

117TH CONGRESS
1ST SESSION

S. 1939

To facilitate the expedited review of antisemitic hate crimes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

Mr. COTTON (for himself, Mr. McCONNELL, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. CORNYN, Mr. CRAMER, Mr. DAINES, Ms. ERNST, Mr. HAGERTY, Mr. INHOFE, Mr. MORAN, Mr. RUBIO, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mr. SULLIVAN, Mr. TILLIS, Mr. CRUZ, Mrs. HYDE-SMITH, Mr. GRASSLEY, Mr. HOEVEN, Ms. MURKOWSKI, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To facilitate the expedited review of antisemitic 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 “Preventing Antisemitic
5 Hate Crimes Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Jews are the targets of the majority of hate
2 crimes committed in the United States against any
3 religious group, including attacks on houses of wor-
4 ship and Jewish community centers.

5 (2) Amid ongoing conflict in May 2021 between
6 Israel, which is one of the closest allies of the United
7 States, and Hamas, which is a terrorist organization
8 and has been designated by the United States as
9 such since 1997, media reports indicate that there
10 has been a dramatic increase in hate crimes and vio-
11 lence against Jews in the United States.

12 (3) Media reports indicate that activists and
13 mobs acting in support of the terrorist group,
14 Hamas, and its sympathizers have incited and per-
15 petrated hate crimes and violence against Jews in
16 the United States in 2021.

17 (4) A recent survey conducted by the Anti-Def-
18 amation League indicates that 63 percent of Amer-
19 ican Jews have directly experienced or witnessed
20 antisemitic hate incidents within the past 5 years.

21 (5) Antisemitism has long perpetrated myths
22 about Jews, including the Russian fabrication of the
23 Protocols of the Elders of Zion and the wide circula-
24 tion of libelous falsehoods about the Jewish murder
25 of infants.

1 (6) The International Holocaust Remembrance
2 Alliance defines antisemitism as “a certain percep-
3 tion of Jews, which may be expressed as hatred to-
4 ward Jews. Rhetorical and physical manifestations
5 of antisemitism are directed toward Jewish or non-
6 Jewish individuals and/or their property, toward
7 Jewish community institutions and religious facili-
8 ties”.

9 (7) In its most extreme form, antisemitism
10 aims at the physical destruction of the Jewish peo-
11 ple, as seen in pogroms, forced conversions, and
12 Nazi Germany’s murder of over 6,000,000 Jews.

13 (8) Antisemitism has included attacks on the
14 livelihood of Jews, including prohibitions on land
15 ownership, campaigns to boycott, confiscate, or de-
16 stroy Jewish businesses, and denial of the ability of
17 Jews to practice certain professions.

18 (9) In the United States, Jews have suffered
19 from systematic discrimination in the form of exclu-
20 sion from home ownership in certain neighborhoods,
21 prohibition from staying in certain hotels, restric-
22 tions upon membership in private clubs and other
23 associations, limitations upon admission to certain
24 educational institutions, and other barriers to equal
25 justice under the law.

1 (10) In the United States, Jews have faced, and
2 continue to face, false accusations of divided loyalty
3 between the United States and Israel, false claims
4 that they purchase political power with money, and
5 false accusations about control of the financial sys-
6 tem, along with other negative stereotypes.

7 (11) The people of the United States stand in
8 solidarity with those affected by hate incidents di-
9 rected toward the American Jewish community.

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

11 (a) IN GENERAL.—Not later than 7 days after the
12 date of enactment of this Act, the Attorney General shall
13 designate an officer or employee of the Department of
14 Justice whose responsibility during the applicable period
15 shall be to facilitate the expedited review of antisemitic
16 hate crimes (as described in section 249 of title 18, United
17 States Code) and reports of any such crime to Federal,
18 State, local, or Tribal law enforcement agencies.

