

119TH CONGRESS
2^D SESSION

H. R. 8154

To provide for the appointment of a special prosecutor to investigate any unlawful action by any officer or employee of the Department of Homeland Security taken on or after January 20, 2025.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2026

Ms. STEVENS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the appointment of a special prosecutor to investigate any unlawful action by any officer or employee of the Department of Homeland Security taken on or after January 20, 2025.

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 “Hold ICE Accountable
5 Act of 2026”.

6 **SEC. 2. APPOINTMENT OF SPECIAL PROSECUTOR.**

7 (a) PANEL.—Following an application from the At-
8 torney General or any of the attorneys general rep-

1 resenting any of the several States, the District of Colum-
2 bia, or any territory or possession of the United States,
3 the chief judge of the U.S. Court of Appeals for the Dis-
4 trict of Columbia Circuit shall appoint, not later than 30
5 days after the date of the submission of the application,
6 a three judge panel to appoint a special prosecutor with
7 the authority to investigate any action by any officer or
8 employee of the Department of Homeland Security that—

- 9 (1) occurred on or after January 20, 2025;
10 (2) is alleged to be unlawful; and
11 (3) is deemed credible by the special prosecutor.

12 (b) APPOINTMENT.—The special prosecutor shall be
13 appointed not later than 30 days after the panel under
14 subsection (a) is appointed from among individuals who
15 are lawyers—

- 16 (1) with reputations for integrity and impartial
17 decision-making;
18 (2) with appropriate experience to ensure both
19 that any investigation will be conducted ably, expedi-
20 tiously and thoroughly, and that each investigative
21 and prosecutorial decision will be supported by an
22 informed understanding of Federal criminal law and
23 Department of Justice policies;

1 (3) who are not employed by the United States
2 Government in any capacity, and who do not have
3 the United States as a client; and

4 (4) who have not been employed by the United
5 States Government in any capacity, and who have
6 not had the United States as a client on or after
7 January 20, 2025.

8 (c) **BACKGROUND CHECK.**—The panel shall ensure
9 that, prior to appointment, the special prosecutor under-
10 goes an appropriate background investigation and a de-
11 tailed review of ethical conduct and conflicts of interest.

12 **SEC. 3. STAFFING.**

13 (a) **IN GENERAL.**—A special prosecutor appointed
14 under section 2 may appoint the legal, administrative, and
15 support personnel necessary to perform the functions of
16 the special prosecutor. Any appointment made pursuant
17 to this subsection, shall not be subject to the approval or
18 supervision of any other office or agency.

19 (b) **APPLICABILITY OF CERTAIN CIVIL SERVICE**
20 **LAWS.**—The staff appointed under subsection (a) shall be
21 paid in accordance with the provisions of chapter 51 and
22 subchapter III of chapter 53 of that title relating to classi-
23 fication and General Schedule pay rates.

24 (c) **DISCIPLINE.**—Staff appointed by the special pros-
25 ecutor shall be subject to disciplinary action by the special

1 prosecutor for misconduct and breach of ethical duties
2 under the same standards and to the same extent as are
3 employees of the Department of Justice, as determined by
4 the special prosecutor in accordance with law.

5 (d) **STAFF REMOVAL.**—The staff appointed under
6 subsection (a) shall not be subject to removals, reassign-
7 ments, reductions in force, or similar actions by anyone
8 but the special prosecutor.

9 **SEC. 4. POWERS OF THE OFFICE.**

10 (a) **IN GENERAL.**—A special prosecutor appointed
11 under section 2 shall exercise, within the scope of the ju-
12 risdiction of that special prosecutor under section 2, the
13 full power and independent authority to exercise all inves-
14 tigative and prosecutorial functions of any United States
15 Attorney.

16 (b) **JURISDICTION.**—The jurisdiction of a special
17 prosecutor as established under section 2 shall also include
18 the authority to investigate and prosecute Federal crimes
19 committed in the course of, and with intent to interfere
20 with, the special prosecutor’s investigation, including per-
21 jury, obstruction of justice, destruction of evidence, and
22 intimidation of witnesses; and to conduct appeals arising
23 out of the matter being investigated or prosecuted.

24 (c) **RELATION TO THE DEPARTMENT OF JUSTICE.**—
25 A special prosecutor shall independently comply with the

1 rules, regulations, procedures, practices, and policies of
2 the Department of Justice, shall be allowed to operate free
3 from undue influence or improper direction from any offi-
4 cial of the Department of Justice, and shall not be subject
5 to the day-to-day supervision of any official of the Depart-
6 ment. The special prosecutor shall determine whether and
7 to what extent to inform or consult with the Attorney Gen-
8 eral or others within the Department of Justice about the
9 conduct of the office of special prosecutor.

10 (d) REPORTING AND CONGRESSIONAL OVERSIGHT.—

11 (1) A special prosecutor appointed under this
12 chapter may make public from time to time, and
13 shall send to the Congress statements or reports on
14 the activities of such special prosecutor. These state-
15 ments and reports shall contain such information as
16 such special prosecutor deems appropriate.

