

# Calendar No. 579

109TH CONGRESS  
2D SESSION

# S. 2679

To establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 27, 2006

Mr. TALENT (for himself, Mr. DODD, Mr. ALEXANDER, Mr. COCHRAN, Mr. DEWINE, Mr. KERRY, Mr. ALLEN, Mr. CORNYN, and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

AUGUST 3, 2006

Reported by Mr. SPECTER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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## A BILL

To establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, 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 “Unsolved Civil Rights  
3 Crime Act”.

4 **SEC. 2. SENSE OF CONGRESS.**

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

9 (1) expeditiously investigate unsolved civil  
10 rights murders, due to the amount of time that has  
11 passed since the murders and the age of potential  
12 witnesses; and

13 (2) provide all the resources necessary to ensure  
14 timely and thorough investigations in the cases in-  
15 volved.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) **CHIEF.**—The term “Chief” means the Chief  
19 of the Section.

20 (2) **CHIEF INVESTIGATOR.**—The term “Chief  
21 Investigator” means the Chief Investigator of the  
22 Office.

23 (3) **CRIMINAL CIVIL RIGHTS STATUTES.**—The  
24 term “criminal civil rights statutes” means—

25 (A) section 241 of title 18, United States  
26 Code (relating to conspiracy against rights);

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

4           ~~(C)~~ section 245 of title 18, United States  
 5           Code (relating to federally protected activities);

6           ~~(D)~~ sections 1581 and 1584 of title 18,  
 7           United States Code (relating to involuntary ser-  
 8           vitude and peonage);

9           ~~(E)~~ section 901 of the Fair Housing Act  
 10          ~~(42 U.S.C. 3631)~~; and

11          ~~(F)~~ any other Federal law that—

12               (i) was in effect on or before Decem-  
 13               ber 31, 1969; and

14               (ii) the Criminal Section of the Civil  
 15               Rights Division of the Department of Jus-  
 16               tice enforced, prior to the date of enact-  
 17               ment of this Act.

18          ~~(4)~~ OFFICE.—The term “Office” means the  
 19          Unsolved Civil Rights Crime Investigative Office es-  
 20          tablished under section 5.

21          ~~(5)~~ SECTION.—The term “Section” (except  
 22          when used as part of the term “Criminal Section”)  
 23          means the Unsolved Crimes Section established  
 24          under section 4.

1 **SEC. 4. ESTABLISHMENT OF SECTION IN CIVIL RIGHTS DI-**  
 2 **VISION.**

3 (a) ~~IN GENERAL.~~—There is established in the Civil  
 4 Rights Division of the Department of Justice an Unsolved  
 5 Crimes Section. The Section shall be headed by a Chief  
 6 of the Section.

7 (b) ~~RESPONSIBILITY.~~—

8 (1) ~~IN GENERAL.~~—Notwithstanding any other  
 9 provision of Federal law, and except as provided in  
 10 section 5, the Chief shall be responsible for inves-  
 11 tigating and prosecuting violations of criminal civil  
 12 rights statutes, in cases in which a complaint alleges  
 13 that such a violation—

14 (A) occurred not later than December 31,  
 15 1969; and

16 (B) resulted in a death.

17 (2) ~~COORDINATION.~~—

18 (A) ~~INVESTIGATIVE ACTIVITIES.~~—In inves-  
 19 tigating a complaint under paragraph (1), the  
 20 Chief shall coordinate investigative activities  
 21 with State and local law enforcement officials.

22 (B) ~~VENUE.~~—After investigating a com-  
 23 plaint under paragraph (1), or receiving a re-  
 24 port of an investigation conducted under section  
 25 5, if the Chief determines that an alleged prac-  
 26 tice that is a violation of a criminal civil rights

statute occurred in a State, or political subdivision of a State, that has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local law enforcement official to grant or seek relief from such practice or to institute criminal proceedings with respect to the practice on receiving notice of the practice; the Chief shall consult with the official regarding the appropriate venue for the case involved.

(3) REFERRAL.—After investigating a complaint under paragraph (1), or receiving a report of an investigation conducted under section 5, the Chief shall refer the complaint to the Criminal Section of the Civil Rights Division, if the Chief determines that the subject of the complaint has violated a criminal civil rights statute in the case involved but the violation does not meet the requirements of subparagraph (A) or (B) of paragraph (1).

(c) STUDY AND REPORT.—

(1) STUDY.—The Chief shall annually conduct a study of the cases under the jurisdiction of the Chief or under the jurisdiction of the Chief Investigator and, in conducting the study, shall determine the cases—

1           (A) for which the Chief has sufficient evi-  
2           dence to prosecute violations of criminal civil  
3           rights statutes; and

4           (B) for which the Chief has insufficient  
5           evidence to prosecute those violations.

