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

IN THE SENATE OF THE UNITED STATES

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. Whitehouse, and Mr. Heinrich) introduced the following bill; which was read twice and referred to the Committee on ________

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Enhancing Oversight to End Discrimination in Policing Act”.

VHF PK C21
SEC. 2. RESCISSION OF DEPARTMENT OF JUSTICE MEMO-
RANDUM RELATING TO CIVIL CONSENT DE-
CREES.

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

SEC. 3. FUNDING FOR PATTERN OR PRACTICE INVESTIGA-
TIONS.

(a) ADDITIONAL FUNDING.—There are authorized to
be appropriated, in addition to any other amounts author-
ized, $445,000,000 to the Civil Rights Division of the De-
partment of Justice for each of fiscal years 2020 through
2029, of which not less than $100,000,000 shall be made
available each fiscal year for investigations conducted
under section 210401 of the Violent Crime Control and

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

(c) AUTHORITY FOR STATE INVESTIGATIONS.—Sec-
tion 210401(b) of the Violent Crime Control and Law En-
forcement Act of 1994 (34 U.S.C. 12601(b)) is amended—

(1) by inserting ``(1) FEDERAL ENFORCEMENT.—'' before ``Whenever'';

(2) in paragraph (1), as so designated, by striking ``paragraph (1)'' and inserting ``subsection (a)'';

and

(3) by adding at the end the following:

``(2) STATE ENFORCEMENT.—

``(A) IN GENERAL.—Whenever an attorney general of a State has reasonable cause to believe that a violation of subsection (a) has occurred by a governmental authority, or agent thereof, of the State, including a prosecutor or other agency involved in the administration of justice, the attorney general, or another official or agency designated by a State, may in a civil action brought in any appropriate district court of the United States obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

``(B) TECHNICAL ASSISTANCE.—The Attorney General shall provide technical assistance and training to States and units of local government to assist States and units of local
governments in carrying out pattern or practice investigations and cases.”.

(d) GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

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

(B) the term “Tribal government” means the governing body of an Indian Tribe included on the most recent list published by the Secretary pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(2) AUTHORIZATION.—The Attorney General may award grants to States and Tribal governments to assist such States and Tribal governments in pursuing pattern or practice investigations and cases under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601).

(3) APPLICATION.—To be eligible to receive a grant under this subsection, a State or Tribal government shall submit an application to the Attorney General that—
(A) contains clearly defined and measurable objectives for the grant funds;

(B) describes how the State or Tribal government intends to use the grant funds to pursue pattern or practice investigations and cases under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601); and

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

(4) REQUIRED REPORTING.—

(A) GRANTEE REPORTING.—In each fiscal year a State or Tribal government receives a grant under this subsection, the State or Tribal government shall submit to the Attorney General a report detailing—

(i) how the grant funds were used;

and

(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.