



## ***Federal Public Defense Commission Act of 2024***

**Introduced in the Senate by:** Senator Peter Welch (D-Vt.)

**Introduced in the House by:** Representatives Suzanne Bonamici (D-OR-01); Kelly Armstrong (R-ND-At Large)

### **Background:**

The federal public defense system represents almost every criminal defendant in federal court. Currently, the system is administered by the Administrative Office of the U.S. Courts. Under this structure, the federal judiciary oversees funding, administration, and leadership of the federal public defense system. Last year, structural issues within this system almost resulted in a [nearly 10% workforce cut](#) for federal public defenders before [Congress stepped in to address the cuts](#). Judicial Conference committees have [twice](#) concluded that the federal public defense system needs increased independence in order to properly implement the right to counsel as guaranteed by the U.S. Constitution.

### **Legislation:**

The *Federal Public Defense Commission Act* would address structural concerns in the federal public defense system by creating a new Federal Public Defense Commission to oversee the federal public defense programs, and the provision of privately appointed counsel. The Commission would function independently from the Administrative Office of U.S. Courts and be run by individuals committed to indigent defense.

Specifically, the *Federal Public Defense Commission Act* would:

- Allow federal public defenders to advocate for their own budgetary, staffing, and physical infrastructure needs directly to Congress without worrying about impacts on, or inherent conflicts with, the federal judiciary budget.
- Grant federal public defenders the ability to control their own policies instead of following those set by the Administrative Office of the U.S. Courts.
- Remove the structural conflict created by the practice of federal judges selecting the heads of federal public defender offices—a practice which threatens the right to independent counsel.
- Create an improved and streamlined system for appointed attorneys to receive compensation for their work directly through a federal public defense entity.
- Place an ex-officio federal public defender representative on the U.S. Sentencing Commission, which already has an ex-officio member from the Attorney General's Office, but no equivalent representative for criminal defendants.

### **Supporting Organizations:**

The *Federal Public Defense Commission Act of 2024* is endorsed by the Due Process Institute, National Association of Criminal Defense Lawyers (NACDL) and the National Association for Public Defense (NAPD).