

119TH CONGRESS
2D SESSION

H. R. _____

DISCUSSION DRAFT

To strengthen Federal protection against lynching, hate crimes, and bias-motivated violence directed against Foundational Black Americans; to improve prevention, reporting, investigation, prosecution, and victim assistance; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

_____, 2026

Mr./Ms. _____ introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To strengthen Federal protection against lynching, hate crimes, and bias-motivated violence directed against Foundational Black Americans; to improve prevention, reporting, investigation, prosecution, and victim assistance; and for other purposes.

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

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Foundational Black American Protection Against Lynching and Hate Crimes Act of 2026.”

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Purposes.

Sec. 4. Definitions and rule regarding proof of identity.

Sec. 5. National enforcement strategy and expedited review protocol.

Sec. 6. Foundational Black American Hate Crimes and Lynching Coordinator.

Sec. 7. Cold-case review and pattern-or-practice assessment.

Sec. 8. Hate-crime data collection and public reporting.

Sec. 9. State, local, and Tribal implementation grants.

Sec. 10. Victim and family assistance.
Sec. 11. Law-enforcement, prosecutor, and judicial training.
Sec. 12. Community prevention and public education grants.
Sec. 13. Federal civil enforcement for imminent violations.
Sec. 14. Threat intake, referral, and First Amendment protections.
Sec. 15. Inspector General and Comptroller General oversight.
Sec. 16. Annual report to Congress.
Sec. 17. Authorization of appropriations.
Sec. 18. Rules of construction.
Sec. 19. Severability.
Sec. 20. Effective dates.

SEC. 2. FINDINGS.

Congress finds the following:

- (1) For generations, lynching and other forms of racial terror were used in the United States to murder, injure, intimidate, displace, and silence Black Americans and to deny them the equal protection of the laws.
- (2) The legacies of slavery, Black Codes, racial terror, and public and private discrimination have particular significance for Black Americans whose ancestors were enslaved in the United States or its territories.
- (3) The term “Foundational Black American” is used in this Act to identify that historically situated community for purposes of accurate recognition, voluntary data collection, focused prevention, and effective enforcement of generally applicable civil-rights laws.
- (4) Congress enacted the Emmett Till Antilynching Act to specify lynching and certain conspiracies as hate-crime acts under section 249 of title 18, United States Code.
- (5) Section 249 of title 18, United States Code, prohibits specified acts of bodily injury committed because of a person’s actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability, subject to the jurisdictional elements stated in that section.
- (6) Federal law also prohibits conspiracies against rights, interference with federally protected activities, and force or threats of force that interfere with fair-housing rights.
- (7) Incomplete and inconsistent reporting can conceal the nature, frequency, geographic concentration, and community impact of hate crimes and can impair prevention, resource allocation, investigation, prosecution, and victim services.
- (8) Effective protection requires coordination among Federal, State, local, and Tribal authorities, prompt review of credible allegations, culturally competent victim services, preservation of evidence, and public accountability.

(9) Bias motivation must be established by admissible evidence and may not be presumed from the race, ancestry, identity, or viewpoint of an accused person, a victim, or a witness.

(10) Nothing in this Act should punish constitutionally protected speech, association, advocacy, or belief; criminal and civil enforcement must remain tied to unlawful conduct, a true threat, or another legally sufficient predicate.

(11) Congress has authority to enact this Act under the Thirteenth and Fourteenth Amendments to the Constitution of the United States, the Commerce Clause, the Spending Clause, and its authority to enforce Federal civil-rights guarantees.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure vigorous and coordinated enforcement of existing Federal laws against lynching, hate crimes, conspiracies against rights, and bias-motivated violence directed at Foundational Black Americans;

(2) to identify and correct gaps in reporting, referral, investigation, prosecution, and victim assistance;

(3) to improve voluntary, privacy-protective data concerning crimes motivated by bias against Foundational Black Americans;

(4) to support State, local, and Tribal partners and community-based organizations engaged in prevention, response, and recovery; and

(5) to preserve equal protection, due process, freedom of speech, freedom of association, and all other constitutional rights.

SEC. 4. DEFINITIONS AND RULE REGARDING PROOF OF IDENTITY.