6           (2) REPORT.—Not later than September 30 of  
7           2006 and of each subsequent year, the Chief shall  
8           prepare and submit to Congress a report containing  
9           the results of the study conducted under paragraph  
10          (1), including a description of the cases described in  
11          paragraph (1)(B).

12          (d) AUTHORIZATION OF APPROPRIATIONS.—

13           (1) AUTHORIZATION.—There is authorized to  
14           be appropriated to carry out this section \$5,000,000  
15           for fiscal year 2007 and each subsequent fiscal year.

16           (2) ADDITIONAL APPROPRIATIONS.—Any funds  
17           appropriated under this subsection shall consist of  
18           additional appropriations for the activities described  
19           in this section, rather than funds made available  
20           through reductions in the appropriations authorized  
21           for other enforcement activities of the Department  
22           of Justice.

1 **SEC. 5. ESTABLISHMENT OF OFFICE IN FEDERAL BUREAU**  
2 **OF INVESTIGATION.**

3 (a) **IN GENERAL.**—There is established in the Civil  
4 Rights Unit of the Federal Bureau of Investigation of the  
5 Department of Justice an Unsolved Civil Rights Crime In-  
6 vestigative Office. The Office shall be headed by a Chief  
7 Investigator.

8 (b) **RESPONSIBILITY.**—

9 (1) **IN GENERAL.**—In accordance with an  
10 agreement established between the Chief Investi-  
11 gator and the Chief, the Chief Investigator shall be  
12 responsible for investigating violations of criminal  
13 civil rights statutes, in cases described in section  
14 4(b).

15 (2) **COORDINATION.**—

16 (A) **INVESTIGATIVE ACTIVITIES.**—In inves-  
17 tigating a complaint under paragraph (1), the  
18 Chief Investigator shall coordinate the inves-  
19 tigative activities with State and local law en-  
20 forcement officials.

21 (B) **REFERRAL.**—After investigating a  
22 complaint under paragraph (1), the Chief Inves-  
23 tigator shall—

24 (i) determine whether the subject of  
25 the complaint has violated a criminal  
26 rights statute in the case involved; and

1                   (ii) refer the complaint to the Chief;  
 2                   together with a report containing the de-  
 3                   termination and the results of the inves-  
 4                   tigation.

5       ~~(c) AUTHORIZATION OF APPROPRIATIONS.—~~

6           ~~(1) AUTHORIZATION.—~~There is authorized to  
 7       be appropriated to carry out this section \$5,000,000  
 8       for fiscal year 2007 and each subsequent fiscal year.

9           ~~(2) ADDITIONAL APPROPRIATIONS.—~~Any funds  
 10      appropriated under this subsection shall consist of  
 11      additional appropriations for the activities described  
 12      in this section, rather than funds made available  
 13      through reductions in the appropriations authorized  
 14      for other enforcement activities of the Department  
 15      of Justice.

16   **SEC. 6. COMMUNITY RELATIONS SERVICE OF THE DEPART-**  
 17                   **MENT OF JUSTICE.**

18       In addition to any amounts authorized to be appro-  
 19      priated under title XI of the Civil Rights Act of 1964 (42  
 20      U.S.C. 2000h et seq.); there are authorized to be appro-  
 21      priated to the Community Relations Service of the Depart-  
 22      ment of Justice \$1,500,000 for fiscal year 2007 and each  
 23      subsequent fiscal year, to enable the Service (in carrying  
 24      out the functions described in title X of such Act (42  
 25      U.S.C. 2000g et seq.)) to provide technical assistance by



1 bringing together law enforcement agencies and commu-  
 2 nities in the investigation of violations of criminal civil  
 3 rights statutes, in cases described in section 4(b).

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Unsolved Civil Rights*  
 6 *Crime Act”.*

7 **SEC. 2. SENSE OF CONGRESS.**

8 *It is the sense of Congress that all authorities with ju-*  
 9 *risdiction, including the Federal Bureau of Investigation*  
 10 *and other entities within the Department of Justice,*  
 11 *should—*

12 *(1) expeditiously investigate unsolved civil rights*  
 13 *murders, due to the amount of time that has passed*  
 14 *since the murders and the age of potential witnesses;*  
 15 *and*

16 *(2) provide all the resources necessary to ensure*  
 17 *timely and thorough investigations in the cases in-*  
 18 *volved.*

19 **SEC. 3. DEFINITIONS.**

20 *In this Act:*

21 *(1) CHIEF INVESTIGATOR.—The term “Chief In-*  
 22 *vestigator” means the Chief Investigator of the Unit.*

23 *(2) CRIMINAL CIVIL RIGHTS STATUTES.—The*  
 24 *term “criminal civil rights statutes” means—*

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

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

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

8           (D) sections 1581 and 1584 of title 18,  
9           United States Code (relating to involuntary ser-  
10          vitude and peonage);

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

13          (F) any other Federal law that—

14               (i) was in effect on or before December  
15               31, 1969; and

16               (ii) the Criminal Section of the Civil  
17               Rights Division of the Department of Jus-  
18               tice enforced, prior to the date of enactment  
19               of this Act.