19 (b) APPLICABLE PERIOD DEFINED.—In this section,
20 the term “applicable period” means the period beginning
21 on the date on which the officer or employee is designated
22 under subsection (a), and ending on the date that is 3
23 years after the date of enactment of this Act, except that
24 the Attorney General may extend such period as appro-
25 priate.

1 **SEC. 4. IMPROVING ANTISEMITIC HATE CRIME PREVEN-**
2 **TION EFFORTS.**

3 (a) GUIDANCE FOR LAW ENFORCEMENT AGEN-
4 CIES.—The Attorney General shall issue guidance for
5 State, local, and Tribal law enforcement agencies, pursu-
6 ant to this Act and other applicable law, on how to expand
7 public education campaigns aimed at raising awareness of
8 antisemitic hate crimes and reaching victims that are
9 equally effective for people with disabilities as for people
10 without disabilities.

11 (b) REPORT TO CONGRESS.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of enactment of this Act, and every 90 days
14 thereafter until December 31, 2024, the Attorney
15 General shall issue a report to the appropriate con-
16 gressional committees summarizing—

17 (A) the number of hate crimes and other
18 incidents reported to the Federal Bureau of In-
19 vestigation during the preceding 90 days for
20 which the government has reason to believe that
21 the victim was targeted because he or she is
22 Jewish or was perceived to be Jewish;

23 (B) the number of active investigations
24 into antisemitic hate crimes, disaggregated by
25 the division of the Department of Justice re-
26 sponsible for the investigation;

(C) the number of active prosecutions of antisemitic hate crimes, disaggregated by district, primary charge filed, and whether the prosecution is primarily conducted by the relevant United States Attorney, the Criminal Division, or the Civil Rights Division; and

(D) other efforts undertaken by the Department of Justice during the preceding 90 days to reduce the number of antisemitic hate crimes in the United States.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—As used in this section, the term “appropriate congressional committees” means—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(c) ENHANCED PENALTIES FOR REPEAT VIOLENT HATE CRIME OFFENDERS.—Section 249 of title 18, United States Code, is amended—

(1) in subsection (a)—

1 (A) in paragraph (1), by amending sub-
 2 paragraph (B) to read as follows:

3 “(B) shall be imprisoned for any term of
 4 years or for life, fined in accordance with this
 5 title, or both, if—

6 “(i) the violation of this section occurs
 7 after a prior conviction under this section
 8 or a hate crime felony under State law has
 9 become final;

10 “(ii) death results from the offense; or

11 “(iii) the offense includes kidnapping
 12 or an attempt to kidnap, aggravated sexual
 13 abuse or an attempt to commit aggravated
 14 sexual abuse, or an attempt to kill.”; and

15 (B) in paragraph (2)(A), in clause (ii) to
 16 read as follows:

17 “(ii) shall be imprisoned for any term
 18 of years or for life, fined in accordance
 19 with this title, or both, if—

20 “(I) the violation of this section
 21 occurs after a prior conviction under
 22 this section or a hate crime felony
 23 under State law has become final;

24 “(II) death results from the of-
 25 fense; or

1 “(III) the offense includes kid-
 2 napping or an attempt to kidnap, ag-
 3 gravated sexual abuse or an attempt
 4 to commit aggravated sexual abuse, or
 5 an attempt to kill.”; and

6 (2) in subsection (c)—

7 (A) by redesignating paragraph (5) as
 8 paragraph (6);

9 (B) in paragraph (4), by striking “and” at
 10 the end; and

11 (C) by inserting after paragraph (4) the
 12 following:

13 “(5) the term ‘hate crime felony under State
 14 law’ means any crime under State law that—

15 “(A) is punishable by more than 1 year;
 16 and

17 “(B) has as an element the use, attempted
 18 use, or threatened use of physical force against
 19 the person or property of another because of
 20 any actual or perceived characteristic described
 21 in paragraph (1) or (2) of subsection (a) of the
 22 person; and”.

○