PART 600—GENERAL POWERS OF SPECIAL COUNSEL

Sec. 600.1 Grounds for appointing a Special Counsel.

When matters are brought to the attention of the Attorney General that might warrant consideration of appointment of a Special Counsel, the Attorney General may:

(a) Appoint a Special Counsel;

(b) Direct that an initial investigation, consisting of such factual inquiry or legal research as the Attorney General deems appropriate, be conducted in order to better inform the decision; or

(c) Conclude that under the circumstances of the matter, the public interest would not be served by removing the investigation from the normal processes of the Department, and that the appropriate component of the Department should handle the matter. If the Attorney General reaches this conclusion, he or she may direct that appropriate steps be taken to mitigate any conflicts of interest, such as recusal of particular officials.

§ 600.3 Qualifications of the Special Counsel.

(a) An individual named as Special Counsel shall be a lawyer with a reputation for integrity and impartial decisionmaking, and with appropriate experience to ensure both that the investigation will be conducted ably, expeditiously and thoroughly, and that investigative and prosecutorial decisions will be supported by an informed understanding of the criminal law and Department of Justice policies. The Special Counsel shall be selected from outside the United States Government. Special Counsels shall agree that their responsibilities as Special Counsel shall take first precedence in their professional lives, and that it may be necessary to devote their full time to the investigation, depending on its complexity and the stage of the investigation.

(b) The Attorney General shall consult with the Assistant Attorney General for Administration to ensure an appropriate method of appointment, and to ensure that a Special Counsel undergoes an appropriate background investigation and a detailed review of ethics and conflicts of interest issues. A Special Counsel shall be appointed as a “confidential employee” as defined in 5 U.S.C. 7511(b)(2)(C).

§ 600.4 Jurisdiction.

(a) Original jurisdiction. The jurisdiction of a Special Counsel shall be established by the Attorney General. The Special Counsel will be provided with a specific factual statement of the matter to be investigated. The jurisdiction of a Special Counsel shall also include the authority to investigate and prosecute federal crimes committed in the course of, and with intent to interfere with, the Special Counsel’s investigation, such as perjury, obstruction of
§ 600.5  Staff.

A Special Counsel may request the assignment of appropriate Department employees to assist the Special Counsel. The Department shall gather and provide the Special Counsel with the names and resumes of appropriate personnel available for detail. The Special Counsel may also request the detail of specific employees, and the office for which the designated employee works shall make reasonable efforts to accommodate the request. The Special Counsel shall assign the duties and supervise the work of such employees while they are assigned to the Special Counsel. If necessary, the Special Counsel may request that additional personnel be hired or assigned from outside the Department. All personnel in the Department shall cooperate to the fullest extent possible with the Special Counsel.

§ 600.6  Powers and authority.

Subject to the limitations in the following paragraphs, the Special Counsel shall exercise, within the scope of his or her jurisdiction, the full power and independent authority to exercise all investigative and prosecutorial functions of any United States Attorney. Except as provided in this part, the Special Counsel shall determine whether and to what extent to inform or consult with the Attorney General or others within the Department about the conduct of his or her duties and responsibilities.

§ 600.7  Conduct and accountability.

(a) A Special Counsel shall comply with the rules, regulations, procedures, practices and policies of the Department of Justice. He or she shall consult with appropriate offices within the Department for guidance with respect to established practices, policies and procedures of the Department, including ethics and security regulations and procedures. Should the Special Counsel conclude that the extraordinary circumstances of any particular decision would render compliance with required review and approval procedures by the designated Departmental component inappropriate, he or she may consult directly with the Attorney General.

(b) The Special Counsel shall not be subject to the day-to-day supervision of any official of the Department. However, the Attorney General may request that the Special Counsel provide an explanation for any investigative or prosecutorial step, and may after review conclude that the action is so inappropriate or unwarranted under established Departmental practices that it should not be pursued. In conducting that review, the Attorney General will give great weight to the views of the Special Counsel. If the Attorney General concludes that a proposed action by a Special Counsel should not be pursued, the Attorney General shall notify Congress as specified in §600.9(a)(3).

(c) The Special Counsel and staff shall be subject to disciplinary action for misconduct and breach of ethical duties under the same standards and to the same extent as are other employees of the Department of Justice. Inquiries into such matters shall be handled
§ 600.10通过适当的司法部办公室，经司法部长批准。

（d）特别法律顾问可能因不端行为、失职、能力、利益冲突或其他良好原因，包括违反司法部政策，根据司法部长的个人决定被纪律处分或解雇。司法部长可因不端行为、失职、能力、利益冲突或其他良好理由，包括违反司法部政策，根据司法部长的个人决定将特别法律顾问解雇。

§ 600.8通报和特别法律顾问的报告。

（a）预算。1）特别法律顾问应提供司法部所有适当资源。特别法律顾问在就任后60天内，司法部应为特别法律顾问提供下一财政年度的预算草案，由司法部管理司向司法部长提交审查和批准。根据草案，司法部长应为特别法律顾问的运作建立预算。预算应包括人员编制请求，包括资格所需。

2）此后，特别法律顾问应在每个财政年度开始前90天，向司法部长报告调查进展，并提供下一财政年度的预算请求。司法部长应决定是否继续调查，并根据需要建立下一财政年度的预算。

（b）重大事件的通知。特别法律顾问应根据司法部有关急报的指导原则，通知司法部长其调查中的重大事件。

（c）结案文件。特别法律顾问在结束其工作时，应向司法部长提供机密报告，解释其作出的起诉或不起诉决定。

§ 600.9司法部长的通知和报告。

（a）司法部长将通知众议院和参议院司法委员会主席和少数党领袖，解释其行动——

1）任命特别法律顾问；

2）解雇任何特别法律顾问；和

3）特别法律顾问调查结束，包括在符合适用法律的前提下，描述和解释在调查中，司法部长认为特别法律顾问的行动不适当或不必要，应不追诉。

（b）在通知要求在第（a）款第1项规定的通知期间可能被司法部长撤回，理由是合情合理或隐私保障需要保密。当保密不再需要时，通知将被提供。

（c）司法部长可能决定公开发布这些报告，只要发布符合适用法律限制。除司法部员工，包括特别法律顾问和工作人员外，所有其他发布信息应遵守司法部一般适用的指导原则，关于任何刑事调查，和相关法律。

§ 600.10关于创造权利。

这些规定旨在，不应被用来创造法律或司法的任何权利，无论是民事、刑事或行政。

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