

116TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Ms. WARREN (for herself, _____) introduced the following bill; which was read twice and referred to the Committee on _____

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

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

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

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

1 “(2) STATE ENFORCEMENT.—Whenever an at-
2 torney general of a State has reasonable cause to be-
3 lieve that a violation of subsection (a) has occurred
4 by a governmental authority, or agent thereof, of the
5 State, the attorney general, or another official or
6 agency designated by a State, may in a civil action
7 brought in any appropriate district court of the
8 United States obtain appropriate equitable and de-
9 claratory relief to eliminate the pattern or practice.”.

10 (c) GRANT PROGRAM.—

11 (1) DEFINITIONS.—In this subsection—

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

16 (B) the term “Tribal government” means
17 the governing body of an Indian Tribe included
18 on the most recent list published by the Sec-
19 retary pursuant to section 104 of the Federally
20 Recognized Indian Tribe List Act of 1994 (25
21 U.S.C. 5131).

22 (2) AUTHORIZATION.—The Attorney General
23 may award grants to States and Tribal governments
24 to assist such States and Tribal governments in pur-
25 suing pattern and practice investigations and cases

1 under section 210401 of the Violent Crime Control
2 and Law Enforcement Act of 1994 (34 U.S.C.
3 12601).

4 (3) APPLICATION.—To be eligible to receive a
5 grant under this subsection, a State or Tribal gov-
6 ernment shall submit an application to the Attorney
7 General that—

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

10 (B) describes how the State or Tribal gov-
11 ernment intends to use the grant funds to pur-
12 sue pattern or practice investigations and cases
13 under section 210401 of the Violent Crime Con-
14 trol and Law Enforcement Act of 1994 (34
15 U.S.C. 12601).

16 (4) REQUIRED REPORTING.—

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

22 (i) how the grant funds were used;
23 and

24 (ii) the progress made towards ad-
25 dressing patterns and practices identified

1 under section 210401 of the Violent Crime
2 Control and Law Enforcement Act of 1994
3 (34 U.S.C. 12601).

4 (B) REPORTS TO CONGRESS.—Not later
5 than 1 year after the date of enactment of this
6 Act, and once each year thereafter, the Attor-
7 ney General shall submit to the Committee on
8 the Judiciary of the Senate and the Committee
9 on the Judiciary of the House of Representa-
10 tives a report on the grant program established
11 under this subsection, which shall include—

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

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

17 (5) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated to the At-
19 torney General \$150,000,000 for fiscal year 2020 to
20 carry out this subsection.