

## 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.”.

Calendar No. 128

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

**A BILL**

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

JULY 25, 1997

Read the second time and placed on the calendar