20          (3) OFFICE.—The term “Office” means the Un-  
21          solved Civil Rights Crime Investigative Office estab-  
22          lished under section 5.

23          (4) DEPUTY.—The term “Deputy” means the  
24          Deputy for the Unsolved Civil Rights Era Crimes  
25          Unit

1           (5) *UNIT.*—*The term “Unit” (except when used*  
 2           *as part of the term “Criminal Section”) means the*  
 3           *Unsolved Civil Rights Era Crimes Unit established*  
 4           *under section 4.*

5   **SEC. 4. ESTABLISHMENT OF SECTION IN CIVIL RIGHTS DI-**  
 6                           **VISION.**

7           (a) *IN GENERAL.*—*There is established in the Crimi-*  
 8           *nal Section of the Civil Rights Division of the Department*  
 9           *of Justice an Unsolved Civil Rights Era Crimes Unit. The*  
 10           *Unit shall be headed by a Deputy for the Unsolved Civil*  
 11           *Rights Era Crimes Unit.*

12           (b) *RESPONSIBILITY.*—

13           (1) *IN GENERAL.*—*Notwithstanding any other*  
 14           *provision of Federal law, and except as provided in*  
 15           *section 5, the Deputy shall be responsible for inves-*  
 16           *tigating and prosecuting violations of criminal civil*  
 17           *rights statutes, in cases in which a complaint alleges*  
 18           *that such a violation—*

19                       (A) *occurred not later than December 31,*  
 20                       *1969; and*

21                       (B) *resulted in a death.*

22           (2) *COORDINATION.*—

23                       (A) *INVESTIGATIVE ACTIVITIES.*—*In inves-*  
 24                       *tigating a complaint under paragraph (1), the*

1        *Deputy shall coordinate investigative activities*  
2        *with State and local law enforcement officials.*

3                (B) *VENUE.*—*After investigating a com-*  
4        *plaint under paragraph (1), or receiving a re-*  
5        *port of an investigation conducted under section*  
6        *5, if the Deputy determines that an alleged prac-*  
7        *tice that is a violation of a criminal civil rights*  
8        *statute occurred in a State, or political subdivi-*  
9        *sion of a State, that has a State or local law*  
10       *prohibiting the practice alleged and establishing*  
11       *or authorizing a State or local law enforcement*  
12       *official to grant or seek relief from such practice*  
13       *or to institute criminal proceedings with respect*  
14       *to the practice on receiving notice of the practice,*  
15       *the Deputy shall consult with the official regard-*  
16       *ing the appropriate venue for the case involved.*

17                (3) *REFERRAL.*—*After investigating a complaint*  
18       *under paragraph (1), or receiving a report of an in-*  
19       *vestigation conducted under section 5, the Deputy*  
20       *shall refer the complaint to the Criminal Section of*  
21       *the Civil Rights Division, if the Deputy determines*  
22       *that the subject of the complaint has violated a crimi-*  
23       *nal civil rights statute in the case involved but the*  
24       *violation does not meet the requirements of subpara-*  
25       *graph (A) or (B) of paragraph (1).*

1       (c) *STUDY AND REPORT.*—

2               (1) *STUDY.*—*The Deputy shall annually conduct*  
 3       *a study of the cases under the jurisdiction of the Dep-*  
 4       *uty or under the jurisdiction of the Chief Investigator*  
 5       *and, in conducting the study, shall determine the*  
 6       *cases—*

7                       (A) *for which the Deputy has sufficient evi-*  
 8       *dence to prosecute violations of criminal civil*  
 9       *rights statutes; and*

10                      (B) *for which the Deputy has insufficient*  
 11       *evidence to prosecute those violations.*

12               (2) *REPORT.*—*Not later than September 30 of*  
 13       *2006 and of each subsequent year, the Deputy shall*  
 14       *prepare and submit to Congress a report containing*  
 15       *the results of the study conducted under paragraph*  
 16       *(1), including a description of the cases described in*  
 17       *paragraph (1)(B).*

18   **SEC. 5. ESTABLISHMENT OF OFFICE IN FEDERAL BUREAU**  
 19       **OF INVESTIGATION.**

20               (a) *IN GENERAL.*—*There is established in the Civil*  
 21       *Rights Unit of the Federal Bureau of Investigation of the*  
 22       *Department of Justice an Unsolved Civil Rights Crime In-*  
 23       *vestigative Office. The Office shall be headed by a Deputy*  
 24       *Investigator.*

