119TH CONGRESS

2D SESSION

H. R. _____

To strengthen due process and equal protection in the criminal justice system; prevent, identify, and remedy wrongful convictions; expand access to post-conviction forensic testing; strengthen the constitutional right to effective assistance of counsel; establish uniform prosecutorial disclosure requirements; improve the collection and publication of sentencing and criminal-justice data concerning Foundational Black Americans and other populations; support conviction-integrity programs; establish improved compensation and reentry standards for persons wrongfully convicted or imprisoned; strengthen Federal civil-rights enforcement; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr./Ms. ___________________ introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to such other committees as may have jurisdiction over provisions of this Act.

A BILL

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 **“Foundational Black Americans Criminal Justice Due Process Act of 2026”** or the **“FBA Criminal Justice Due Process Act.”**

SEC. 2. TABLE OF CONTENTS.

TITLE I — CONGRESSIONAL FINDINGS, PURPOSES, AND DEFINITIONS

SEC. 101. CONGRESSIONAL FINDINGS.

Congress finds the following:

1. The Constitution guarantees due process of law, equal protection, assistance of counsel, protection against unreasonable searches and seizures, the privilege against compelled self-incrimination, trial by an impartial jury, and other safeguards essential to the integrity of the criminal justice system.
2. Wrongful conviction deprives an innocent person of liberty, damages families and communities, leaves the actual perpetrator unidentified or unpunished, undermines confidence in lawful institutions, and imposes substantial costs on the public.

3. DNA technology and other developments in forensic science have demonstrated that criminal convictions once considered final may, in appropriate circumstances, be shown to be factually erroneous.
4. Effective legal representation is fundamental to the adversarial system of justice.
5. Excessive defender workloads, inadequate investigative resources, insufficient access to qualified experts, and institutional conflicts can impair the ability of defense counsel to provide effective representation.
6. Prosecutors have constitutional and legal obligations concerning the disclosure of evidence favorable to an accused, including exculpatory and impeachment information.
7. Evidence relevant to innocence should be preserved in a manner permitting meaningful judicial review.
8. The reliability of eyewitness identifications, custodial statements, confidential informants, jailhouse witnesses, forensic evidence, and expert testimony can materially affect the accuracy of criminal proceedings.
9. Criminal-justice data should permit Congress and the public to evaluate whether similarly situated persons receive materially different treatment at significant stages of the criminal process.
10. The history of the United States includes periods in which Black Americans were subjected to slavery, racial segregation, racially discriminatory criminal laws or enforcement practices, exclusion from juries, racial violence, and unequal access to institutions of justice.
11. Congress recognizes the historical experiences of descendants of persons subjected to slavery and subsequent legally sanctioned racial discrimination within the United States, including Americans who identify as Foundational Black Americans.
12. Contemporary criminal-justice policy should be evaluated through reliable empirical evidence rather than assumptions about individuals based upon race or ethnicity.
13. Transparent collection of appropriately protected and voluntarily supplied demographic data can assist Congress in identifying disparities, investigating their causes, and determining whether remedial legislation is necessary.
14. Compensation for wrongful imprisonment should reflect the extraordinary deprivation of liberty caused when government incarcerates a person for an offense the person did not commit.
15. Individuals exonerated after wrongful conviction frequently require immediate assistance with housing, health care, education, employment, identification documents, family reunification, and other reentry needs.
16. Preventing wrongful convictions protects both defendants and victims because identifying an erroneous conviction may permit renewed investigation of the underlying offense.
17. Congress has authority to enact appropriate legislation within its constitutional powers to protect Federal constitutional rights and administer Federal criminal law and Federal financial assistance.

SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to reduce the risk of wrongful convictions;

(2) to strengthen procedures for identifying and correcting wrongful convictions;

(3) to ensure meaningful access to DNA and other scientifically reliable forensic testing;

(4) to strengthen effective indigent defense;

(5) to improve prosecutorial disclosure practices;

(6) to establish mechanisms for independent conviction review;

(7) to increase transparency concerning charging, plea bargaining, sentencing, and post-conviction outcomes;

(8) to enable reliable study of criminal-justice outcomes affecting Foundational Black Americans;

(9) to provide meaningful compensation and restoration to persons wrongfully deprived of liberty;

(10) to strengthen Federal enforcement of constitutional and statutory civil rights;

(11) to improve public confidence in the integrity of criminal adjudication; and

(12) to ensure that remedies established under this Act are administered consistently with the Constitution.

SEC. 103. DEFINITIONS.

For purposes of this Act:

(1) ACTUAL INNOCENCE.

The term “actual innocence” means factual innocence of the offense of conviction or factual innocence of conduct necessary to sustain the sentence imposed.

(2) BIOLOGICAL EVIDENCE.

The term means any item containing or reasonably believed to contain biological material capable of forensic analysis.

