

109TH CONGRESS
1ST SESSION

S. 1369

To establish an Unsolved Crimes Section in the Civil Rights Division of
the Department of Justice.

IN THE SENATE OF THE UNITED STATES

JULY 1, 2005

Mr. TALENT (for himself, Mr. DODD, Mr. ALEXANDER, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. COLEMAN, Mrs. DOLE, Mr. DEWINE, Mr. GRAHAM, Mr. KERRY, Mr. KYL, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. LOTT, Mr. SANTORUM, Mr. SCHUMER, Mr. MARTINEZ, Mr. SUNUNU, Ms. SNOWE, Mr. SMITH, and Mr. MCCONNELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish an Unsolved Crimes Section in the Civil Rights
Division of the Department of Justice.

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 “Unsolved Civil Rights
5 Crime Act”.

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

1 and other entities within the Department of Justice,
2 should—

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

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

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) CHIEF.—The term “Chief” means the Chief
13 of the Section.

14 (2) CRIMINAL CIVIL RIGHTS STATUTES.—The
15 term “criminal civil rights statutes” means—

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

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

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

23 (D) sections 1581 and 1584 of title 18,
24 United States Code (relating to involuntary ser-
25 vitude and peonage);

1 (E) section 901 of the Fair Housing Act
 2 (42 U.S.C. 3631); and

3 (F) any other Federal law that—
 4 (i) was in effect on or before Decem-
 5 ber 31, 1969; and

6 (ii) the Criminal Section of the Civil
 7 Rights Division of the Department of Jus-
 8 tice enforced, prior to the date of enact-
 9 ment of this Act.

10 (3) SECTION.—The term “Section” (except
 11 when used as part of the term “Criminal Section”)
 12 means the Unsolved Crimes Section established
 13 under section 4.

14 **SEC. 4. ESTABLISHMENT OF SECTION.**

15 (a) IN GENERAL.—There is established in the Civil
 16 Rights Division of the Department of Justice an Unsolved
 17 Crimes Section. The Section shall be headed by a Chief
 18 of the Section.

19 (b) RESPONSIBILITY.—

20 (1) IN GENERAL.—Notwithstanding any other
 21 provision of Federal law, the Chief shall be respon-
 22 sible for investigating and prosecuting violations of
 23 criminal civil rights statutes, in each case in which
 24 a complaint alleges that such a violation—

1 (A) occurred not later than December 31,
2 1969; and

3 (B) resulted in a death.

4 (2) COORDINATION.—After investigating a com-
5 plaint under paragraph (1), if the Chief determines
6 that an alleged practice that is a violation of a crimi-
7 nal civil rights statute occurred in a State, or polit-
8 ical subdivision of a State, that has a State or local
9 law prohibiting the practice alleged and establishing
10 or authorizing a State or local official to grant or
11 seek relief from such practice or to institute criminal
12 proceedings with respect to the practice on receiving
13 notice of the practice, the Chief shall consult with
14 the State or local official regarding the appropriate
15 venue for the case involved.

16 (3) REFERRAL.—After investigating a com-
17 plaint under paragraph (1), the Chief shall refer the
18 complaint to the Criminal Section of the Civil Rights
19 Division, if the Chief determines that the subject of
20 the complaint has violated a criminal civil rights
21 statute in the case involved but the violation does
22 not meet the requirements of subparagraph (A) or
23 (B) of paragraph (1).

24 (c) STUDY AND REPORT.—

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

5 (A) for which the Chief has sufficient evi-
6 dence to prosecute violations of criminal civil
7 rights statutes; and

8 (B) for which the Chief has insufficient
9 evidence to prosecute those violations.

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

16 (d) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) AUTHORIZATION.—There is authorized to
18 be appropriated to carry out this section \$5,000,000
19 for fiscal year 2006 and each subsequent fiscal year.

20 (2) ADDITIONAL APPROPRIATIONS.—Any funds
21 appropriated under this subsection shall consist of
22 additional appropriations for the activities described
23 in this section, rather than funds made available
24 through reductions in the appropriations authorized

- 1 for other enforcement activities of the Department
- 2 of Justice.

