

110TH CONGRESS
2D SESSION

S. 3430

To provide for the investigation of certain unsolved civil rights crimes, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2008

Mr. COBURN introduced the following bill; which was read the first time

A BILL

To provide for the investigation of certain unsolved civil
rights 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 “Emmett Till Unsolved
5 Civil Rights Crime Act of 2008”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that all authorities with
8 jurisdiction, including the Federal Bureau of Investigation
9 and other entities within the Department of Justice,
10 should—

1 (1) expeditiously investigate unsolved civil
2 rights murders, due to the amount of time that has
3 passed since the murders and the age of potential
4 witnesses; and

5 (2) provide all the resources necessary to ensure
6 timely and thorough investigations in the cases in-
7 volved.

8 **SEC. 3. DEPUTY CHIEF OF THE CRIMINAL SECTION OF THE**
9 **CIVIL RIGHTS DIVISION.**

10 (a) IN GENERAL.—The Attorney General shall des-
11 ignate a Deputy Chief in the Criminal Section of the Civil
12 Rights Division of the Department of Justice (in this Act
13 referred to as the “Deputy Chief”).

14 (b) RESPONSIBILITY.—

15 (1) IN GENERAL.—The Deputy Chief shall be
16 responsible for coordinating the investigation and
17 prosecution of violations of criminal civil rights stat-
18 utes that occurred not later than December 31,
19 1969, and resulted in a death.

20 (2) COORDINATION.—In investigating a com-
21 plaint under paragraph (1), the Deputy Chief may
22 coordinate investigative activities with State and
23 local law enforcement officials.

24 (c) STUDY AND REPORT.—

1 (1) STUDY.—The Attorney General shall annu-
2 ally conduct a study of the cases under the jurisdic-
3 tion of the Deputy Chief or under the jurisdiction of
4 the Supervisory Special Agent and, in conducting
5 the study, shall determine—

6 (A) the number of open investigations
7 within the Department of Justice for violations
8 of criminal civil rights statutes that occurred
9 not later than December 31, 1969;

10 (B) the number of new cases opened pur-
11 suant to this Act since the most recent study
12 conducted under this paragraph;

13 (C) the number of unsealed Federal cases
14 charged within the study period, including the
15 case names, the jurisdiction in which the
16 charges were brought, and the date the charges
17 were filed;

18 (D) the number of cases referred by the
19 Department of Justice to a State or local law
20 enforcement agency or prosecutor within the
21 study period, the number of such cases that re-
22 sulted in State charges being filed, the jurisdic-
23 tion in which such charges were filed, the date
24 the charges were filed, and if a jurisdiction de-

1 clines to prosecute or participate in an inves-
2 tigation of a case so referred, the fact it did so;

3 (E) the number of cases within the study
4 period that were closed without Federal pros-
5 ecution, the case names of unsealed Federal
6 cases, the dates the cases were closed, and the
7 relevant Federal statutes;

8 (F) the number of attorneys who worked,
9 in whole or in part, on any case described in
10 subsection (b)(1); and

11 (G) the applications submitted for grants
12 under section 5, the award of such grants, and
13 the purposes for which the grant amount were
14 expended.

15 (2) REPORT.—Not later than 6 months after
16 the date of enactment of this Act, and every 12
17 months thereafter, the Attorney General shall pre-
18 pare and submit to Congress a report containing the
19 results of the study conducted under paragraph (1).

20 **SEC. 4. SUPERVISORY SPECIAL AGENT IN THE CIVIL**
21 **RIGHTS UNIT OF THE FEDERAL BUREAU OF**
22 **INVESTIGATION.**

23 (a) IN GENERAL.—The Attorney General shall des-
24 ignate a Supervisory Special Agent in the Civil Rights
25 Unit of the Federal Bureau of Investigation of the Depart-

1 ment of Justice (in this Act referred to as the “Super-
2 visory Special Agent”).

3 (b) RESPONSIBILITY.—

4 (1) IN GENERAL.—The Supervisory Special
5 Agent shall be responsible for investigating viola-
6 tions of criminal civil rights statutes that occurred
7 not later than December 31, 1969, and resulted in
8 a death.

9 (2) COORDINATION.—In investigating a com-
10 plaint under paragraph (1), the Supervisory Special
11 Agent may coordinate the investigative activities
12 with State and local law enforcement officials.