(3) EXCULPATORY INFORMATION.

The term means information reasonably tending to negate guilt, reduce the degree of culpability, support a defense, undermine prosecution evidence, impeach a Government witness, or mitigate punishment.

(4) FOUNDATIONAL BLACK AMERICAN.

For statistical, research, outreach, and program-evaluation purposes under this Act, the term “Foundational Black American” or “FBA” means a person who voluntarily self-identifies as a Black American having ancestral and historical ties to Black populations established in the United States over multiple generations, including descendants of persons subjected to slavery or legally sanctioned racial discrimination in the United States.

No governmental entity may assign such classification to an individual contrary to the individual's voluntary self-identification.

(5) WRONGFUL CONVICTION.

The term means a criminal conviction subsequently vacated, reversed, dismissed, pardoned on grounds consistent with innocence, or otherwise nullified under circumstances meeting standards established under this Act.

(6) CONVICTION INTEGRITY UNIT.

The term means a governmental or independently administered entity whose principal function includes reviewing credible claims that a criminal conviction may be factually or legally unreliable.

SEC. 104. RULE OF CONSTRUCTION REGARDING EQUAL PROTECTION.

Nothing in this Act shall be construed—

(1) to authorize unconstitutional discrimination on the basis of race or ethnicity;

(2) to diminish any protection available to any person under the Constitution or Federal law;

(3) to presume guilt, innocence, victimization, or entitlement to an individualized criminal disposition based solely upon race or ethnicity; or

(4) to prohibit Congress or a Federal agency from collecting lawful statistical information necessary to investigate discrimination or disparities.

TITLE II — WRONGFUL CONVICTION PREVENTION AND REVIEW

SEC. 201. FEDERAL RIGHT TO MEANINGFUL POST-CONVICTION REVIEW.

A person convicted of a Federal offense may petition the sentencing court for post-conviction review upon presenting credible evidence that—

(1) the person may be actually innocent;

(2) material evidence was withheld, destroyed, falsified, materially mischaracterized, or unavailable through no fault of the petitioner;

(3) material forensic evidence relied upon at trial has subsequently been materially undermined by reliable scientific developments;

(4) material testimony has been recanted or substantially discredited;

(5) Government misconduct may have materially affected the conviction; or

(6) extraordinary circumstances demonstrate that failure to review the claim would create a substantial risk of injustice.

Procedural rules shall be interpreted to permit meaningful consideration of credible claims of factual innocence consistent with constitutional requirements and principles of finality.

SEC. 202. NEWLY DISCOVERED EVIDENCE.

Evidence shall not be excluded from consideration solely because the technology, scientific knowledge, database, witness information, or testing method necessary to discover its significance was unavailable at the time of trial.

SEC. 203. ACTUAL-INNOCENCE CLAIMS.

Where a petitioner presents newly discovered evidence that, considered together with the entire record, establishes a substantial probability that no reasonable juror would have convicted the petitioner, the court shall conduct an evidentiary hearing unless the record conclusively establishes entitlement to relief.

The court may—

(1) vacate the conviction;

(2) order a new trial;

(3) order additional testing;

(4) order discovery;

(5) appoint counsel or experts;

(6) release the petitioner pending proceedings when authorized by law; or

(7) grant other lawful relief necessary to remedy the injustice.

SEC. 204. PRESERVATION OF BIOLOGICAL AND FORENSIC EVIDENCE.

Evidence reasonably capable of establishing guilt or innocence shall be preserved throughout—

(1) incarceration;

(2) supervised release;

(3) any period during which post-conviction litigation remains legally available; and

(4) any additional period ordered by a court.

Intentional destruction of material evidence in violation of a lawful preservation obligation shall be subject to appropriate administrative, civil, or criminal consequences as otherwise provided by law.

SEC. 205. INDEPENDENT FORENSIC REVIEW.

A Federal court may order independent reexamination of forensic evidence where—

(1) the original technique has subsequently been materially questioned;

(2) the examiner or laboratory has been subject to findings materially affecting reliability;

(3) materially improved testing methods have become available; or

(4) independent examination is otherwise necessary in the interests of justice.

SEC. 206. EYEWITNESS-IDENTIFICATION SAFEGUARDS.

As a condition of designated Federal law-enforcement grants, the Attorney General shall establish model procedures encouraging—

(1) blind or blinded administration of lineups where practicable;

(2) neutral instructions to eyewitnesses;

(3) documentation of witness confidence at the time of identification;

(4) avoidance of unnecessary suggestion;

(5) preservation of lineup materials; and

(6) training regarding factors affecting eyewitness reliability.

SEC. 207. RECORDING OF CUSTODIAL INTERROGATIONS.

Federal law-enforcement agencies shall electronically record custodial interrogations involving suspected felony offenses when reasonably practicable.

The recording should include the entire substantive interrogation rather than solely a final confession.