(a) Definitions.—In this Act:

(1) ATTORNEY GENERAL.—The term “Attorney General” means the Attorney General of the United States.

(2) COVERED OFFENSE.—The term “covered offense” means conduct that may constitute an offense under section 241, 245, 247, or 249 of title 18, United States Code, section 3631 of title 42, United States Code, or another Federal offense in which evidence of bias based on race, color, ethnicity, or ancestry is relevant to charging, sentencing, or investigative priority.

(3) FOUNDATIONAL BLACK AMERICAN.—The term “Foundational Black American” means a Black or African American person who self-identifies as a descendant of one or more persons subjected to chattel slavery in the United States or a territory that later became part of the

United States before December 6, 1865. The term includes a person targeted because the perpetrator actually or mistakenly perceived the person to have that identity.

(4) FBA-TARGETED OFFENSE.—The term “FBA-targeted offense” means a covered offense for which there is credible evidence that the conduct was motivated, in whole or in substantial part, by bias against a victim’s actual or perceived identity as a Foundational Black American, including bias expressed through references to slavery, lynching, racial terror, ancestry, lineage, or the exercise of civil rights historically denied to Black Americans.

(5) LYNCHING.—The term “lynching” means conduct described in section 249(a)(5) of title 18, United States Code.

(b) Proof and Presumption.—No person may be required to produce genealogical records, genetic-test results, or other documentary proof of ancestry as a condition of reporting an alleged offense, receiving emergency victim services, requesting Federal review, or participating in a program under this Act. Self-identification alone does not establish bias motivation, and bias motivation may not be presumed solely from the identities of the persons involved.

(c) Voluntary Identification.—Collection of information concerning Foundational Black American identity under this Act shall be voluntary, shall include an option not to respond, and shall be subject to applicable privacy and confidentiality law.

SEC. 5. NATIONAL ENFORCEMENT STRATEGY AND EXPEDITED REVIEW PROTOCOL.

(a) Strategy.—Not later than 180 days after enactment, the Attorney General, acting through the Assistant Attorney General for Civil Rights and in consultation with the Director of the Federal Bureau of Investigation, shall issue and implement a national strategy for preventing, identifying, investigating, and prosecuting FBA-targeted offenses.

(b) Required Elements.—The strategy shall establish—

(1) uniform intake and referral procedures for credible allegations, including allegations initially reported to State, local, or Tribal authorities;

(2) criteria for expedited Federal review when death, serious bodily injury, kidnapping, aggravated sexual abuse, attempted killing, organized intimidation, or a pattern of related conduct is alleged;

(3) procedures for preserving physical, digital, and testimonial evidence and for notifying victims or designated family contacts of available services;

(4) interagency coordination standards and points of contact in each United States Attorney’s Office and Federal Bureau of Investigation field office;

(5) procedures to consider evidence of actual or perceived FBA identity without narrowing protections available under existing race-, color-, national-origin-, or ancestry-based law; and

(6) measurable performance objectives that do not create arrest, charging, conviction, or sentencing quotas.

(c) Charging Discretion.—Nothing in this section alters the elements of any criminal offense, the certification required by section 249(b) of title 18, United States Code, or lawful prosecutorial discretion.

SEC. 6. FOUNDATIONAL BLACK AMERICAN HATE CRIMES AND LYNCHING COORDINATOR.

(a) Appointment.—The Attorney General shall designate within the Civil Rights Division a Foundational Black American Hate Crimes and Lynching Coordinator.

(b) Duties.—The Coordinator shall—

(1) oversee implementation of this Act;

(2) coordinate with United States Attorneys, the Federal Bureau of Investigation, the Community Relations Service, the Office for Victims of Crime, and relevant grant-making components;

(3) receive systemic concerns from community organizations;

(4) identify recurring enforcement gaps; and

(5) prepare the annual report required by section 16.

(c) No Investigative Displacement.—The Coordinator may facilitate and monitor matters but may not direct an investigative or prosecutorial outcome contrary to law, evidence, or Department policy.

SEC. 7. COLD-CASE REVIEW AND PATTERN-OR-PRACTICE ASSESSMENT.

