

119TH CONGRESS
2D SESSION

S. 3874

To amend title 28, United States Code, to prohibit attorneys for the Government from being influenced by the political association, activities, or beliefs of a person in determining whether to commence or recommend prosecution or take other action against the person.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2026

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to prohibit attorneys for the Government from being influenced by the political association, activities, or beliefs of a person in determining whether to commence or recommend prosecution or take other action against the person.

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 “Prohibiting Political
5 Prosecutions Act of 2026”.

1 **SEC. 2. IMPERMISSIBLE CONSIDERATIONS FOR INITIATING**
 2 **OR DECLINING CHARGES AND RIGHT OF AC-**
 3 **TION.**

4 (a) IN GENERAL.—Chapter 31 of title 28, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing:

7 **“§ 530E. Impermissible considerations for initiating**
 8 **or declining charges and right of action**

9 “(a) DEFINITION.—In this section, the term ‘applica-
 10 ble covered individual’ means—

11 “(1) if the investigation involved the Federal
 12 Bureau of Investigation, the Director of the Federal
 13 Bureau of Investigation, a special agent in charge,
 14 a section chief, and an agent of the Federal Bureau
 15 of Investigation;

16 “(2) if the investigation involved an agency
 17 other than the Federal Bureau of Investigation, the
 18 head of the agency and an agent of the agency; and

19 “(3) a United States attorney and a line pros-
 20 ecutor.

21 “(b) IMPERMISSIBLE CONSIDERATIONS.—

22 “(1) IN GENERAL.—In determining whether to
 23 commence or recommend prosecution or investiga-
 24 tion an attorney or investigator for the Government
 25 shall not consider the political or policy associations,
 26 activities, or beliefs of the person. An attorney or in-

1 investigator for the Government shall not commence
2 or recommend prosecution or investigation against a
3 person in order to influence or change, in any way,
4 the political or policy associations, activities, or be-
5 liefs of the person.

6 “(2) APPLICATIONS.—Each criminal complaint,
7 information, indictment, and application for a search
8 warrant or arrest warrant shall include an attesta-
9 tion by the applicable covered individual that—

10 “(A) the covered individual is not aware
11 that the criminal complaint, information, indict-
12 ment, search warrant, or arrest warrant, as ap-
13 plicable, is being sought because of the political
14 association, activities, or beliefs of the person
15 subject to the warrant or a defendant named in
16 the indictment;

17 “(B) the covered individual is not aware
18 that the criminal complaint, information, indict-
19 ment, search warrant, or arrest warrant, as ap-
20 plicable, is being sought in order to influence or
21 change, in any way, the political or policy asso-
22 ciations, activities, or beliefs of the person sub-
23 ject to the warrant or a defendant named in the
24 indictment; and

1 “(C) in the case of a criminal complaint,
2 information, or indictment, the covered indi-
3 vidual believes the evidence in support of the in-
4 dictment is sufficient to prove the guilt of the
5 defendant at trial beyond a reasonable doubt.

6 “(3) RULE OF CONSTRUCTION.—Nothing in
7 paragraph (1) may be construed to limit the author-
8 ity of the Attorney General—

9 “(A) to establish prosecutorial and other
10 guidelines for personnel of the Department of
11 Justice;

12 “(B) to displace any additional provisions
13 of the Justice Manual; or

14 “(C) to exclude by implication any other
15 consideration the Attorney General determines
16 is impermissible in determining whether to com-
17 mence or recommend prosecution or take other
18 action against a person.

19 “(c) RIGHT OF ACTION.—Any person investigated or
20 prosecuted following a violation of this section may bring
21 a civil action in an appropriate court of the United States
22 for damages against any applicable covered individual in
23 their individual capacity.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

2 The table of sections for chapter 31, United States Code,
3 is amended by adding at the end the following:

“530E. Impermissible considerations for initiating or declining charges and right
of action.”.

4 **SEC. 3. GRAND JURY REFORMS.**

5 (a) IN GENERAL.—Rule 6 of the Federal Rules of
6 Criminal Procedure is amended by adding at the end the
7 following:

8 “(j) PRESENTATION OF EXCULPATORY INFORMA-
9 TION.—If the government is aware of exculpatory evi-
10 dence, the government shall inform the grand jury of its
11 nature and existence.

12 “(k) PRESENTATION OF IMPEACHMENT INFORMA-
13 TION.—The government shall inform the grand jury of
14 any statement, report, communication, or recording in the
15 possession of the government made by, or including, a wit-
16 ness who testified before the grand jury that may impeach
17 the credibility of the testimony of the witness.”.

18 (b) DISCOVERY AND INSPECTION.—Rule 16(a)(1) of
19 the Federal Rules of Criminal Procedure is amended—

20 (1) by redesignating subparagraph (G) as sub-
21 paragraph (H); and

22 (2) by inserting after subparagraph (F) the fol-
23 lowing:

1 “(G) GRAND JURY VOTE TALLY.—Upon a
 2 defendant’s request, the government must fur-
 3 nish the defendant with the number of grand
 4 jurors who voted to indict on each count and
 5 the number of grand jurors present for the
 6 vote.”.

