

Calendar No. 211

110TH CONGRESS
1ST SESSION

S. 535

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2007

Mr. DODD (for himself, Mr. LEAHY, Mr. SCHUMER, Ms. LANDRIEU, Mrs. McCASKILL, Mr. COCHRAN, Mr. ALEXANDER, Mr. KENNEDY, Mr. SPECTER, Mr. HATCH, Mr. CARDIN, Mr. DURBIN, Mr. WHITEHOUSE, Mr. CORNYN, Mr. BIDEN, and Mr. OBAMA) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 20, 2007

Reported by Mr. LEAHY, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

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 “Emmett Till Unsolved
3 Civil Rights 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 INVESTIGATOR.**—The term “Chief
19 Investigator” means the Chief Investigator of the
20 Unit.

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

23 (A) section 241 of title 18, United States
24 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 ~~(3)~~ OFFICE.—The term “Office” means the
 19 Unsolved Civil Rights Crime Investigative Office es-
 20 tablished under section 5.

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

24 ~~(5)~~ UNIT.—The term “Unit” (except when used
 25 as part of the term “Criminal Section”) means the

1 Unsolved Civil Rights Era Crimes Unit established
2 under section 4.

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

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

10 (b) RESPONSIBILITY.—

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

17 (A) occurred not later than December 31,
18 1969; and

19 (B) resulted in a death.

20 (2) COORDINATION.—

21 (A) INVESTIGATIVE ACTIVITIES.—In inves-
22 tigating a complaint under paragraph (1), the
23 Deputy shall coordinate investigative activities
24 with State and local law enforcement officials.

1 ~~(B) VENUE.~~—After investigating a com-
 2 plaint under paragraph (1), or receiving a re-
 3 port of an investigation conducted under section
 4 5, if the Deputy determines that an alleged
 5 practice that is a violation of a criminal civil
 6 rights statute occurred in a State, or political
 7 subdivision of a State, that has a State or local
 8 law prohibiting the practice alleged and estab-
 9 lishing or authorizing a State or local law en-
 10 forcement official to grant or seek relief from
 11 such practice or to institute criminal pro-
 12 ceedings with respect to the practice on receiv-
 13 ing notice of the practice, the Deputy shall con-
 14 sult with the official regarding the appropriate
 15 venue for the case involved.

16 ~~(3) REFERRAL.~~—After investigating a com-
 17 plaint under paragraph (1), or receiving a report of
 18 an investigation conducted under section 5, the Dep-
 19 uty shall refer the complaint to the Criminal Section
 20 of the Civil Rights Division, if the Deputy deter-
 21 mines that the subject of the complaint has violated
 22 a criminal civil rights statute in the case involved
 23 but the violation does not meet the requirements of
 24 subparagraph (A) or (B) of paragraph (1).

25 ~~(c) STUDY AND REPORT.~~—

1 (1) STUDY.—The Deputy shall annually con-
 2 duct a study of the cases under the jurisdiction of
 3 the Deputy or under the jurisdiction of the Chief In-
 4 vestigator and, in conducting the study, shall deter-
 5 mine the cases—

6 (A) for which the Deputy has sufficient
 7 evidence to prosecute violations of criminal civil
 8 rights statutes; and

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

11 (2) REPORT.—Not later than September 30 of
 12 2007 and of each subsequent year, the Deputy shall
 13 prepare and submit to Congress a report containing
 14 the results of the study conducted under paragraph
 15 (1), including a description of the cases described in
 16 paragraph (1)(B).

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

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

24 (b) RESPONSIBILITY.—

1 (1) IN GENERAL.—In accordance with an
2 agreement established between the Deputy Investi-
3 gator and the Deputy, the Deputy Investigator shall
4 be responsible for investigating violations of criminal
5 civil rights statutes, in cases described in section
6 4(b).

7 (2) COORDINATION.—

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

13 (B) REFERRAL.—After investigating a
14 complaint under paragraph (1), the Deputy In-
15 vestigator shall—

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

19 (ii) refer the complaint to the Deputy,
20 together with a report containing the de-
21 termination and the results of the inves-
22 tigation.

23 (C) RESOURCES.—The Federal Bureau of
24 Investigation, in coordination with the Depart-
25 ment of Justice, Civil Rights Division, shall

1 have discretion to re-allocate investigative per-
2 sonnel to jurisdictions to carry out the goals of
3 this section.

4 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There are authorized to be appro-
6 priated to carry out this Act \$10,000,000 for fiscal year
7 2008 and each subsequent fiscal year through 2017.
8 These funds shall be allocated by the Attorney General
9 to the Unsolved Civil Rights Era Crime Unit of the De-
10 partment of Justice and the Civil Rights Unit of the Fed-
11 eral Bureau of Investigation in order to advance the pur-
12 poses set forth in this Act.