(a) Review Program.—The Attorney General shall establish a review program for unsolved deaths, disappearances, serious assaults, and suspected lynchings involving credible evidence of anti-Black or FBA-targeted bias, including cases in which evidence may have been overlooked, lost, suppressed, or misclassified.

(b) Prioritization.—Priority shall be given to cases with—

(1) viable forensic or digital evidence;

(2) newly available witnesses or records;

(3) evidence of organized conduct or official misconduct; or

(4) a substantial risk that limitations periods applicable to a prosecutable offense may expire.

(c) Family Communication.—To the extent permitted by law and consistent with investigative integrity, the Department of Justice shall provide a designated family contact with periodic status information and an explanation when Federal review is closed without charges.

(d) Pattern Assessment.—The Attorney General shall assess whether related incidents, actors, communications, symbols, financing, or locations indicate a broader conspiracy or pattern of intimidation and shall refer matters to appropriate Federal, State, local, or Tribal authorities.

SEC. 8. HATE-CRIME DATA COLLECTION AND PUBLIC REPORTING.

(a) Data Standard.—Not later than 1 year after enactment, the Attorney General, acting through the Director of the Federal Bureau of Investigation and after public notice and consultation, shall develop a voluntary supplemental data element within the Uniform Crime Reporting Program for incidents involving credible evidence of bias against a person's actual or perceived Foundational Black American identity.

(b) Nonduplication.—The supplemental element shall—

(1) operate within the race, ethnicity, or ancestry bias framework;

(2) not replace or reduce reporting under the anti-Black or African American category; and

(3) permit an incident to be counted in all applicable categories while preventing duplicative totals.

(c) Privacy.—Public data shall be aggregated and de-identified. No public dataset may disclose genealogical information, genetic information, immigration information, a home address, or another direct identifier of a victim or witness.

(d) Quality Controls.—The Director shall publish definitions, training materials, validation rules, participation rates, missing-data limitations, and correction procedures sufficient to support responsible interpretation of the data.

(e) No Immigration Use.—Information collected solely under this section may not be used for civil immigration enforcement.

SEC. 9. STATE, LOCAL, AND TRIBAL IMPLEMENTATION GRANTS.

(a) Grants Authorized.—The Attorney General may award competitive grants to State, local, and Tribal governments and their law-enforcement or prosecutorial agencies to improve reporting, investigation, evidence preservation, cross-jurisdictional coordination, and victim referral for FBA-targeted offenses and other hate crimes.

(b) Allowable Uses.—Funds may be used for—

(1) data-system upgrades;

- (2) specialized investigators or analysts;
- (3) prosecutor training;
- (4) multilingual and accessible reporting systems;
- (5) evidence testing;
- (6) victim liaisons;
- (7) after-action reviews; and
- (8) agreements with qualified community organizations.

(c) Conditions.—A recipient shall—

- (1) maintain a written nondiscrimination policy;
- (2) protect confidential information;
- (3) use evidence-based training;
- (4) submit complete performance data; and
- (5) maintain procedures for complaints concerning bias or misconduct by personnel supported with grant funds.

(d) Equitable Administration.—Awards shall be based on demonstrated need, expected effectiveness, reporting capacity, community impact, and past compliance. Nothing in this section authorizes a preference for or exclusion of an applicant solely because of the race of its owners, employees, or members.

(e) Supplement, Not Supplant.—Grant funds shall supplement and not supplant otherwise available funds.

SEC. 10. VICTIM AND FAMILY ASSISTANCE.

(a) Services.—The Director of the Office for Victims of Crime shall support trauma-informed, culturally competent, and accessible assistance for victims of FBA-targeted offenses and their families, including—

- (1) crisis counseling;
- (2) emergency relocation;
- (3) security planning;
- (4) medical and mental-health referrals;

(5) funeral assistance, as otherwise authorized by law;

(6) legal-service referrals;

(7) transportation; and

(8) assistance navigating compensation systems.

(b) Immediate Access.—Emergency services may be provided based on a good-faith report and apparent need without requiring an arrest, prosecution, conviction, proof of ancestry, or proof of bias motivation.

