

115TH CONGRESS
1ST SESSION

S. 1735

To limit the removal of a special counsel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2017

Mr. GRAHAM (for himself, Mr. BOOKER, Mr. WHITEHOUSE, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To limit 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 Inde-
5 pendence Protection Act”.

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

7 (a) IN GENERAL.—A special counsel appointed by the
8 Attorney General, or any other official appointed by the
9 Attorney General who exercises a similar degree of inde-
10 pendence from the normal Department of Justice chain

1 of command, may only be removed if the Attorney General
2 files an action in the United States District Court for the
3 District of Columbia and files a contemporaneous notice
4 of the action with the Committee on the Judiciary of the
5 Senate and the Committee on the Judiciary of the House
6 of Representatives.

7 (b) REQUIREMENT.—Any action filed under sub-
8 section (a) shall be heard and determined by a court of
9 3 judges in accordance with the provisions of section 2284
10 of title 28, United States Code, and any appeal shall lie
11 to the Supreme Court.

12 (c) REMOVAL FOR CAUSE.—A special counsel or
13 other appointed official described in subsection (a) may
14 be removed only after the court has issued an order find-
15 ing misconduct, dereliction of duty, incapacity, conflict of
16 interest, or other good cause, including violation of policies
17 of the Department of Justice.

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