

Calendar No. 128

105TH CONGRESS
1ST SESSION**S. 1065**

To amend the Ethics in Government Act with respect to the appointment
of an independent counsel.

IN THE SENATE OF THE UNITED STATES

JULY 24, 1997

Mr. SPECTER introduced the following bill; which was read the first time

JULY 25, 1997

Read the second time and placed on the calendar

A BILL

To amend the Ethics in Government Act with respect to
the appointment of an independent counsel.

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 “Independent Counsel
5 Reform Act of 1997”.

1 **SEC. 2. AMENDMENTS TO THE ETHICS IN GOVERNMENT**
2 **ACT.**

3 (a) INCLUSION OF FEDERAL ELECTION LAWS.—Sec-
4 tion 591 of title 28, United States Code, is amended in
5 subsection (a) by adding “any provision of the Federal
6 Election Campaign Act of 1974, as amended, the Presi-
7 dential Election Campaign Fund Act, as amended, or the
8 Presidential Primary Matching Payment Account Act, as
9 amended, or” after “violated”.

10 (b) CONGRESSIONAL APPLICATION FOR APPOINT-
11 MENT OF INDEPENDENT COUNSEL.—Section 595 of title
12 28, United States Code, is amended by adding at the end
13 the following:

14 “(d) CONGRESSIONAL APPLICATION.—Where the
15 Committee on the Judiciary of either House of the Con-
16 gress has received a report from the Attorney General con-
17 taining notification that the appointment of an independ-
18 ent counsel is not warranted, and the committee or a ma-
19 jority of the majority party members or a majority of the
20 nonmajority party members of such committee determines
21 that the Attorney General’s failure to appoint an inde-
22 pendent counsel is an abuse of discretion, the committee
23 or a majority of majority party members or a majority
24 of the nonmajority party members of such committee may
25 petition the court to appoint an independent counsel.”

1 (c) JUDICIAL DETERMINATION OF NEED FOR INDE-
2 PENDENT COUNSEL.—Section 593(b) of title 28, United
3 States Code, is amended by adding at the end the follow-
4 ing:

5 “(5) AUTHORITY UNDER CONGRESSIONAL AP-
6 PPLICATION.—Upon receipt of a congressional appli-
7 cation under section 595(d) of this title, the division
8 of the court shall appoint an appropriate independ-
9 ent counsel and shall define that independent coun-
10 sel’s prosecutorial jurisdiction upon a determination
11 by such division that the Attorney General’s failure
12 to appoint an independent counsel is an abuse of
13 discretion.”.

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