Exceptions may be established for—

(1) exigent circumstances;

(2) equipment failure;

(3) spontaneous statements;

(4) reasonable concerns involving safety or classified information; or

(5) a knowing refusal by the person being questioned.

SEC. 208. INFORMANT AND JAILHOUSE-WITNESS RELIABILITY SAFEGUARDS.

Before presenting testimony from a compensated informant or incarcerated witness concerning an alleged confession, Federal prosecutors shall disclose, subject to lawful protective orders—

(1) benefits requested, offered, expected, or received;

(2) prior instances in which the witness supplied testimony or information;

(3) material prior inconsistent statements;

(4) known credibility findings;

(5) pending charges reasonably relevant to bias; and

(6) other material impeachment information required by law.

TITLE III — POST-CONVICTION DNA AND FORENSIC TESTING

SEC. 301. EXPANDED ACCESS TO DNA TESTING.

Section 3600 of title 18, United States Code, shall be amended consistent with this Act to ensure that a Federal prisoner may obtain testing when scientifically reliable DNA testing could produce material evidence relevant to a credible claim of innocence.

A court shall not deny testing solely because—

(1) testing technology was unavailable at trial;

(2) less discriminating testing was previously conducted;

(3) the applicant entered a guilty plea where the applicant presents a credible claim of factual innocence; or

(4) the evidence might produce results other than complete exclusion, if those results could nevertheless materially advance an innocence claim.

SEC. 302. MODERN FORENSIC TESTING.

Courts may authorize scientifically reliable testing involving non-DNA forensic evidence when such testing could materially affect a credible claim of wrongful conviction.

SEC. 303. TESTING AT GOVERNMENT EXPENSE.

An indigent applicant shall not be denied qualifying testing because of inability to pay.

SEC. 304. APPOINTMENT OF COUNSEL AND EXPERTS.

Upon a preliminary showing that testing could materially advance a credible innocence claim, the court may appoint counsel and authorize reasonable investigative and expert services.

SEC. 305. EVIDENCE INVENTORIES.

Upon the filing of a qualifying petition, the Government shall make reasonable efforts to identify—

(1) evidence still in existence;

(2) its location;

(3) chain-of-custody information;

(4) previous testing;

(5) known destruction or loss; and

(6) the agency possessing the evidence.

SEC. 306. EXPEDITED CONSIDERATION.

Courts shall give priority to petitions involving—

(1) persons presently incarcerated;

(2) capital sentences;

(3) serious medical circumstances;

(4) evidence at risk of degradation; or

(5) substantial evidence of factual innocence.

TITLE IV — EFFECTIVE ASSISTANCE OF COUNSEL AND PUBLIC DEFENSE

SEC. 401. NATIONAL INDIGENT DEFENSE IMPROVEMENT PROGRAM.

The Attorney General shall establish a grant program to improve the quality, independence, capacity, and accessibility of indigent criminal defense.

SEC. 402. DEFENDER INDEPENDENCE.

Grant recipients shall demonstrate safeguards designed to protect defense counsel from inappropriate political, prosecutorial, or judicial interference with professional representation.

SEC. 403. WORKLOAD AND CASELOAD STANDARDS.

The Attorney General, after consultation with public defenders, defense organizations, courts, prosecutors, researchers, and other relevant stakeholders, shall develop evidence-informed workload principles.

Such principles shall account for—

(1) offense complexity;

(2) discovery volume;

(3) investigation requirements;

(4) client communication;

(5) expert consultation;

(6) motions practice;

(7) trial preparation;

(8) sentencing advocacy; and

(9) appellate and post-conviction obligations where applicable.

No numerical national caseload limit shall be imposed without consideration of case complexity and reliable workload evidence.

SEC. 404. COUNSEL AT CRITICAL STAGES.

Federal agencies shall take appropriate steps to ensure compliance with constitutional and statutory rights to counsel at all stages at which counsel is legally required.

SEC. 405. INVESTIGATORS AND EXPERT SERVICES.

Federal defender programs shall receive sufficient appropriations, subject to congressional appropriations, to provide reasonable access to—

investigators, forensic experts, interpreters, mitigation specialists, mental-health experts where relevant, digital-forensic specialists, and other necessary professional services.

SEC. 406. FEDERAL GRANTS.

The Attorney General may award grants to qualifying State, Tribal, territorial, and local governments and independent defender organizations for—

(1) additional attorneys;

(2) investigators;

(3) experts;

(4) training;

(5) technology;

(6) case-management systems;

(7) rural representation;

(8) appellate representation; and

(9) post-conviction innocence representation.

SEC. 407. RURAL AND UNDERSERVED DEFENDER SYSTEMS.

Not less than 15 percent of amounts appropriated under this title should, where sufficient eligible applications exist, support jurisdictions demonstrating substantial shortages of qualified defense counsel or other defense resources.

