

105TH CONGRESS  
2D SESSION

# H. R. 3464

To amend title 28 of the United States Code to revise the authority of the independent counsel, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1998

Mr. WEXLER (for himself, Mrs. CLAYTON, Mr. YATES, and Mr. THOMPSON) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To amend title 28 of the United States Code to revise the authority of the independent counsel, and for other purposes.

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 AND REFERENCE.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Independent Counsel Limited Powers Act”.

6 (b) REFERENCE.—Whenever in this Act an amend-  
7 ment or repeal is expressed in terms of an amendment  
8 to, or repeal of, a section or other provision, the reference

1 shall be considered to be made to a section or other provi-  
2 sion of the title 28, United States Code.

3 **SEC. 2. SUBPOENA AUTHORITY FOR ATTORNEY GENERAL.**

4 Section 592(a)(2) is amended by striking “plea bar-  
5 gain, grant immunity, or issue subpoenas” and inserting  
6 “plea bargain, or grant immunity”.

7 **SEC. 3. AUTHORITY OF THE INDEPENDENT COUNSEL.**

8 (a) PERSONS SUBJECT TO INVESTIGATION.—Section  
9 591(b) is amended by striking paragraphs (4) through (7).

10 (b) CRIMES SUBJECT TO INVESTIGATION.—Section  
11 591(a) is amended by striking “may have violated any  
12 Federal criminal law other than a violation classified as  
13 a Class B or C misdemeanor or an infraction” and insert-  
14 ing “may, while in the office described in subsection (b),  
15 have violated any Federal criminal law (other than a viola-  
16 tion classified as a Class B or C misdemeanor or an infrac-  
17 tion) which involves an abuse of official power or improper  
18 influencing of executive, legislative, or electoral decisions”.

19 **SEC. 4. AUTHORITY TO APPLY FOR APPOINTMENT OF INDE-  
20 PENDENT COUNSEL.**

21 Section 592(c) is amended—

22 (1) by amending the first sentence to read as  
23 follows: “The Attorney General shall apply to the di-  
24 vision of the court for the appointment of an inde-  
25 pendent counsel if the Attorney General, upon com-

1       pletion of a preliminary investigation under sub-  
2       section (a) determines that there are substantial  
3       grounds to believe that further investigation is war-  
4       ranted.”; and

5               (2) in the second sentence, by striking “reason-  
6       able grounds” and inserting “substantial grounds”.

7       **SEC. 5. JURISDICTION OF INDEPENDENT COUNSEL.**

8       (a) SCOPE.—Section 593(b)(3) is amended by strik-  
9       ing “all matters related to that subject matter” and in-  
10      serting “all matters directly related to that subject mat-  
11      ter”.

12      (b) EXPANSION.—Section 593 is amended by striking  
13      subsection (c).

14      **SEC. 6. TERM.**

15      Section 593(b) is amended by adding at the end the  
16      following:

17             “(5) TERM.—The division of the court shall appoint  
18      an independent counsel for a term of 2 years. Such term  
19      may be extended by the division of the court if there has  
20      been an indictment or if the independent counsel shows  
21      the division, in a closed session, that the evidence already  
22      developed is serious enough to justify further inquiry, or  
23      if there is evidence of purposefully dilatory tactics on the  
24      part of the subject of the investigation.”.

1 **SEC. 7. EMPLOYMENT OF INDEPENDENT COUNSEL.**

2 (a) **COMPENSATION.**—Section 594(b)(1) is amended  
3 by striking “compensation at the per diem rate equal to  
4 the annual rate” and inserting “compensation at the an-  
5 nual rate”.

6 (b) **TENURE.**—Section 594(j)(1)(A) is amended to  
7 read as follows: “(A) During the period in which an inde-  
8 pendent counsel is serving under this chapter, the inde-  
9 pendent counsel shall have no other employment.”.

○