

Calendar No. 228

106TH CONGRESS
1ST SESSION**S. 1427**

To authorize the Attorney General to appoint a special counsel to investigate or prosecute a person for a possible violation of criminal law when the Attorney General determines that the appointment of a special counsel is in the public interest.

IN THE SENATE OF THE UNITED STATES

JULY 22, 1999

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

JULY 26, 1999

Read the second time and placed on the calendar

A BILL

To authorize the Attorney General to appoint a special counsel to investigate or prosecute a person for a possible violation of criminal law when the Attorney General determines that the appointment of a special counsel is in the public interest.

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 “Special Counsel Act
5 of 1999”.

1 **SEC. 2. SPECIAL COUNSEL.**

2 (a) IN GENERAL.—Part II of title 28, United States
3 Code, is amended by striking chapter 40 and inserting the
4 following:

5 **“CHAPTER 40—SPECIAL COUNSEL**

“Sec.

“591. Special counsel.

“592. Jurisdiction.

“593. Regulations.

6 **“§ 591. Special counsel**

7 “The Attorney General may appoint a special counsel
8 who is not an officer or employee of the Federal Govern-
9 ment to conduct the investigation or prosecution of a per-
10 son for a possible violation of criminal law when the Attor-
11 ney General determines that the appointment of a special
12 counsel is in the public interest only in accordance with
13 this chapter.

14 **“§ 592. Jurisdiction**

15 “(a) IN GENERAL.—The Attorney General shall de-
16 termine the special counsel’s investigative and prosecu-
17 torial jurisdiction under this chapter.

18 “(b) JUDICIAL REVIEW.—The determination of juris-
19 diction by the Attorney General under subsection (a) shall
20 not be subject to judicial review.

21 **“§ 593. Regulations**

22 “(a) IN GENERAL.—

23 “(1) PROMULGATION.—

1 “(A) IN GENERAL.—Subject to approval by
2 Congress as provided in subsection (b), the At-
3 torney General shall promulgate regulations
4 governing the operation and removal of a spe-
5 cial counsel appointed under this chapter.

6 “(B) REGULATIONS NOT REQUIRING AP-
7 PROVAL.—A regulation promulgated by the At-
8 torney General on the appointment of a special
9 counsel and the investigative or prosecutorial
10 jurisdiction of a special counsel shall not be
11 subject to approval under this section.

12 “(2) RESUBMISSION.—If regulations are dis-
13 approved under subsection (b), the Attorney General
14 shall submit new regulations to Congress for ap-
15 proval not later than 60 days after the date of dis-
16 approval. Any new regulations or changes to existing
17 regulations promulgated under this section shall be
18 subject to Congressional approval as provided in
19 subsection (b).

20 “(b) CONGRESSIONAL APPROVAL.—

21 “(1) IN GENERAL.—Any regulations promul-
22 gated by the Attorney General under this section
23 shall be subject to approval by joint resolution as
24 provided in this subsection.

1 “(2) CONTENTS OF RESOLUTION.—For the
2 purposes of paragraph (1), ‘joint resolution’ means
3 only a joint resolution introduced after the date on
4 which Congress receives the regulations promulgated
5 by the Attorney General under subsection (a) the
6 matter after the resolving clause of which is as fol-
7 lows: “The Congress approves the regulations pro-
8 mulgated by the Attorney General pursuant to sec-
9 tion 593(a) of title 28, United States Code.”.

10 “(3) REFERRAL TO COMMITTEE.—A resolution
11 described in paragraph (2) introduced in the House
12 of Representatives shall be referred to the Com-
13 mittee on Government Reform and the Committee
14 on the Judiciary of the House of Representatives. A
15 resolution described in paragraph (2) introduced in
16 the Senate shall be referred to the Committee on
17 Governmental Affairs and the Committee on the Ju-
18 diciary of the Senate. Such a resolution may not be
19 reported before the 8th day after its introduction.

20 “(4) DISCHARGE OF COMMITTEE.—If the com-
21 mittees to which are referred a resolution described
22 in paragraph (2) have not reported such resolution
23 (or an identical resolution) at the end of 15 calendar
24 days after its introduction, such committees shall be
25 deemed to be discharged from further consideration

1 of such resolution and such resolution shall be
2 placed on the appropriate calendar of the House in-
3 volved.