17 (2) The Committees on the Judiciary of the
18 House of Representatives and of the Senate shall
19 have oversight jurisdiction with respect to the offi-
20 cial conduct of any special prosecutor appointed
21 under this chapter, and such special prosecutor shall
22 have the duty to cooperate with the exercise of such
23 oversight jurisdiction.

24 (3) 90 days before the beginning of each fiscal
25 year after the appointment of a special prosecutor

1 under section 2, the special prosecutor shall report
2 in camera to the three judge panel referred to in
3 such section on the status of each investigation.

4 (4) The three judge panel may release to the
5 Congress, the public, or to any appropriate person,
6 such portions of a report made under this subsection
7 as the division deems appropriate as consistent with
8 law. The division of the court shall make such orders
9 as are appropriate to protect the rights of any indi-
10 vidual named in such report and to prevent undue
11 interference with any pending prosecution.

12 (5) When the special prosecutor concludes their
13 investigation, the special prosecutor shall provide the
14 Attorney General, the three judge panel, and the
15 Chairman and Ranking Minority Member of the
16 Committees on the Judiciary of the House of Rep-
17 resentatives and of the Senate with a confidential re-
18 port explaining each decision of the special pros-
19 ecutor as to whether or not to prosecute an alleged
20 offense.

21 **SEC. 5. REMOVAL.**

22 (a) IN GENERAL.—A special prosecutor appointed
23 under section 2 may only be removed from office by the
24 Attorney General.

25 (b) STANDARD FOR REMOVAL.—

1 (1) IN GENERAL.—The Attorney General may
2 only remove a special prosecutor appointed under
3 section 2 for good cause, physical disability, mental
4 incapacity, or any other condition that substantially
5 impairs the performance of such independent coun-
6 sel’s duties. The Attorney General shall inform the
7 special prosecutor in writing of the specific reason
8 for removal.

9 (2) REPORT ON REMOVAL.—If a special pros-
10 ecutor is removed from office, the Attorney General
11 shall promptly submit to the three judge panel and
12 the Committees on the Judiciary of the Senate and
13 the House of Representatives a report specifying the
14 facts found and the ultimate grounds for such re-
15 moval. The committees shall make available to the
16 public such report, except that each committee may,
17 if necessary to protect the rights of any individual
18 named in the report or to prevent undue interference
19 with any pending prosecution, redact or postpone
20 publishing any or all of the report with the unani-
21 mous approval of the three judge panel.

22 (c) REVIEW.—Upon petition by a special prosecutor
23 removed by the Attorney General, such removal shall be
24 reviewed for compliance with section 5(b)(1) not later than
25 30 days after the filing of the petition by the United

1 States District Court for the District of Columbia. Either
2 party may appeal within 30 days and be subject to expe-
3 dited review. If such removal was based on error of law
4 or fact, the court may reinstate the special prosecutor.

5 **SEC. 6. CIVIL LIABILITY.**

6 (a) IN GENERAL.—Any party deprived of his rights,
7 privileges, or immunities secured by the Constitution and
8 laws of the United States as a result of the actions for
9 which an individual is indicted by the special prosecutor
10 established in this Act may bring a civil action against
11 that individual in the appropriate district court of the
12 United States.

13 (b) DAMAGES.—Damages available pursuant to such
14 action may include—

15 (1) compensatory damages, including all eco-
16 nomic damages associated with the deprivation of
17 rights, privileges, or immunities;

18 (2) non-economic damages for emotional dis-
19 tress and pain and suffering; and

20 (3) punitive damages, if the party proves by
21 clear and convincing evidence that the defendant
22 against whom punitive damages are sought acted
23 maliciously, intentionally, fraudulently, or recklessly.

24 (c) BAR ON QUALIFIED IMMUNITY.—Any individual
25 alleged to be liable in a civil action under subsection (a)

1 may not invoke a defense or immunity in any action
2 that—

3 (1) the defendant was acting in good faith, or
4 that the defendant believed, reasonably or otherwise,
5 that his or her conduct was lawful at the time when
6 the conduct was committed; or

7 (2) the rights, privileges, or immunities secured
8 by the Constitution and laws were not clearly estab-
9 lished at the time of their deprivation by the defend-
10 ant, or that at such time, the state of the law was
11 otherwise such that the defendant could not reason-
12 ably have been expected to know whether his or her
13 conduct was lawful.

14 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated such sums
16 as may be necessary to carry out this Act. Amounts made
17 available in appropriations Acts in accordance with this
18 section shall be available to a special prosecutor appointed
19 under section 2 for a period of 5 fiscal years.

20 **SEC. 8 SEVERABILITY.**

21 Should any provision in this Act be found to be un-
22 constitutional by a court of law, such provision shall be
23 severed from the remainder of the Act, and such action

1 shall not affect the enforceability of the remaining provi-
2 sions of the Act.

○