

116TH CONGRESS
2D SESSION

H. R. 7488

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

IN THE HOUSE OF REPRESENTATIVES

JULY 2, 2020

Mr. RICHMOND (for himself, Ms. NORTON, and Mr. HASTINGS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To reform pattern and 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”.

6 **SEC. 2. RESCISSION OF DEPARTMENT OF JUSTICE MEMO-**
7 **RANDUM RELATING TO CIVIL CONSENT DE-**
8 **CREES.**

9 The memorandum issued by the Attorney General ti-
10 tled “Principles and Procedures for Civil Consent Decrees

1 and Settlement Agreements with State and Local Govern-
2 mental Entities” on November 8, 2018, or any other sub-
3 stantially similar memorandum, shall have no force or ef-
4 fect.

5 **SEC. 3. FUNDING FOR PATTERN OR PRACTICE INVESTIGA-**
6 **TIONS.**

7 (a) **ADDITIONAL FUNDING.**—There are authorized to
8 be appropriated, in addition to any other amounts author-
9 ized, \$445,000,000 to the Civil Rights Division of the De-
10 partment of Justice for each of fiscal years 2020 through
11 2029, of which not less than \$100,000,000 shall be made
12 available each fiscal year for investigations conducted
13 under section 210401 of the Violent Crime Control and
14 Law Enforcement Act of 1994 (34 U.S.C. 12601).

15 (b) **UNLAWFUL CONDUCT.**—Section 210401(a) of
16 the Violent Crime Control and Law Enforcement Act of
17 1994 (34 U.S.C. 12601(a)) is amended by inserting “in-
18 cluding a prosecutor or other agency involved in the ad-
19 ministration of justice,” before “to engage”.

20 (c) **AUTHORITY FOR STATE INVESTIGATIONS.**—Sec-
21 tion 210401(b) of the Violent Crime Control and Law En-
22 forcement Act of 1994 (34 U.S.C. 12601(b)) is amend-
23 ed—

24 (1) by inserting “(1) **FEDERAL ENFORCE-**
25 **MENT.**—” before “Whenever”;

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

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

5 “(2) STATE ENFORCEMENT.—

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

18 “(B) TECHNICAL ASSISTANCE.—The At-
19 torney General shall provide technical assist-
20 ance and training to States and units of local
21 government to assist States and units of local
22 governments in carrying out pattern or practice
23 investigations and cases.”.

24 (d) GRANT PROGRAM.—

25 (1) DEFINITIONS.—In this subsection—

1 (A) the term “State” means each of the
2 several States, the District of Columbia, and
3 each commonwealth, territory, or possession of
4 the United States; and

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

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

18 (3) APPLICATION.—To be eligible to receive a
19 grant under this subsection, a State or Tribal gov-
20 ernment shall submit an application to the Attorney
21 General that—

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

24 (B) describes how the State or Tribal gov-
25 ernment intends to use the grant funds to pur-

1 sue pattern or practice investigations and cases
2 under section 210401 of the Violent Crime Con-
3 trol and Law Enforcement Act of 1994 (34
4 U.S.C. 12601); and

5 (C) outlines the qualifications and training
6 of the attorneys, staff, and other personnel who
7 are, or who may be, assigned to lead or assist
8 pattern or practice investigations and cases.

9 (4) REQUIRED REPORTING.—

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

15 (i) how the grant funds were used;

16 and

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

22 (B) REPORTS TO CONGRESS.—Not later
23 than 1 year after the date of enactment of this
24 Act, and once each year thereafter, the Attor-
25 ney General shall submit to the Committee on

1 the Judiciary of the Senate and the Committee
2 on the Judiciary of the House of Representa-
3 tives a report on the grant program established
4 under this subsection, which shall include—

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

8 (ii) recommendations, if any, for im-
9 provements needed for the grant program.

10 (5) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated to the At-
12 torney General \$150,000,000 for each of fiscal years
13 2020 through 2029 to carry out this subsection.

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