**19.6 Obstruction of Justice—Pending Proceeding Before United States Departments or Agencies (18 U.S.C. § 1505)**

The defendant [*name*] is charged in [Count \_\_\_\_\_\_ of] the indictment with obstruction of a proceeding pending before a department or agency of the United States in violation of Section 1505 of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, there was a proceeding pending before a department or agency of the United States;

Second, the defendant [*name*] was aware of the pending proceeding; and

Third, the defendant [*name*] intentionally [and [corruptly] [by threats of force] [by threatening letter or communication] influenced, obstructed, or impeded] [endeavored to influence, obstruct, or impede] the pending proceeding’s due and proper administration of the law.

**Comment**

A version of this Instruction was approved by Ninth Circuit in *United States v. Sullivan*, 131 F.4th 776, 782 (9th Cir. 2025) (citing *United States v. Price*, 951 F.2d 1028, 1031 (9th Cir.1991)). As used in § 1505, “corruptly” means “‘that the act must be done with the purpose of obstructing justice.’” *Price*, 951 F.2d at 1031 (quoting *United States v. Laurins*, 857 F.2d 529, 536-37 (9th Cir. 1988)). The Ninth Circuit has held that there is no need to supplement the above instruction with a “nexus” element (*i.e.*, an element requiring that there be a nexus between the defendant’s conduct and the pending proceeding). *See Sullivan*, 131 F.4th at 782-83, 783 n.3; *United States v. Bhagat*, 436 F.3d 1140, 1148 (9th Cir. 2006).

This instruction does not include two other ways 18 U.S.C. § 1505 can be violated. The first is set out in the first paragraph of § 1505 and concerns obstructing civil investigative demands made under the Antitrust Civil Process Act. The second is obstruction of the “due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.” 18 U.S.C. § 1505.