25               (b) *RESPONSIBILITY.*—

1           (1) *IN GENERAL.*—*In accordance with an agree-*  
2           *ment established between the Deputy Investigator and*  
3           *the Deputy, the Deputy Investigator shall be respon-*  
4           *sible for investigating violations of criminal civil*  
5           *rights statutes, in cases described in section 4(b).*

6           (2) *COORDINATION.*—

7                 (A) *INVESTIGATIVE ACTIVITIES.*—*In inves-*  
8                 *tigating a complaint under paragraph (1), the*  
9                 *Deputy Investigator shall coordinate the inves-*  
10                *tigative activities with State and local law en-*  
11                *forcement officials.*

12               (B) *REFERRAL.*—*After investigating a com-*  
13                *plaint under paragraph (1), the Deputy Investi-*  
14                *gator shall—*

15                     (i) *determine whether the subject of the*  
16                     *complaint has violated a criminal rights*  
17                     *statute in the case involved; and*

18                     (ii) *refer the complaint to the Deputy,*  
19                     *together with a report containing the deter-*  
20                     *mination and the results of the investiga-*  
21                     *tion.*

22               (C) *RESOURCES.*—*The Federal Bureau of*  
23                *Investigation, in coordination with the Depart-*  
24                *ment of Justice, Civil Rights Division, shall have*  
25                *discretion to re-allocate investigative personnel to*

1           *jurisdictions to carry out the goals of this sec-*  
2           *tion.*

3   **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

4           *(a) IN GENERAL.—There are authorized to be appro-*  
5           *priated to carry out this Act \$10,000,000 for fiscal year*  
6           *2007 and each subsequent fiscal year through 2016. These*  
7           *funds shall be allocated by the Attorney General to the Un-*  
8           *solved Civil Rights Era Crime Unit of the Department of*  
9           *Justice and the Civil Rights Unit of the Federal Bureau*  
10          *of Investigation in order to advance the purposes set forth*  
11          *in this Act.*

12          *(b) ADDITIONAL APPROPRIATIONS.—Any funds appro-*  
13          *priated under this section shall consist of additional appro-*  
14          *priations for the activities described in this Act, rather than*  
15          *funds made available through reductions in the appropria-*  
16          *tions authorized for other enforcement activities of the De-*  
17          *partment of Justice.*

18          *(c) COMMUNITY RELATIONS SERVICE OF THE DEPART-*  
19          *MENT OF JUSTICE.—In addition to any amounts author-*  
20          *ized to be appropriated under title XI of the Civil Rights*  
21          *Act of 1964 (42 U.S.C. 2000h et seq.), there are authorized*  
22          *to be appropriated to the Community Relations Service of*  
23          *the Department of Justice \$1,500,000 for fiscal year 2007*  
24          *and each subsequent fiscal year, to enable the Service (in*  
25          *carrying out the functions described in title X of such Act*

1 *(42 U.S.C. 2000g et seq.)) to provide technical assistance*  
 2 *by bringing together law enforcement agencies and commu-*  
 3 *nities in the investigation of violations of criminal civil*  
 4 *rights statutes, in cases described in section 4(b).*

5 **SEC. 7. SUNSET.**

6 *Sections 1 through 6 of this Act shall expire at the*  
 7 *end of fiscal year 2016.*

8 **SEC. 8. AUTHORITY OF INSPECTORS GENERAL.**

9 *Title XXXVII of the Crime Control Act of 1990 (42*  
 10 *U.S.C. 5779 et seq.) is amended by adding at the end the*  
 11 *following:*

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

13 *“(a) IN GENERAL.—An Inspector General appointed*  
 14 *under section 3 or 8G of the Inspector General Act of 1978*  
 15 *(5 U.S.C. App.) may authorize staff to assist the National*  
 16 *Center for Missing and Exploited Children—*

17 *“(1) by conducting reviews of inactive case files*  
 18 *to develop recommendations for further investigations;*  
 19 *and*

20 *“(2) by engaging in similar activities.*

21 *“(b) LIMITATIONS.—*

22 *“(1) PRIORITY.—An Inspector General may not*  
 23 *permit staff to engage in activities described in sub-*  
 24 *section (a) if such activities will interfere with the*



1       *duties of the Inspector General under the Inspector*  
2       *General Act of 1978 (5 U.S.C. App.).*

3               “(2) *FUNDING.—No additional funds are author-*  
4       *ized to be appropriated to carry out this section.*”.

Calendar No. 579

109TH CONGRESS  
2D Session

**S. 2679**

**A BILL**

To establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

AUGUST 3, 2006

Reported with an amendment