13 (b) ADDITIONAL APPROPRIATIONS.—Any funds ap-
14 propriated under this section shall consist of additional ap-
15 propriations for the activities described in this Act, rather
16 than funds made available through reductions in the ap-
17 propriations authorized for other enforcement activities of
18 the Department of Justice.

19 (c) COMMUNITY RELATIONS SERVICE OF THE DE-
20 PARTMENT OF JUSTICE.—In addition to any amounts au-
21 thorized to be appropriated under title XI of the Civil
22 Rights Act of 1964 (42 U.S.C. 2000h et seq.), there are
23 authorized to be appropriated to the Community Relations
24 Service of the Department of Justice \$1,500,000 for fiscal
25 year 2008 and each subsequent fiscal year, to enable the

1 Service (in carrying out the functions described in title
 2 X of such Act (42 U.S.C. 2000g et seq.)) to provide tech-
 3 nical assistance by bringing together law enforcement
 4 agencies and communities in the investigation of violations
 5 of criminal civil rights statutes, in cases described in sec-
 6 tion 4(b).

7 **SEC. 7. SUNSET.**

8 Sections 4 through 6 of this Act shall expire at the
 9 end of fiscal year 2017.

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

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

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

15 **“(a) IN GENERAL.—**An Inspector General appointed
 16 under section 3 or 8G of the Inspector General Act of
 17 1978 (5 U.S.C. App.) may authorize staff to assist the
 18 National Center for Missing and Exploited Children—

19 **“(1)** by conducting reviews of inactive case files
 20 to develop recommendations for further investiga-
 21 tions; and

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

23 **“(b) LIMITATIONS.—**

24 **“(1) PRIORITY.—**An Inspector General may not
 25 permit staff to engage in activities described in sub-

1 section (a) if such activities will interfere with the
 2 duties of the Inspector General under the Inspector
 3 General Act of 1978 (5 U.S.C. App.).

4 “(2) FUNDING.—No additional funds are au-
 5 thorized to be appropriated to carry out this sec-
 6 tion.”.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Emmett Till Unsolved*
 9 *Civil Rights Crime Act”.*

10 **SEC. 2. SENSE OF CONGRESS.**

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

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

19 (2) *provide all the resources necessary to ensure*
 20 *timely and thorough investigations in the cases in-*
 21 *volved.*

1 **SEC. 3. DEPUTY CHIEF IN THE CRIMINAL SECTION OF THE**
2 **CIVIL RIGHTS DIVISION.**

3 (a) *IN GENERAL.*—*The Attorney General shall des-*
4 *ignate a Deputy Chief in the Criminal Section of the Civil*
5 *Rights Division of the Department of Justice.*

6 (b) *RESPONSIBILITY.*—

7 (1) *IN GENERAL.*—*The Deputy Chief shall be re-*
8 *sponsible for investigating, prosecuting, and coordi-*
9 *nating the investigation and prosecution of violations*
10 *of criminal civil rights statutes, in cases in which a*
11 *complaint alleges that such a violation occurred not*
12 *later than December 31, 1969, and resulted in a*
13 *death.*

14 (2) *COORDINATION.*—*In investigating a com-*
15 *plaint under paragraph (1), the Deputy Chief may*
16 *coordinate investigative activities with State and*
17 *local law enforcement officials.*

18 (c) *STUDY AND REPORT.*—

19 (1) *STUDY.*—*The Attorney General shall annu-*
20 *ally conduct a study of the cases under the jurisdic-*
21 *tion of the Deputy Chief or under the jurisdiction of*
22 *the Supervisory Special Agent described in section 4*
23 *and, in conducting the study, shall determine—*

24 (A) *the number of open investigations with-*
25 *in the Department of Justice of violations of*

1 *criminal civil rights statutes described in sub-*
2 *section (b)(1);*

3 *(B) the number of cases described in sub-*
4 *section (b)(1)—*

5 *(i) for the first study under this sub-*
6 *section, that were opened pursuant to this*
7 *Act since the date of enactment of this Act;*
8 *and*

9 *(ii) for each subsequent study, that*
10 *were opened pursuant to this Act since the*
11 *previous study under this subsection;*

12 *(C) the number of unsealed Federal cases*
13 *involving such violations for which charges were*
14 *filed within the study period, and the case*
15 *names, the jurisdictions in which the charges*
16 *were filed, and the dates the charges were filed;*

17 *(D)(i) the number of cases involving such*
18 *violations that were referred by the Department*
19 *of Justice to a State or local law enforcement*
20 *agency or prosecutor within the study period, the*
21 *number of such cases that resulted in State or*
22 *local charges being filed, the jurisdictions in*
23 *which the charges were filed, and the dates the*
24 *charges were filed; and*

1 (ii) the case names for any unsealed Federal
 2 cases in which actions by State and local law en-
 3 forcement officials have left demonstratively
 4 unvindicated the Federal interest in the inves-
 5 tigation and prosecution of incidents relating to
 6 criminal civil rights statutes, and the reasons for
 7 any related decisions by Federal officials not to
 8 coordinate investigation and prosecution with
 9 the State and local officials;

10 (E) the number of cases involving such vio-
 11 lations that were closed within the study period
 12 without Federal prosecution, the case names of
 13 such cases that were unsealed Federal cases, the
 14 dates the cases described in this subparagraph
 15 were closed, and the relevant Federal statutes;

16 (F) the number of attorneys who worked, in
 17 whole or in part, on any case described in sub-
 18 section (b)(1); and

19 (G) the number of applications submitted
 20 for grants under section 5, the number of awards
 21 of such grants, and the purposes for which the
 22 grant amounts were expended.