4 “(5) FLOOR CONSIDERATION.—

5 “(A) IN GENERAL.—When the committees
6 to which a resolution is referred have reported,
7 or have been deemed to be discharged (under
8 paragraph (4)) from further consideration of, a
9 resolution described in paragraph (2), it is at
10 any time thereafter in order (even though a
11 previous motion to the same effect has been dis-
12 agreed to) for any Member of the respective
13 House to move to proceed to the consideration
14 of the resolution, and all points of order against
15 the resolution (and against consideration of the
16 resolution) are waived. The motion is highly
17 privileged in the House of Representatives and
18 is privileged in the Senate and is not debatable.
19 The motion is not subject to amendment, or to
20 a motion to postpone, or to a motion to proceed
21 to the consideration of other business. A motion
22 to reconsider the vote by which the motion is
23 agreed to or disagreed to shall not be in order.
24 If a motion to proceed to the consideration of
25 the resolution is agreed to, the resolution shall

1 remain the unfinished business of the respective
2 House until disposed of.

3 “(B) DEBATE.—Debate on the resolution,
4 and on all debatable motions and appeals in
5 connection therewith, shall be limited to not
6 more than 10 hours, which shall be divided
7 equally between those favoring and those oppos-
8 ing the resolution. A motion further to limit de-
9 bate is in order and not debatable. An amend-
10 ment to, or a motion to postpone, or a motion
11 to proceed to the consideration of other busi-
12 ness, or a motion to recommit the resolution is
13 not in order. A motion to reconsider the vote by
14 which the resolution is agreed to or disagreed to
15 is not in order.

16 “(C) VOTE ON FINAL PASSAGE.—Imme-
17 diately following the conclusion of the debate on
18 a resolution described in paragraph (1), and a
19 single quorum call at the conclusion of the de-
20 bate if requested in accordance with the rules of
21 the appropriate House, the vote on final pas-
22 sage of the resolution shall occur.

23 “(D) RULINGS OF THE CHAIR ON PROCE-
24 DURE.—Appeals from the decisions of the Chair
25 relating to the application of the rules of the

1 Senate or the House of Representatives, as the
 2 case may be, to the procedure relating to a res-
 3 olution described in paragraph (2) shall be de-
 4 cided without debate.

5 “(6) COORDINATION WITH ACTION BY OTHER
 6 HOUSE.—If, before the passage by one House of a
 7 resolution of that House described in paragraph (2),
 8 that House receives from the other House a resolu-
 9 tion described in paragraph (2), then the following
 10 procedures shall apply:

11 “(A) The resolution of the other House
 12 shall not be referred to a committee.

13 “(B) With respect to a resolution described
 14 in paragraph (2) of the House receiving the
 15 resolution—

16 “(i) the procedure in that House shall
 17 be the same as if no resolution had been
 18 received from the other House; but

19 “(ii) the vote on final passage shall be
 20 on the resolution of the other House.

21 “(7) RULES OF HOUSE OF REPRESENTATIVES
 22 AND SENATE.—This subsection is enacted by
 23 Congress—

24 “(A) as an exercise of the rulemaking
 25 power of the Senate and House of Representa-

tives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (2), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

“(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.”.

(b) TABLE OF CHAPTERS.—The item for chapter 40 in the table of chapters for part II is amended by striking “Independent Counsel” and inserting “Special Counsel”.

SEC. 3. REGULATIONS.

(a) EXISTING REGULATIONS.—This Act and the amendments made by this Act shall apply to any regulations promulgated by the Attorney General with respect to the operation or removal of a special counsel who is not an officer or employee of the Federal Government to conduct the investigation or prosecution of a person for a possible violation of criminal law promulgated prior to the date of enactment of this Act.

1 (b) INITIAL REGULATIONS.—The Attorney General
2 shall promulgate the regulations required by section 593
3 of title 28, United States Code, as added by section 2,
4 not later than 60 days after the date of enactment of this
5 Act.

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