SEC. 408. TRAINING.

Training supported under this Act may include—

forensic science, digital evidence, eyewitness evidence, interrogation evidence, racial bias, professional responsibility, sentencing advocacy, immigration consequences, disability accommodations, trauma-informed representation, and post-conviction litigation.

TITLE V — PROSECUTORIAL DISCLOSURE AND EVIDENCE INTEGRITY

SEC. 501. DUTY TO DISCLOSE FAVORABLE INFORMATION.

In Federal criminal proceedings, an attorney for the Government shall disclose information known to the prosecution team that reasonably tends to—

(1) negate guilt;

(2) mitigate the charged offense;

(3) impeach a prosecution witness;

(4) support an affirmative defense;

(5) reduce punishment; or

(6) undermine the reliability of material prosecution evidence,

subject to lawful protective orders, classified-information procedures, witness-safety protections, and other applicable Federal law.

SEC. 502. TIMING.

Disclosure shall occur sufficiently early to permit the defendant to make meaningful use of the information.

A court may regulate timing where disclosure creates a demonstrated and substantial risk to witness safety, national security, an active investigation, or another compelling governmental interest.

SEC. 503. CONTINUING OBLIGATION.

The duty created by this title shall continue through trial, sentencing, direct review, and, with respect to information materially indicating factual innocence, after conviction.

SEC. 504. DISCLOSURE BEFORE GUILTY PLEAS.

Before acceptance of a guilty plea in a Federal felony case, prosecutors shall disclose known information that materially and directly negates factual guilt, except where a court authorizes delayed or limited disclosure under law.

SEC. 505. LAW-ENFORCEMENT INFORMATION.

Federal investigative agencies shall establish procedures enabling prosecutors to identify material impeachment information concerning Government witnesses consistent with applicable privacy, employment, and due-process protections.

SEC. 506. OPEN-FILE DISCOVERY PILOT PROGRAM.

The Attorney General shall establish a five-year pilot program in selected Federal districts evaluating broader criminal discovery practices.

The evaluation shall examine—

(1) wrongful-conviction risk;

(2) litigation costs;

(3) witness safety;

(4) case-processing time;

(5) discovery disputes; and

(6) effects on defendants and victims.

SEC. 507. REMEDIES.

Where a court determines that a disclosure violation occurred, the court may impose any remedy authorized by Constitution, statute, rule, or inherent judicial authority.

Nothing herein shall require dismissal where a lesser remedy adequately protects the defendant's rights.

SEC. 508. TRAINING AND COMPLIANCE.

Every Federal prosecuting office shall maintain written procedures addressing—

(1) disclosure review;

(2) evidence tracking;

(3) law-enforcement coordination;

(4) forensic evidence;

(5) impeachment information;

(6) continuing disclosure;

(7) supervisory consultation; and

(8) annual training.

TITLE VI — CONVICTION INTEGRITY

SEC. 601. NATIONAL CONVICTION INTEGRITY GRANT PROGRAM.

The Attorney General shall establish competitive grants supporting independent and professionally administered conviction-integrity programs.

SEC. 602. INDEPENDENCE.

A qualifying program shall adopt procedures designed to prevent the prosecutor principally responsible for obtaining a challenged conviction from exercising exclusive authority over the review of that conviction.

SEC. 603. ELIGIBILITY FOR REVIEW.

Programs receiving Federal funds shall maintain procedures permitting applications based upon—

(1) DNA evidence;

(2) newly discovered evidence;

(3) witness recantation;

(4) false testimony;

(5) undisclosed favorable evidence;

(6) forensic unreliability;

(7) official misconduct;

(8) mistaken identification;

(9) false confession; or

(10) other credible evidence suggesting wrongful conviction.

SEC. 604. DUTY TO INVESTIGATE.

Receipt of a credible innocence claim shall trigger a preliminary review.

Where the preliminary review identifies a reasonable factual basis for the claim, a meaningful investigation shall be conducted.

SEC. 605. INDEPENDENT REVIEW PANELS.

Grant funds may support panels including—

former judges, defense attorneys, prosecutors not involved in the original case, forensic scientists, innocence specialists, victim advocates, and community representatives.

SEC. 606. REPORTING.

Programs shall annually report anonymized statistics including—

applications received, cases reviewed, investigations opened, testing ordered, relief supported, relief opposed, convictions vacated, and average processing time.

TITLE VII — SENTENCING TRANSPARENCY AND DISPARITY REVIEW

SEC. 701. NATIONAL SENTENCING DATABASE.

The United States Sentencing Commission, in consultation with the Department of Justice and Administrative Office of the United States Courts, shall expand publicly available anonymized data concerning Federal criminal cases to the extent permitted by law.

