds made available through the grant to—

14               (A) contract with a carrier for the use of  
15       a toll-free telephone line;

16               (B) employ, train, (including technology  
17       training), and supervise personnel to answer in-  
18       coming calls and provide counseling and refer-  
19       ral services to callers on a 24-hour-a-day basis;

20               (C) assemble and maintain a current data-  
21       base of information relating to services for vic-  
22       tims of hate crimes to which callers throughout  
23       the United States may be referred; and

1 (D) publicize the national hate crime hot-  
2 line to potential users throughout the United  
3 States.

4 (2) WEBSITE.—An entity that receives a grant  
5 under this section for activities described in sub-  
6 section (a)(2) shall use funds made available  
7 through the grant to—

8 (A) establish and operate a hate crime in-  
9 formation and assistance website; and

10 (B) provide information related to the  
11 services available to victims of hate crimes, in-  
12 cluding health care and mental health, legal,  
13 and other relevant services.

14 (c) APPLICATION.—An application for a grant sub-  
15 mitted to the Attorney General under this subsection  
16 shall—

17 (1) contain such agreements, assurances, and  
18 information, be in such form, and be submitted in  
19 such manner as the Attorney General requires;

20 (2) in the case of an application for a grant to  
21 carry out activities described in subsection (a)(1), in-  
22 clude a complete description of the applicant’s plan  
23 for the operation of a national hate crime hotline, in-  
24 cluding descriptions of—

1 (A) the training program for national hate  
2 crime hotline personnel;

3 (B) the hiring criteria for national hate  
4 crime hotline personnel;

5 (C) a plan for publicizing the availability of  
6 the national hate crime hotline;

7 (D) a plan for providing service to non-  
8 English speaking callers; and

9 (E) a plan for facilitating access to the na-  
10 tional hate crime hotline by hearing impaired  
11 individuals; and

12 (3) in the case of an application for a grant to  
13 carry out activities described in subsection (a)(2), in-  
14 clude a complete description of the applicant's plan  
15 for the operation of a hate crime information and  
16 assistance website, including—

17 (A) a description of the applicant's plan  
18 for the development, operation, maintenance,  
19 and updating of information on and resources  
20 of the hate crime information and assistance  
21 website;

22 (B) an assurance that the applicant will  
23 implement a security system to ensure the con-  
24 fidentiality of the hate crime information and

1 assistance website, and a description of such se-  
2 curity system; and

3 (C) a description of the applicant's plan to  
4 continue operation and maintenance of the hate  
5 crime information and assistance website after  
6 Federal funding under this section is no longer  
7 available.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out this section  
10 \$10,000,000 for each of fiscal years 2010 through 2015.

11 **SEC. 203. FEDERAL EMPLOYEE PROGRAMS RELATING TO**  
12 **HATE CRIMES.**

13 (a) IN GENERAL.—The head of each agency of the  
14 Federal Government shall, in a manner consistent with  
15 guidelines prescribed under subsection (b) of this section  
16 and applicable provisions of law, establish appropriate pre-  
17 vention, treatment, and rehabilitation programs and serv-  
18 ices relating to hate crimes for employees of such agency.

19 (b) FUNCTIONS.—The functions of an agency head  
20 under this section shall—

21 (1) with respect to the judicial branch, be car-  
22 ried out by the Director of the Administrative Office  
23 of the United States Courts;

1           (2) with respect to the House of Representa-  
2           tives, be carried out by the Committee on House Ad-  
3           ministration of the House of Representatives; and

4           (3) with respect to the Senate, be carried out  
5           by the Committee on Rules and Administration of  
6           the Senate.

7           (c) GUIDELINES.—The President shall designate one  
8           agency which shall—

9           (1) prescribe guidelines to be used by each  
10          agency of the Federal Government for programs and  
11          services under this section;

12          (2) on request of any agency, furnish informa-  
13          tion or technical advice on the design or operation  
14          of any program or service under this section; and

15          (3) submit to the President and the Congress,  
16          before January 1, 2011, and at least every 2 years  
17          thereafter, a written report on the operation of this  
18          section, including, with respect to the period covered  
19          by the report—

20                 (A) a brief description of each of the var-  
21                 ious programs;

22                 (B) the extent of employee participation in,  
23                 and the costs to the Federal Government asso-  
24                 ciated with, each of the various programs and  
25                 services; and

1 (C) any other matter which may be appro-  
 2 priate to carry out the purposes of this section.