23 (2) REPORT.—Not later than the day that is 6
 24 months after the date of enactment of this Act, and
 25 that day of each year thereafter, the Attorney General

1 *shall prepare and submit to Congress a report con-*
 2 *taining the results of the study conducted under para-*
 3 *graph (1).*

4 **SEC. 4. SUPERVISORY SPECIAL AGENT IN THE CIVIL**
 5 **RIGHTS UNIT OF THE FEDERAL BUREAU OF**
 6 **INVESTIGATION.**

7 *(a) IN GENERAL.—The Attorney General shall des-*
 8 *ignate a Supervisory Special Agent in the Civil Rights*
 9 *Unit of the Federal Bureau of Investigation of the Depart-*
 10 *ment of Justice.*

11 *(b) RESPONSIBILITY.—*

12 *(1) IN GENERAL.—The Supervisory Special*
 13 *Agent shall be responsible for investigating violations*
 14 *of criminal civil rights statutes, in cases described in*
 15 *section 3(b)(1).*

16 *(2) COORDINATION.—In investigating a com-*
 17 *plaint under paragraph (1), the Supervisory Special*
 18 *Agent may coordinate the investigative activities with*
 19 *State and local law enforcement officials.*

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

21 *(a) IN GENERAL.—The Attorney General may award*
 22 *grants to State or local law enforcement agencies for ex-*
 23 *penses associated with the investigation and prosecution of*
 24 *violations of State or local laws that are similar to the Fed-*
 25 *eral criminal civil rights statutes.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 2 *authorized to be appropriated to carry out this section*
 3 *\$2,000,000 for each of fiscal years 2008 through 2017.*

4 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) *IN GENERAL.*—*There is authorized to be appro-*
 6 *priated to the Attorney General, for the purpose of carrying*
 7 *out the activities described in sections 3 and 4, in addition*
 8 *to any other another amounts authorized to be appropriated*
 9 *for that purpose, \$10,000,000 for each of fiscal years 2008*
 10 *through 2017. The Attorney General shall allocate funds de-*
 11 *scribed in this subsection to the Deputy Chief described in*
 12 *section 3 and the Supervisory Special Agent described in*
 13 *section 4 to advance that purpose.*

14 (b) *COMMUNITY RELATIONS SERVICE OF THE DEPART-*
 15 *MENT OF JUSTICE.*—*In addition to any amounts author-*
 16 *ized to be appropriated under title XI of the Civil Rights*
 17 *Act of 1964 (42 U.S.C. 2000h et seq.), there are authorized*
 18 *to be appropriated to the Community Relations Service of*
 19 *the Department of Justice \$1,500,000 for fiscal year 2008*
 20 *and each subsequent fiscal year, to enable the Service (in*
 21 *carrying out the functions described in title X of such Act*
 22 *(42 U.S.C. 2000g et seq.)) to provide technical assistance*
 23 *by bringing together law enforcement agencies and commu-*
 24 *nities in the investigation of violations of criminal civil*
 25 *rights statutes, in cases described in section 3(b)(1).*

1 **SEC. 7. DEFINITION.**

2 *In this Act, the term “criminal civil rights statutes”*
 3 *means—*

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

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

8 *(3) section 245 of title 18, United States Code*
 9 *(relating to federally protected activities);*

10 *(4) sections 1581 and 1584 of title 18, United*
 11 *States Code (relating to involuntary servitude and pe-*
 12 *onage);*

13 *(5) section 901 of the Fair Housing Act (42*
 14 *U.S.C. 3631); and*

15 *(6) any other Federal law that—*

16 *(A) was in effect on or before December 31,*
 17 *1969; and*

18 *(B) the Criminal Section of the Civil Rights*
 19 *Division of the Department of Justice enforced,*
 20 *prior to the date of enactment of this Act.*

21 **SEC. 8. SUNSET.**

22 *Sections 2 through 7 of this Act shall expire at the*
 23 *end of fiscal year 2017.*

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

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

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

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

10 *“(1) by conducting reviews of inactive case files*
 11 *to develop recommendations for further investigations;*
 12 *and*

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

14 *“(b) LIMITATIONS.—*

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

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

Amend the title so as to read: “A bill to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.”.

Calendar No. 211

110TH CONGRESS
1ST Session
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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.

JUNE 20, 2007

Reported with an amendment and an amendment to the title