

116TH CONGRESS
2D SESSION

S. 4170

To reform pattern or practice investigations conducted by the Department of Justice, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 2, 2020

Ms. WARREN (for herself, Mr. DURBIN, Ms. HIRONO, Mr. BLUMENTHAL, Mr. MARKEY, Mr. SANDERS, Mr. WYDEN, Mrs. GILLIBRAND, Ms. DUCKWORTH, Mr. VAN HOLLEN, Mr. MERKLEY, Mr. HEINRICH, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reform pattern or practice investigations conducted by the Department of Justice, 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 “Enhancing Oversight
5 to End Discrimination in Policing Act”.

1 **SEC. 2. RESCISSION OF DEPARTMENT OF JUSTICE MEMO-**
2 **RANDUM RELATING TO CIVIL CONSENT DE-**
3 **CREES.**

4 The memorandum issued by the Attorney General ti-
5 tled “Principles and Procedures for Civil Consent Decrees
6 and Settlement Agreements with State and Local Govern-
7 mental Entities” on November 8, 2018, or any other sub-
8 stantially similar memorandum, shall have no force or ef-
9 fect.

10 **SEC. 3. FUNDING FOR PATTERN OR PRACTICE INVESTIGA-**
11 **TIONS.**

12 (a) **ADDITIONAL FUNDING.**—There are authorized to
13 be appropriated, in addition to any other amounts author-
14 ized, \$445,000,000 to the Civil Rights Division of the De-
15 partment of Justice for each of fiscal years 2020 through
16 2029, of which not less than \$100,000,000 shall be made
17 available each fiscal year for investigations conducted
18 under section 210401 of the Violent Crime Control and
19 Law Enforcement Act of 1994 (34 U.S.C. 12601).

20 (b) **UNLAWFUL CONDUCT.**—Section 210401(a) of
21 the Violent Crime Control and Law Enforcement Act of
22 1994 (34 U.S.C. 12601(a)) is amended by inserting “in-
23 cluding a prosecutor or other agency involved in the ad-
24 ministration of justice,” before “to engage”.

25 (c) **AUTHORITY FOR STATE INVESTIGATIONS.**—Sec-
26 tion 210401(b) of the Violent Crime Control and Law En-

1 enforcement Act of 1994 (34 U.S.C. 12601(b)) is amend-
2 ed—

3 (1) by inserting “(1) FEDERAL ENFORCE-
4 MENT.—” before “Whenever”;

5 (2) in paragraph (1), as so designated, by strik-
6 ing “paragraph (1)” and inserting “subsection (a)”;
7 and

8 (3) by adding at the end the following:

9 “(2) STATE ENFORCEMENT.—

10 “(A) IN GENERAL.—Whenever an attorney
11 general of a State has reasonable cause to be-
12 lieve that a violation of subsection (a) has oc-
13 curred by a governmental authority, or agent
14 thereof, of the State, including a prosecutor or
15 other agency involved in the administration of
16 justice, the attorney general, or another official
17 or agency designated by a State, may in a civil
18 action brought in any appropriate district court
19 of the United States obtain appropriate equi-
20 table and declaratory relief to eliminate the pat-
21 tern or practice.

22 “(B) TECHNICAL ASSISTANCE.—The At-
23 torney General shall provide technical assist-
24 ance and training to States and units of local
25 government to assist States and units of local

1 governments in carrying out pattern or practice
2 investigations and cases.”.

3 (d) GRANT PROGRAM.—

4 (1) DEFINITIONS.—In this subsection—

5 (A) the term “State” means each of the
6 several States, the District of Columbia, and
7 each commonwealth, territory, or possession of
8 the United States; and

9 (B) the term “Tribal government” means
10 the governing body of an Indian Tribe included
11 on the most recent list published by the Sec-
12 retary pursuant to section 104 of the Federally
13 Recognized Indian Tribe List Act of 1994 (25
14 U.S.C. 5131).

15 (2) AUTHORIZATION.—The Attorney General
16 may award grants to States and Tribal governments
17 to assist such States and Tribal governments in pur-
18 suing pattern or practice investigations and cases
19 under section 210401 of the Violent Crime Control
20 and Law Enforcement Act of 1994 (34 U.S.C.
21 12601).

22 (3) APPLICATION.—To be eligible to receive a
23 grant under this subsection, a State or Tribal gov-
24 ernment shall submit an application to the Attorney
25 General that—

1 (A) contains clearly defined and measur-
2 able objectives for the grant funds;

3 (B) describes how the State or Tribal gov-
4 ernment intends to use the grant funds to pur-
5 sue pattern or practice investigations and cases
6 under section 210401 of the Violent Crime Con-
7 trol and Law Enforcement Act of 1994 (34
8 U.S.C. 12601); and

9 (C) outlines the qualifications and training
10 of the attorneys, staff, and other personnel who
11 are, or who may be, assigned to lead or assist
12 pattern or practice investigations and cases.

13 (4) REQUIRED REPORTING.—

14 (A) GRANTEE REPORTING.—In each fiscal
15 year a State or Tribal government receives a
16 grant under this subsection, the State or Tribal
17 government shall submit to the Attorney Gen-
18 eral a report detailing—

19 (i) how the grant funds were used;
20 and

21 (ii) the progress made towards ad-
22 dressing patterns and practices identified
23 under section 210401 of the Violent Crime
24 Control and Law Enforcement Act of 1994
25 (34 U.S.C. 12601).

(B) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and once each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the grant program established under this subsection, which shall include—

(i) a detailed summary of how grant funds awarded under the grant program were used; and

(ii) recommendations, if any, for improvements needed for the grant program.

(5) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Attorney General \$150,000,000 for each of fiscal years 2020 through 2029 to carry out this subsection.

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