

115TH CONGRESS
1ST SESSION

S. 1741

To ensure independent investigations by allowing judicial review of the removal of a special counsel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2017

Mr. TILLIS (for himself and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To ensure independent investigations by allowing judicial review of the removal of a special 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.**

4 This Act may be cited as the “Special Counsel Integ-
5 rity Act”.

6 **SEC. 2. LIMITATION ON REMOVAL OF SPECIAL COUNSEL.**

7 (a) IN GENERAL.—A special counsel appointed under
8 Department of Justice regulations may be disciplined or
9 removed from office only by the personal action of an At-
10 torney General who has been confirmed by the Senate, or,

1 if the Attorney General is recused from the matter, the
 2 most senior Department of Justice official who has been
 3 confirmed by the Senate and is not recused from the mat-
 4 ter.

5 (b) CAUSE FOR REMOVAL.—A special counsel ap-
 6 pointed under Department of Justice regulations may only
 7 be removed for misconduct, dereliction of duty, incapacity,
 8 conflict of interest, or other good cause, including violation
 9 of policies of the Department of Justice.

10 (c) NOTICE OF REMOVAL.—The Attorney General, or
 11 other Department of Justice official described in sub-
 12 section (a), as the case may be, shall inform the special
 13 counsel in writing of the specific reason for the removal.

14 (d) REVIEW.—

15 (1) IN GENERAL.—An individual removed under
 16 subsection (b) may file an action in accordance with
 17 paragraph (2) that the removal was in violation of
 18 this section.

19 (2) REQUIREMENTS.—An action filed under
 20 this subsection shall be heard and determined by a
 21 court of 3 judges not later than 14 days after the
 22 date on which the action is filed in accordance with
 23 the provisions of section 2284 of title 28, United
 24 States Code, and any appeal shall lie to the Supreme
 25 Court.

1 (3) REINSTATEMENT.—If a court determines
2 that an individual was removed from a position in
3 violation of this section, the individual shall be im-
4 mediately reinstated to the position of special coun-
5 sel.

6 (e) EFFECTIVE DATE.—This Act shall apply to any
7 special counsel appointed on or after May 17, 2017.

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