(c) Community Recovery.—Following an incident with substantial community impact, the Attorney General may deploy conciliation, conflict-reduction, technical-assistance, and recovery resources through the Community Relations Service and other appropriate components.

(d) Rights Preserved.—Nothing in this section reduces any right or service available under the Crime Victims' Rights Act, the Victims of Crime Act of 1984, State law, or another provision of Federal law.

SEC. 11. LAW-ENFORCEMENT, PROSECUTOR, AND JUDICIAL TRAINING.

(a) Model Curriculum.—The Attorney General shall develop and make available a model curriculum concerning—

(1) the history and modern indicators of lynching and anti-FBA bias;

(2) the elements and jurisdictional requirements of applicable Federal offenses;

(3) recognition of mixed motives;

(4) digital evidence and true threats;

(5) trauma-informed interviewing;

(6) victim rights;

(7) officer misconduct; and

(8) constitutional limitations.

(b) Evidence Safeguards.—Training shall state that—

(1) protected speech, symbols, or association may not alone establish criminal liability;

(2) bias may not be inferred solely from demographic difference; and

(3) investigators must document both inculpatory and exculpatory evidence.

(c) Judicial Independence.—Any education offered to judicial officers shall be voluntary and administered consistently with judicial independence and applicable ethics rules.

SEC. 12. COMMUNITY PREVENTION AND PUBLIC EDUCATION GRANTS.

(a) Program.—The Attorney General may award grants to eligible nonprofit organizations, educational institutions, victim-service providers, and partnerships with units of government for projects that—

- (1) prevent FBA-targeted violence;
- (2) improve safe reporting;
- (3) preserve historical knowledge concerning racial terror;
- (4) support bystander intervention; and
- (5) strengthen community recovery.

(b) Eligibility and Selection.—Applicants shall demonstrate relevant expertise, responsible financial controls, community trust, measurable objectives, and a plan to protect participants. Selection may consider whether a project primarily serves a community facing documented risk, but may not exclude participants or deny benefits solely because of race.

(c) Prohibited Uses.—Funds may not be used for—

- (1) partisan campaign activity;
- (2) lobbying;
- (3) religious worship or instruction;
- (4) unlawful discrimination;
- (5) surveillance based solely on protected activity; or
- (6) advocacy of violence.

(d) Evaluation.—At least 2 percent and not more than 5 percent of amounts appropriated for this section may be used for independent evaluation and dissemination of effective practices.

SEC. 13. FEDERAL CIVIL ENFORCEMENT FOR IMMINENT VIOLATIONS.

(a) Civil Action.—Whenever the Attorney General has reasonable cause to believe that a person or group is engaged in a pattern or practice of conduct that presents an imminent risk of a violation of section 241, 245, 247, or 249 of title 18, United States Code, or section 3631 of title 42, United States Code, and the conduct includes credible evidence of anti-Black or

FBA-targeted bias, the Attorney General may bring a civil action in an appropriate district court of the United States for temporary, preliminary, or permanent injunctive relief.

(b) Standard.—Relief may issue only upon proof satisfying the standards otherwise applicable to the requested injunction and may be no broader than necessary to prevent the imminent unlawful conduct.

(c) Criminal Proceedings Unaffected.—A civil action under this section does not preclude a criminal investigation or prosecution and does not alter the elements or penalties of any criminal offense.

(d) No Private Right Created.—This section does not create a private right of action.

SEC. 14. THREAT INTAKE, REFERRAL, AND FIRST AMENDMENT PROTECTIONS.

(a) Intake Mechanism.—The Attorney General shall maintain accessible methods through which a person may submit information concerning a suspected FBA-targeted offense or true threat and shall provide clear instructions for emergencies, preservation of evidence, and referral to local authorities.

(b) Referral.—A submission presenting a credible and articulable indication of unlawful conduct shall be promptly referred to the agency or jurisdiction with appropriate authority.

(c) Protected Activity.—Nothing in this Act authorizes investigation, retention of information, designation, grant denial, or adverse action based solely on speech, journalism, scholarship, religious exercise, peaceful assembly, petition, association, or political advocacy protected by the Constitution.

(d) Threat Standard.—Any determination that a communication constitutes a true threat shall be made under the standards required by the Constitution and applicable Federal law, including the required culpable mental state.