Data should include, where available—

(1) offense;

(2) charging decisions;

(3) statutory enhancements;

(4) plea agreements;

(5) criminal-history category;

(6) guideline calculations;

(7) departures and variances;

(8) sentence imposed;

(9) probation;

(10) prosecutorial sentencing recommendations;

(11) relevant demographic variables; and

(12) other variables necessary for reliable analysis.

SEC. 702. FOUNDATIONAL BLACK AMERICAN STATISTICAL CATEGORY.

Federal criminal-justice agencies participating in research authorized under this Act shall study the feasibility of permitting persons who identify racially as Black or African American voluntarily to indicate whether they also self-identify as Foundational Black American.

The category shall be used for statistical, civil-rights, historical, and program-evaluation purposes and shall not independently determine criminal liability or punishment.

SEC. 703. VOLUNTARY SELF-IDENTIFICATION.

FBA identification under this title shall be—

(1) voluntary;

(2) confidential to the maximum extent permitted by law;

(3) subject to privacy safeguards;

(4) separated from determinations of guilt; and

(5) unavailable to a sentencing court as an aggravating factor.

Refusal to provide such information shall create no adverse inference.

SEC. 704. SENTENCING DISPARITY STUDIES.

The Sentencing Commission shall periodically analyze sentencing outcomes by relevant demographic categories while controlling, to the extent methodologically appropriate, for legally relevant characteristics.

SEC. 705. CHARGING AND PLEA-BARGAINING DATA.

The Attorney General shall develop a methodology for studying—

charging decisions, mandatory-minimum exposure, plea offers, dismissals, cooperation agreements, diversion, pretrial detention recommendations, and prosecutorial sentencing recommendations.

SEC. 706. FEDERAL SENTENCING EQUITY REPORT.

Not later than two years after enactment, and every two years thereafter, the Commission shall submit to Congress a report describing statistically significant disparities identified in Federal sentencing data, methodological limitations, and areas requiring additional research.

The report shall not attribute causation where the available evidence supports only correlation.

SEC. 707. PRIVACY.

Public datasets shall be anonymized to minimize unreasonable risks of identifying defendants, victims, witnesses, jurors, minors, or protected persons.

TITLE VIII — WRONGFUL IMPRISONMENT COMPENSATION

SEC. 801. FEDERAL COMPENSATION STANDARD.

Congress establishes a strengthened compensation framework for qualifying persons wrongfully convicted and imprisoned for Federal offenses.

SEC. 802. COMPENSATION AMOUNTS.

Subject to eligibility requirements established by law, compensation shall equal not less than—

$100,000 for each year of wrongful incarceration, prorated for partial years;

plus reasonable compensation, as determined by the court, for documented economic losses directly attributable to wrongful conviction.

The base amount shall be adjusted periodically for inflation.

SEC. 803. WRONGFUL DEATH SENTENCES.

A qualifying person wrongfully incarcerated under a sentence of death shall receive not less than—

$200,000 for each year during which the person was imprisoned under the sentence of death, prorated for partial years.

SEC. 804. NONMONETARY RESTITUTION AND SERVICES.

A qualifying exoneree shall be eligible for federally funded transitional assistance including—

(1) immediate identification documents;

(2) temporary housing;

(3) employment assistance;

(4) education and vocational training;

(5) financial counseling;

(6) reasonable physical and mental-health services;

(7) family-reunification assistance;

(8) legal assistance for record correction; and

(9) Social Security record correction where authorized by law.

SEC. 805. EXPEDITED PAYMENT.

An undisputed compensation award should be paid not later than 90 days after final approval, absent extraordinary circumstances.

Emergency transitional grants may be issued before final compensation adjudication where innocence has been judicially established.

SEC. 806. STATE COMPENSATION INCENTIVE GRANTS.

The Attorney General may provide incentive grants to States maintaining wrongful-conviction compensation laws that provide—

(1) meaningful monetary compensation;

(2) reasonable eligibility procedures;

(3) prompt adjudication;

(4) access to counsel;

(5) reentry services; and

(6) procedures that do not impose unnecessary barriers upon persons whose convictions have been vacated on grounds consistent with factual innocence.

SEC. 807. TAX AND OFFSET PROTECTION.

Congress intends compensation for wrongful incarceration to restore, insofar as money can do so, liberty wrongfully taken by government.

The Secretary of the Treasury shall implement applicable Federal tax protections for qualifying wrongful-incarceration awards consistent with the Internal Revenue Code.

Qualifying awards shall not be subject to offset for ordinary incarceration costs.

Lawful obligations for victim restitution arising from unrelated valid convictions shall remain governed by otherwise applicable law.

TITLE IX — RECORD CLEARING AND RESTORATION

SEC. 901. AUTOMATIC VACATION AND EXPUNGEMENT.

When a Federal conviction is vacated on grounds establishing factual innocence and the prosecution is terminated, records under Federal control relating solely to the invalid conviction shall be appropriately corrected, sealed, or expunged as authorized by law.

