

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5236

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 HOUSE OF REPRESENTATIVES

APRIL 27, 2006

Mr. LEWIS of Georgia (for himself, Mr. HULSHOF, Mr. CLEAVER, Mr. JEFFERSON, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. TOWNS, Mrs. MCCARTHY, Mr. SERRANO, Mr. MARSHALL, Mr. DELAHUNT, Mr. BROWN of Ohio, Mr. BERMAN, Mr. CLAY, Mr. MCDERMOTT, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on the Judiciary

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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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. SENSE OF CONGRESS.**

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

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

10 (2) provide all the resources necessary to ensure  
11 timely and thorough investigations in the cases in-  
12 volved.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) CHIEF.—The term “Chief” means the Chief  
16 of the Section.

17 (2) CHIEF INVESTIGATOR.—The term “Chief  
18 Investigator” means the Chief Investigator of the  
19 Office.

20 (3) CRIMINAL CIVIL RIGHTS STATUTES.—The  
21 term “criminal civil rights statutes” means—

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

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

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

3 (D) sections 1581 and 1584 of title 18,  
4 United States Code (relating to involuntary ser-  
5 vitude and peonage);

6 (E) section 901 of the Fair Housing Act  
7 (42 U.S.C. 3631); and

8 (F) any other Federal law that—

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

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

15 (4) OFFICE.—The term “Office” means the  
16 Unsolved Civil Rights Crime Investigative Office es-  
17 tablished under section 5.

18 (5) SECTION.—The term “Section” (except  
19 when used as part of the term “Criminal Section”)  
20 means the Unsolved Crimes Section established  
21 under section 4.

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

24 (a) IN GENERAL.—There is established in the Civil  
25 Rights Division of the Department of Justice an Unsolved

1 Crimes Section. The Section shall be headed by a Chief  
2 of the Section.

3 (b) RESPONSIBILITY.—

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

10 (A) occurred not later than December 31,  
11 1969; and

12 (B) resulted in a death.

13 (2) COORDINATION.—

14 (A) INVESTIGATIVE ACTIVITIES.—In inves-  
15 tigating a complaint under paragraph (1), the  
16 Chief shall coordinate investigative activities  
17 with State and local law enforcement officials.

18 (B) VENUE.—After investigating a com-  
19 plaint under paragraph (1), or receiving a re-  
20 port of an investigation conducted under section  
21 5, if the Chief determines that an alleged prac-  
22 tice that is a violation of a criminal civil rights  
23 statute occurred in a State, or political subdivi-  
24 sion of a State, that has a State or local law  
25 prohibiting the practice alleged and establishing

1 or authorizing a State or local law enforcement  
2 official to grant or seek relief from such prac-  
3 tice or to institute criminal proceedings with re-  
4 spect to the practice on receiving notice of the  
5 practice, the Chief shall consult with the official  
6 regarding the appropriate venue for the case in-  
7 volved.

8 (3) REFERRAL.—After investigating a com-  
9 plaint under paragraph (1), or receiving a report of  
10 an investigation conducted under section 5, the  
11 Chief shall refer the complaint to the Criminal Sec-  
12 tion of the Civil Rights Division, if the Chief deter-  
13 mines that the subject of the complaint has violated  
14 a criminal civil rights statute in the case involved  
15 but the violation does not meet the requirements of  
16 subparagraph (A) or (B) of paragraph (1).

17 (c) STUDY AND REPORT.—

18 (1) STUDY.—The Chief shall annually conduct  
19 a study of the cases under the jurisdiction of the  
20 Chief or under the jurisdiction of the Chief Investi-  
21 gator and, in conducting the study, shall determine  
22 the cases—

23 (A) for which the Chief has sufficient evi-  
24 dence to prosecute violations of criminal civil  
25 rights statutes; and

1 (B) for which the Chief has insufficient  
2 evidence to prosecute those violations.

3 (2) REPORT.—Not later than September 30 of  
4 2006 and of each subsequent year, the Chief shall  
5 prepare and submit to Congress a report containing  
6 the results of the study conducted under paragraph  
7 (1), including a description of the cases described in  
8 paragraph (1)(B).

9 (d) AUTHORIZATION OF APPROPRIATIONS.—

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

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

20 **SEC. 5. ESTABLISHMENT OF OFFICE IN FEDERAL BUREAU**  
21 **OF INVESTIGATION.**

22 (a) IN GENERAL.—There is established in the Civil  
23 Rights Unit of the Federal Bureau of Investigation of the  
24 Department of Justice an Unsolved Civil Rights Crime In-

1 vestigative Office. The Office shall be headed by a Chief  
2 Investigator.

3 (b) RESPONSIBILITY.—

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

10 (2) COORDINATION.—

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

16 (B) REFERRAL.—After investigating a  
17 complaint under paragraph (1), the Chief Inves-  
18 tigator shall—

19 (i) determine whether the subject of  
20 the complaint has violated a criminal  
21 rights statute in the case involved; and

22 (ii) refer the complaint to the Chief,  
23 together with a report containing the de-  
24 termination and the results of the inves-  
25 tigation.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

12 **SEC. 6. COMMUNITY RELATIONS SERVICE OF THE DEPART-**  
13 **MENT OF JUSTICE.**

14 In addition to any amounts authorized to be appro-  
15 priated under title XI of the Civil Rights Act of 1964 (42  
16 U.S.C. 2000h et seq.), there are authorized to be appro-  
17 priated to the Community Relations Service of the Depart-  
18 ment of Justice \$1,500,000 for fiscal year 2007 and each  
19 subsequent fiscal year, to enable the Service (in carrying  
20 out the functions described in title X of such Act (42  
21 U.S.C. 2000g et seq.)) to provide technical assistance by  
22 bringing together law enforcement agencies and commu-  
23 nities in the investigation of violations of criminal civil  
24 rights statutes, in cases described in section 4(b).

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