13 **SEC. 5. GRANTS TO STATE AND LOCAL LAW ENFORCEMENT.**

14 (a) IN GENERAL.—The Attorney General may make
15 grants to State or local law enforcement agencies for ex-
16 penses associated with the investigation and prosecution
17 of criminal offenses, involving civil rights, that occurred
18 not later than December 31, 1969, and resulted in a
19 death.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated \$2,000,000 for each of
22 fiscal years 2008 through 2017 to carry out this section.

23 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There are authorized to be appro-
25 priated, in addition to any other amounts otherwise au-

1 thORIZED to be appropriated for this purpose, to the Attor-
2 ney General \$10,000,000 for each of fiscal years 2008
3 through 2017 for investigating and prosecuting violations
4 of criminal civil rights statutes that occurred not later
5 than December 31, 1969, and resulted in a death.
6 Amounts appropriated pursuant to this subsection shall
7 be allocated by the Attorney General to the Deputy Chief
8 and the Supervisory Special Agent in order to advance the
9 purposes set forth in this Act.

10 (b) COMMUNITY RELATIONS SERVICE OF THE DE-
11 PARTMENT OF JUSTICE.—In addition to any amounts au-
12 thorized to be appropriated under title XI of the Civil
13 Rights Act of 1964 (42 U.S.C. 2000h et seq.), there are
14 authorized to be appropriated to the Community Relations
15 Service of the Department of Justice \$1,500,000 for fiscal
16 year 2008 and each subsequent fiscal year, to enable the
17 Community Relations Service (in carrying out the func-
18 tions described in title X of such Act (42 U.S.C. 2000g
19 et seq.)) to provide technical assistance by bringing to-
20 gether law enforcement agencies and communities in the
21 investigation of violations of criminal civil rights statutes,
22 in cases described in section 4(b).

23 **SEC. 7. DEFINITION OF CRIMINAL CIVIL RIGHTS STATUTES.**

24 In this Act, the term “criminal civil rights statutes”
25 means—

1 (1) section 241 of title 18, United States Code
2 (relating to conspiracy against rights);

3 (2) section 242 of title 18, United States Code
4 (relating to deprivation of rights under color of law);

5 (3) section 245 of title 18, United States Code
6 (relating to federally protected activities);

7 (4) sections 1581 and 1584 of title 18, United
8 States Code (relating to involuntary servitude and
9 peonage);

10 (5) section 901 of the Fair Housing Act (42
11 U.S.C. 3631); and

12 (6) any other Federal law that—

13 (A) was in effect on or before December
14 31, 1969; and

15 (B) the Criminal Section of the Civil
16 Rights Division of the Department of Justice
17 enforced, before the date of enactment of this
18 Act.

19 **SEC. 8. SUNSET.**

20 Sections 2 through 6 of this Act shall cease to have
21 force or effect at the end of fiscal year 2017.

22 **SEC. 9. AUTHORITY OF INSPECTORS GENERAL.**

23 Title XXXVII of the Crime Control Act of 1990 (42
24 U.S.C. 5779 et seq.) is amended by adding at the end
25 the following:

1 **“SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.**

2 “(a) IN GENERAL.—An Inspector General appointed
3 under section 3 or 8G of the Inspector General Act of
4 1978 (5 U.S.C. App.) may authorize staff to assist the
5 National Center for Missing and Exploited Children—

6 “(1) by conducting reviews of inactive case files
7 to develop recommendations for further investiga-
8 tions; and

9 “(2) by engaging in similar activities.

10 “(b) LIMITATIONS.—

11 “(1) PRIORITY.—An Inspector General may not
12 permit staff to engage in activities described in sub-
13 section (a) if such activities will interfere with the
14 duties of the Inspector General under the Inspector
15 General Act of 1978 (5 U.S.C. App.).

16 “(2) FUNDING.—No additional funds are au-
17 thorized to be appropriated to carry out this sec-
18 tion.”.

19 **SEC. 10. USE OF RESOURCES.**

20 For any fiscal year in which Congress does not pro-
21 vide funding to carry out this Act at the levels authorized,
22 the Attorney General shall give priority to allocating
23 amounts to carry out this Act in allocating amounts ap-
24 propriated for the Department of Justice—

1 (1) under the heading “SALARIES AND EX-
2 PENSES, GENERAL LEGAL ACTIVITIES” under the
3 heading “LEGAL ACTIVITIES”;

4 (2) under the heading “SALARIES AND EX-
5 PENSES, COMMUNITY RELATIONS SERVICE” under
6 the heading “UNITED STATES MARSHALS SERV-
7 ICE”; and

8 (3) under the heading “SALARIES AND EX-
9 PENSES” under the heading “FEDERAL BUREAU OF
10 INVESTIGATION”.

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