SEC. 902. CRIMINAL DATABASES.

The Attorney General shall establish procedures for prompt correction of—

FBI criminal-history records, Federal background-check systems, Federal law-enforcement databases, and records transmitted to State repositories.

SEC. 903. RESTORATION OF CIVIL RIGHTS.

Any Federal civil disability arising solely from a conviction formally vacated on grounds of factual innocence shall cease to apply.

SEC. 904. CERTIFICATE OF INNOCENCE.

A qualifying individual may receive an official certificate stating that the conviction has been vacated on grounds establishing innocence.

SEC. 905. EMPLOYMENT AND LICENSING.

Federal agencies shall establish procedures enabling exonerees to correct Federal employment, contracting, security-screening, and licensing records affected by an invalidated conviction, subject to requirements applicable to other valid information.

TITLE X — FEDERAL CIVIL RIGHTS ENFORCEMENT

SEC. 1001. CRIMINAL JUSTICE CIVIL RIGHTS INITIATIVE.

The Attorney General shall maintain within the Civil Rights Division sufficient capacity to investigate credible allegations of systemic violations of Federal constitutional or statutory rights in criminal-justice institutions within Federal jurisdiction.

SEC. 1002. PATTERN-OR-PRACTICE INVESTIGATIONS.

Where authorized by Federal law, the Attorney General may investigate credible allegations of patterns or practices involving—

(1) unlawful racial discrimination;

(2) intentional suppression of exculpatory evidence;

(3) unconstitutional investigative practices;

(4) systemic denial of required counsel;

(5) unlawful coercive interrogation;

(6) fabrication of evidence; or

(7) other systemic violations of Federal rights.

SEC. 1003. DISCRIMINATORY ADMINISTRATION OF JUSTICE.

The Department of Justice shall establish a centralized process for receiving credible allegations that a criminal-justice policy or practice is being intentionally administered in violation of Federal civil-rights law.

Nothing in this section alters the substantive elements required to prove discrimination under applicable law.

SEC. 1004. FEDERAL GRANT COMPLIANCE.

Recipients of designated Department of Justice criminal-justice grants shall certify compliance with applicable Federal civil-rights laws.

Material or repeated noncompliance may result, following notice and an opportunity for corrective action, in—

technical assistance, corrective-action agreements, suspension of designated funds, or other remedies authorized by law.

SEC. 1005. COMPLAINT SYSTEM.

The Attorney General shall establish an accessible system through which individuals, attorneys, organizations, and government employees may submit criminal-justice civil-rights complaints.

SEC. 1006. WHISTLEBLOWER PROTECTION.

No recipient of funds under this Act may retaliate against an employee for lawfully reporting—

evidence fabrication, intentional evidence suppression, unlawful discrimination, intentional destruction of evidence, material forensic misconduct, or other violations covered by this Act.

TITLE XI — FOUNDATIONAL BLACK AMERICAN CRIMINAL JUSTICE EQUITY INITIATIVE

SEC. 1101. ESTABLISHMENT.

There is established within the Department of Justice a **Foundational Black American Criminal Justice Equity Initiative**.

SEC. 1102. PURPOSE.

The Initiative shall—

(1) study historical and contemporary criminal-justice outcomes affecting Black Americans with multigenerational historical ties to the United States;

(2) improve data necessary to distinguish relevant populations where individuals voluntarily provide such information;

(3) study potential causes of documented disparities;

(4) improve access to information concerning innocence review and civil-rights complaint procedures;

(5) support community education regarding constitutional rights;

(6) consult with affected communities; and

(7) recommend evidence-based reforms to Congress.

SEC. 1103. COMMUNITY PARTICIPATION.

The Attorney General shall convene an advisory body including representatives with experience in—

Foundational Black American community organizations, civil rights, prosecution, public defense, innocence litigation, victims' rights, criminology, statistics, forensic science, law enforcement, and formerly incarcerated or exonerated populations.

No single professional or political constituency shall constitute a majority of the advisory body.

SEC. 1104. ACCESS TO INNOCENCE AND LEGAL SERVICES.

The Attorney General may fund outreach programs informing communities experiencing documented barriers to justice, including FBA communities, about—

(1) post-conviction review;

(2) DNA testing;

(3) innocence organizations;

(4) public-defense services;

(5) civil-rights complaint procedures; and

(6) wrongful-conviction compensation.

Eligibility for individual adjudicative relief shall be determined under the substantive legal standards applicable to that relief rather than race alone.

SEC. 1105. ANNUAL REPORT.

The Attorney General shall annually report to Congress concerning—

(1) research conducted;

(2) complaints received;

(3) enforcement actions;

(4) grants awarded;

(5) conviction-integrity outcomes;

(6) wrongful-conviction data;

(7) sentencing disparities;

(8) prosecutorial-disclosure initiatives;

(9) public-defense capacity; and

(10) recommendations for legislation.