3 (d) DEFINITIONS.—For the purpose of this section—

4 (1) the term “employee” means an employee as  
 5 defined by section 8101 of title 5, United States  
 6 Code;

7 (2) the term “agency” means—

8 (A) an Executive agency;

9 (B) an entity of the legislative branch; and

10 (C) the judicial branch; and

11 (3) the term “entity of the legislative branch”  
 12 means the House of Representatives, the Senate, the  
 13 Architect of the Capitol (including the Botanic Gar-  
 14 den), the Capitol Police, the Congressional Budget  
 15 Office, the Government Printing Office, and the Li-  
 16 brary of Congress.

17 **TITLE III—EDUCATION AND**  
 18 **PREVENTION SERVICES**

19 **SEC. 301. ELEMENTARY AND SECONDARY HATE CRIME**  
 20 **EDUCATIONAL GRANTS.**

21 (a) GRANT AUTHORIZATION.—The Secretary of Edu-  
 22 cation (hereafter in this section referred to as the “Sec-  
 23 retary”) is authorized to award grants to local educational  
 24 agencies to improve and provide programs relating to hate

1 crimes for elementary and secondary students and teach-  
2 ers.

3 (b) USE OF FUNDS.—Grants under this section may  
4 be used to improve and provide programs for elementary  
5 and secondary students and teachers, including—

6 (1) the provision of education and training pro-  
7 grams to prevent and reduce the incidence of hate  
8 crimes;

9 (2) the development and acquisition of equip-  
10 ment and instructional materials to meet the needs  
11 of, or otherwise be part of, hate crime programs;  
12 and

13 (3) professional training and development for  
14 teachers and administrators on the causes and ef-  
15 fects of hate crimes.

16 (c) APPLICATION.—To be eligible to receive a grant  
17 under this section for any fiscal year, a local educational  
18 agency shall submit an application to the Secretary in  
19 such form and containing such information as the Sec-  
20 retary may require.

21 (d) REPORTS.—Not later than one year after the date  
22 of enactment of this Act, and annually thereafter, the Sec-  
23 retary shall submit to Congress a report containing a de-  
24 tailed statement regarding grants and awards, activities

1 of grant recipients, and an evaluation of programs estab-  
2 lished under this section.

3 (e) DEFINITION OF LOCAL EDUCATIONAL AGEN-  
4 CY.—For the purposes of this section the term “local edu-  
5 cational agency” has the meaning given such term in sec-  
6 tion 9101 of the Elementary and Secondary Education  
7 Act of 1965 (20 U.S.C. 7801).

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out this section  
10 \$10,000,000 for each of fiscal years 2010 through 2015.

11 **SEC. 302. COLLEGE AND UNIVERSITY HATE CRIME EDU-**  
12 **CATIONAL GRANTS.**

13 (a) GRANT AUTHORIZATION.—The Secretary of Edu-  
14 cation (hereafter in this section referred to as the “Sec-  
15 retary”) is authorized to award grants to institutions of  
16 higher education to improve and provide programs relat-  
17 ing to hate crimes for students and faculty of such institu-  
18 tions.

19 (b) USE OF FUNDS.—Grants under this section may  
20 be used to improve and provide programs in institutions  
21 of higher education, including—

22 (1) the development of education and training  
23 programs designed to prevent and reduce the inci-  
24 dence of hate crimes;

1           (2) the development and acquisition of equip-  
2           ment and instructional materials to meet the needs  
3           of, or otherwise be part of, hate crime programs;  
4           and

5           (3) professional training and development for  
6           faculty and administrators on the causes and effects  
7           of hate crimes.

8           (c) APPLICATION.—To be eligible to receive a grant  
9           under this section for any fiscal year, an institution of  
10          higher education shall submit an application to the Sec-  
11          retary in such form and containing such information as  
12          the Secretary may require.

13          (d) REPORTS.—Not later than one year after the date  
14          of enactment of this Act, and annually thereafter, the Sec-  
15          retary shall submit to Congress a report containing a de-  
16          tailed statement regarding grants and awards, activities  
17          of grant recipients, and an evaluation of programs estab-  
18          lished under this section.

19          (e) DEFINITION OF INSTITUTION OF HIGHER EDU-  
20          CATION.—For the purposes of this section the term “insti-  
21          tution of higher education” has the meaning given the  
22          term in section 102 of the Higher Education Act of 1965  
23          (20 U.S.C. 1002), but does not include any institution de-  
24          scribed in section 102(a)(1)(C) of such Act.

1           (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$10,000,000 for each of fiscal years 2010 through 2015.

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