7 (c) DISMISSAL.—Rule 48 of the Federal Rules of
 8 Criminal Procedure is amended by adding at the end the
 9 following:

10 “(c) FOR POLITICAL REASONS.—

11 “(1) IN GENERAL.—Upon a motion by the de-
 12 fendant alleging that substantial grounds exist to be-
 13 lieve that the political or policy associations, activi-
 14 ties, or beliefs of the defendant were considered in
 15 bringing the prosecution or that the prosecution was
 16 sought in order to influence or change, in any way,
 17 the political or policy association, activities, or be-
 18 liefs of the defendant and requesting dismissal of all
 19 or part of the indictment and inspection of grand
 20 jury minutes, the judge shall review the grand jury
 21 minutes in camera, including whether—

22 “(A) the government provided the grand
 23 jury with sufficient evidence to prove by prob-
 24 able cause that the defendant committed each
 25 element of the crime;

1 “(B) the evidence presented to the grand
2 jury was without impermissible reference to the
3 political or policy associations, activities, or be-
4 liefs of the defendant;

5 “(C) the government informed the grand
6 jury of the nature and existence of all excul-
7 patory evidence of which the government was
8 aware; and

9 “(D) the government informed the grand
10 jury of any statement, report, communication,
11 or recording in the possession of the govern-
12 ment made by a witness who testified before the
13 grand jury that may impeach the credibility of
14 the grand jury testimony of the witness.

15 “(2) DISMISSAL OF ALL OR PART OF THE IN-
16 DICTMENT.—

17 “(A) DETERMINATION.—If the court de-
18 termines that evidence presented to the grand
19 jury impermissibly related to the political or
20 policy associations, activities or beliefs of the
21 defendant, or that the evidence was not suffi-
22 cient to prove probable cause for each element
23 of the offense, the court shall dismiss all or
24 part of the indictment, as applicable.

1 “(B) RE-PRESENTATION.—If the court dis-
 2 misses all or part of an indictment under this
 3 paragraph, the government may re-present a
 4 case to a different grand jury only if the gov-
 5 ernment first files a motion providing, and the
 6 court first finds, substantial grounds to believe
 7 that the political or policy associations, activi-
 8 ties, or beliefs of the target were not considered
 9 in bringing the prosecution and that the pros-
 10 ecution is not being sought in order to influence
 11 or change, in any way, the political or policy as-
 12 sociation, activities, or beliefs of the defend-
 13 ant.”.

14 **SEC. 4. PROHIBITION ON WHITE HOUSE INFLUENCE.**

15 (a) IN GENERAL.—Chapter 31 of title 28, United
 16 States Code, as amended by section 2 of this Act, is
 17 amended by adding at the end the following:

18 **“§ 530F. Impermissible influence**

19 “(a) IN GENERAL.—No President or any employee
 20 of the White House shall directly or indirectly instruct the
 21 Department of Justice concerning investigative or charg-
 22 ing decisions in individual criminal cases.

23 “(b) NO CONSIDERATION.—No Department of Jus-
 24 tice employee may consider direct or indirect instructions
 25 from the President or any White House employee when

1 making investigative or charging decisions in individual
 2 criminal cases.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of sections for chapter 31, United States Code,
 5 as amended by section 2 of this Act, is amended by adding
 6 at the end the following:

“530F. Impermissible influence.”.

7 **SEC. 5. REPORTING.**

8 (a) IN GENERAL.—Section 530B of title 28, United
 9 States Code, is amended—

10 (1) by redesignating subsection (c) as sub-
 11 section (d); and

12 (2) by inserting after subsection (b) the fol-
 13 lowing:

14 “(c)(1) All employees of the Department of Justice
 15 and Federal Bureau of Investigation shall report to the
 16 Office of Professional Responsibility of the Department of
 17 Justice and the Office of the Inspector General of the De-
 18 partment of Justice any instance where the political or
 19 policy associations, activities, or beliefs of the target were
 20 considered in any investigation or charging decision or
 21 when an investigation or charging decision was made in
 22 order to influence or change, in any way, the political or
 23 policy association, activities, or beliefs of the target.

24 “(2) The Director of the Office of Professional Re-
 25 sponsibility of the Department of Justice and the Inspec-

1 tor General of the Department of Justice shall disclose
 2 to each appropriate congressional committee any commu-
 3 nication or complaint received by the Office of the Inspec-
 4 tor General relating to an allegation that, in determining
 5 whether to commence or recommend prosecution or take
 6 other action against a person, the political or policy asso-
 7 ciations, activities, or beliefs of the person were considered
 8 or a decision was made in order to influence or change,
 9 in any way, the political or policy association, activities,
 10 or beliefs of the person.

11 “(3) Any disclosure made under paragraph (2)
 12 shall—

13 “(A) include—

14 “(i) the specific communication or com-
 15 plaint received by the Office of Professional Re-
 16 sponsibility or Office of the Inspector General;

17 “(ii) the investigative steps the Office of
 18 Professional Responsibility or Office of the In-
 19 spector General took in response to the allega-
 20 tion; and

21 “(iii) any findings of the Office of Profes-
 22 sional Responsibility or Office of the Inspector
 23 General;

24 “(B) notwithstanding section 552a of title 5, be
 25 confidential and not subject to disclosure; and

1 “(C) be made not later than 5 business days
2 after the issuance of any findings or, if no findings
3 are issued, be made no later than 5 business days
4 after the conclusion of the investigation.

5 “(4) The Office of Professional Responsibility of the
6 Department of Justice and the Office of the Inspector
7 General of the Department of Justice shall investigate all
8 communications and complaints relating to an allegation
9 that, in determining whether to commence or recommend
10 prosecution or take other action against a person, the po-
11 litical association, activities, or beliefs of the person were
12 considered or a decision was made in order to influence
13 or change, in any way, the political or policy associations,
14 activities, or beliefs of the person. Such investigations
15 shall be commenced not later than 5 business days after
16 the initial receipt of the communication or complaint and
17 shall be completed not later than 1 month after such re-
18 ceipt.”.

19 **SEC. 6. SEVERABILITY.**

20 If any provision of this Act, an amendment made by
21 this Act, or the application of such provision or amend-
22 ment to any person or circumstance is held to be unconsti-
23 tutional, the remainder of this Act, the amendments made
24 by this Act, and the application of the provisions of such

1 to any person or circumstance shall not be affected there-
2 by.