TITLE XII — OVERSIGHT, ENFORCEMENT, FUNDING, AND GENERAL PROVISIONS

SEC. 1201. INSPECTOR GENERAL REVIEW.

The Inspector General of the Department of Justice shall periodically audit implementation of this Act.

The Inspector General may evaluate—

grant administration, evidence-preservation compliance, disclosure systems, conviction-integrity grants, civil-rights complaint processing, data integrity, and use of appropriated funds.

SEC. 1202. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.

Not later than three years after enactment, the Comptroller General shall submit to Congress an independent assessment of implementation.

The report shall examine—

(1) effectiveness;

(2) administrative costs;

(3) wrongful-conviction review;

(4) defender resources;

(5) sentencing data;

(6) compensation;

(7) civil-rights enforcement;

(8) demographic data quality;

(9) constitutional and privacy safeguards; and

(10) recommendations for statutory amendment.

SEC. 1203. FEDERAL FUNDING CONDITIONS.

Where Congress has constitutional authority to impose conditions on Federal assistance, the Attorney General may condition designated discretionary grants upon compliance with clearly stated requirements of this Act.

Any condition shall—

(1) be stated before acceptance of funds;

(2) relate to the federally funded program or legitimate Federal interest;

(3) provide reasonable compliance procedures;

(4) provide notice of alleged violations;

(5) permit corrective action where appropriate; and

(6) comply with constitutional limitations governing Federal grants.

SEC. 1204. REGULATIONS.

Not later than 18 months after enactment, the Attorney General, and each other Federal agency assigned responsibilities under this Act, shall promulgate regulations necessary to implement this Act.

Public notice and comment shall be provided where required by law.

SEC. 1205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(a) INDIGENT DEFENSE.

$750,000,000 for each of fiscal years 2027 through 2031 for programs authorized under Title IV.

(b) CONVICTION INTEGRITY.

$250,000,000 for each of fiscal years 2027 through 2031 for Title VI.

(c) FORENSIC AND DNA TESTING.

$200,000,000 for each of fiscal years 2027 through 2031 for evidence preservation, forensic testing, laboratory capacity, and post-conviction testing.

(d) WRONGFUL-CONVICTION COMPENSATION AND REENTRY.

Such sums as may be necessary to satisfy qualifying Federal compensation claims and $100,000,000 annually for reentry and restoration programs.

(e) SENTENCING AND JUSTICE DATA.

$75,000,000 for each of fiscal years 2027 through 2031.

(f) CIVIL-RIGHTS ENFORCEMENT.

$150,000,000 for each of fiscal years 2027 through 2031 for additional attorneys, investigators, analysts, statisticians, and support personnel.

(g) FBA CRIMINAL JUSTICE EQUITY INITIATIVE.

$50,000,000 for each of fiscal years 2027 through 2031 for research, outreach, data development, community consultation, and program evaluation authorized under Title XI.

(h) AUTHORIZATION SUBJECT TO APPROPRIATIONS.

No provision of this section shall be construed as itself making an appropriation.

SEC. 1206. PROTECTION OF VICTIMS.

Nothing in this Act shall be construed to diminish rights afforded to crime victims under Federal law.

Agencies implementing this Act shall develop procedures for providing appropriate notice to victims when a conviction is reopened, vacated, or otherwise materially altered where such notice is required or appropriate under law.

Victim interests shall not, however, be construed to authorize continued incarceration of a person whose conviction has been lawfully determined to be invalid.

SEC. 1207. NO PRESUMPTION BASED UPON DEMOGRAPHIC STATUS.

Nothing in this Act creates a presumption that—

(1) a defendant is innocent or guilty because of race or ethnicity;

(2) a prosecutor, judge, law-enforcement officer, witness, or juror acted with discriminatory intent solely because statistical disparities exist; or

(3) a particular criminal judgment is invalid solely because members of a demographic group experience different aggregate outcomes.

Statistical evidence may nevertheless be considered where otherwise admissible and relevant under applicable law.

SEC. 1208. RELATIONSHIP TO EXISTING RIGHTS.

The protections established by this Act constitute minimum Federal protections within the scope of congressional authority.

Nothing herein shall be interpreted to preempt a State law that provides greater protection to criminal defendants, exonerees, or persons seeking post-conviction relief unless Federal law expressly provides otherwise.

SEC. 1209. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to—

(1) restrict constitutionally protected prosecutorial discretion except as expressly provided by Federal law;

(2) alter the Government's burden of proving guilt beyond a reasonable doubt;

(3) diminish judicial independence;

(4) impair lawful protections for classified information;

(5) require disclosure of information in a manner that unconstitutionally endangers a witness; or

(6) create criminal liability without the mens rea otherwise required by law.