SEC. 15. INSPECTOR GENERAL AND COMPTROLLER GENERAL OVERSIGHT.

(a) Inspector General Review.—Not later than 2 years after enactment and every 2 years thereafter for 6 years, the Inspector General of the Department of Justice shall review compliance with sections 5 through 14, including—

- (1) timeliness;
- (2) privacy safeguards;
- (3) grant integrity;
- (4) civil-rights compliance; and
- (5) the handling of substantiated complaints of misconduct.

(b) Comptroller General Study.—Not later than 3 years after enactment, the Comptroller General shall evaluate—

- (1) implementation;
- (2) data quality;
- (3) intergovernmental coordination;
- (4) victim access;
- (5) measurable outcomes;
- (6) constitutional safeguards; and
- (7) whether statutory or administrative changes are advisable.

(c) Public Versions.—Reports shall be submitted to the Committees on the Judiciary of the House of Representatives and the Senate and made public with lawful redactions for classified information, personal privacy, victim safety, grand-jury secrecy, and investigative integrity.

SEC. 16. ANNUAL REPORT TO CONGRESS.

(a) Report.—Not later than 1 year after enactment and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on implementation of this Act.

(b) Contents.—To the extent consistent with privacy, safety, and investigative integrity, the report shall include aggregated information concerning—

- (1) allegations received;
- (2) referrals;
- (3) matters opened, declined, charged, resolved, or pending;
- (4) reasons for declinations, stated by category;
- (5) use of the expedited review protocol;
- (6) cold cases reviewed;
- (7) grants awarded and their outcomes;
- (8) victim services delivered;
- (9) training provided;

(10) data completeness;

(11) complaints received;

(12) corrective actions; and

(13) recommendations for legislation.

(c) Disaggregation and Limitations.—Reported information shall, when statistically reliable and privacy-protective, be disaggregated by offense type, jurisdiction, and relevant bias category. The report shall explain missing data and may not identify a victim, witness, uncharged person, or confidential source.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization.—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2027 through 2031 to carry out this Act, of which—

(1) not less than 25 percent shall be for grants under section 9;

(2) not less than 20 percent shall be for victim and family assistance under section 10;

(3) not less than 20 percent shall be for grants under section 12; and

(4) the remainder may be used for enforcement coordination, cold-case review, data, training, oversight, and administration.

(b) Availability.—Amounts appropriated under this section shall remain available until expended.

(c) Administrative Cap.—Not more than 10 percent of amounts appropriated for a fiscal year may be used for Federal administrative expenses, excluding direct investigative, prosecutorial, victim-service, data-system, and training costs.

SEC. 18. RULES OF CONSTRUCTION.

(a) Existing Law.—Nothing in this Act shall be construed to narrow, displace, or create an exception to any protection, offense, remedy, jurisdictional requirement, certification, limitation, or authority under existing Federal or State law.

(b) Equal Protection.—Nothing in this Act authorizes unlawful discrimination. Criminal prohibitions and procedural protections apply according to their terms regardless of the race or identity of an alleged offender.

(c) No Status Offense.—No person may be investigated, arrested, charged, convicted, sentenced, or subjected to civil relief under this Act based solely on identity, belief, association, or protected expression.

(d) No Quotas.—Nothing in this Act authorizes a quota or numerical target for reports, investigations, arrests, charges, convictions, sentences, or grant awards.

(e) State Authority.—Nothing in this Act preempts a State law that provides equal or greater protection against hate crimes, violence, threats, or intimidation, except to the extent of a direct conflict with Federal law.

(f) Sovereign Immunity.—Nothing in this Act waives the sovereign immunity of the United States or of any State.

SEC. 19. SEVERABILITY.

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

SEC. 20. EFFECTIVE DATES.

(a) In General.—Except as provided in subsection (b), this Act shall take effect on the date of enactment.

(b) Grant and Data Provisions.—Sections 8, 9, and 12 shall take effect on the date that is 180 days after enactment.

(c) No Retroactive Criminal Liability.—Nothing in this Act creates retroactive criminal liability or increases punishment for conduct occurring before enactment.