SEC. 1210. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstance is held unconstitutional or otherwise invalid, the remainder of this Act and the application of its provisions to other persons or circumstances shall not be affected.

SEC. 1211. EFFECTIVE DATE.

Except as otherwise provided—

(1) this Act shall take effect 180 days after enactment;

(2) regulations required by this Act shall be issued within 18 months;

(3) grant programs shall begin not later than the first full fiscal year following enactment; and

(4) provisions concerning collection of new demographic information shall take effect only after adoption of appropriate privacy, data-security, and voluntary self-identification standards.

TITLE XIII — SENSE OF CONGRESS

SEC. 1301. PRINCIPLES OF CRIMINAL JUSTICE.

It is the sense of Congress that—

(1) public safety and due process are complementary responsibilities of government;

(2) no person should remain imprisoned when reliable evidence establishes that the person was wrongfully convicted;

(3) prosecutors should seek justice rather than conviction for its own sake;

(4) defense counsel must possess sufficient independence and resources to provide constitutionally effective representation;

(5) victims deserve accurate adjudications that identify the persons actually responsible for crimes committed against them;

(6) forensic science used to deprive persons of liberty should be subjected to appropriate scientific standards;

(7) criminal-justice institutions should be transparent and accountable;

(8) documented racial disparities warrant careful empirical investigation;

(9) the historical relationship between Black Americans and the American criminal justice system warrants continuing congressional study and oversight;

(10) Americans who identify as Foundational Black Americans should be capable of voluntary statistical self-identification so that their experiences can be studied rather than automatically aggregated into broader categories where legally and methodologically appropriate;

(11) criminal liability and punishment must remain individualized and must not be determined by racial or ethnic status; and

(12) the integrity of the justice system requires mechanisms capable of acknowledging and correcting governmental error.

TITLE XIV — NATIONAL IMPLEMENTATION

SEC. 1401. NATIONAL CRIMINAL JUSTICE DUE PROCESS COORDINATING COUNCIL.

There is established an interagency **National Criminal Justice Due Process Coordinating Council**.

The Council shall include representatives of—

the Department of Justice; Federal Bureau of Investigation; Bureau of Prisons; United States Sentencing Commission, consistent with judicial-branch independence; Administrative Office of the United States Courts, subject to judicial approval; National Institute of Justice; Bureau of Justice Statistics; and other appropriate Federal entities.

The Council shall coordinate implementation without interfering with judicial independence or attorney-client confidentiality.

SEC. 1402. NATIONAL WRONGFUL-CONVICTION PREVENTION STRATEGY.

Not later than two years after enactment, the Attorney General shall publish a national strategy addressing—

(1) evidence preservation;

(2) forensic reliability;

(3) disclosure;

(4) interrogation recording;

(5) eyewitness procedures;

(6) informant reliability;

(7) defender resources;

(8) conviction integrity;

(9) post-conviction testing;

(10) compensation;

(11) reentry;

(12) racial-disparity research; and

(13) Federal civil-rights enforcement.

SEC. 1403. PERIODIC CONGRESSIONAL REVIEW.

Every five years following enactment, the House and Senate Committees on the Judiciary should conduct oversight concerning implementation and consider whether amendments are necessary in light of—

new forensic technologies, Supreme Court decisions, empirical research, constitutional developments, documented disparities, implementation experience, and recommendations from Federal oversight bodies.

TITLE XV — CONSTITUTIONAL AUTHORITY

SEC. 1501. CONSTITUTIONAL BASIS.

Congress enacts this legislation pursuant to its powers under the Constitution, including, as applicable—

(1) Article I;

(2) the Spending Clause;

(3) the Commerce Clause;

(4) the Necessary and Proper Clause;

(5) the Fifth Amendment;

(6) section 2 of the Thirteenth Amendment;

(7) section 5 of the Fourteenth Amendment;

(8) section 2 of the Fifteenth Amendment; and

(9) Congress's authority concerning Federal courts, Federal crimes, Federal agencies, and the expenditure of Federal funds.

Nothing in this section shall be interpreted as expanding congressional power beyond the Constitution.

SEC. 1502. FINAL DECLARATION OF POLICY.

It is the policy of the United States that the legitimacy of criminal punishment depends upon fair procedures, reliable evidence, competent representation, lawful prosecution, impartial adjudication, meaningful review, and effective remedies when government error causes an innocent person to lose liberty.

Congress further declares that the history and contemporary experiences of Foundational Black Americans within the criminal justice system warrant careful documentation, transparent research, vigorous enforcement of constitutional rights, meaningful community participation, and evidence-based legislative oversight.

The protections created by this Act are intended to strengthen the administration of justice, improve the accuracy of criminal convictions, protect constitutional rights, assist victims by promoting accurate identification of offenders, provide meaningful remedies to persons wrongfully imprisoned, and preserve equal justice under law.