

110TH CONGRESS
1ST SESSION

S. 977

To amend chapter 11 of title 18, United States Code, to ensure United States attorneys are able to act impartially, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2007

Mr. SALAZAR introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 11 of title 18, United States Code, to ensure United States attorneys are able to act impartially, 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 “Furthering the Inde-
5 pendence of Federal Prosecutors Act of 2007”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to ensure that “The United
8 States Attorney is the representative not of an ordinary
9 party to a controversy, but of a sovereignty whose obliga-
10 tion to govern impartially is as compelling as its obligation

1 to govern at all”, as stated by the Supreme Court of the
 2 United States in *Berger v. United States* 295 U.S. 78,
 3 88 (1935).

4 **SEC. 3. UNITED STATES ATTORNEYS.**

5 (a) IN GENERAL.—Chapter 11 of title 18, United
 6 States Code, is amended by inserting after section 219 the
 7 following:

8 **“§ 220. United States attorneys**

9 “(a) IN GENERAL.—It shall be unlawful to inten-
 10 tionally coerce, pressure, or attempt to influence the deci-
 11 sion of a United States attorney regarding whether to con-
 12 duct a criminal investigation or pursue a prosecution of
 13 any person based on that person’s race, religion, sex, na-
 14 tional origin, political activities, or political beliefs.

15 “(b) PENALTY.—Any person who violates subsection
 16 (a) shall be fined not more than \$50,000, imprisoned for
 17 not more than 1 year, or both.

18 “(c) ENFORCEMENT.—

19 “(1) IN GENERAL.—This section may be en-
 20 forced only by a special prosecutor appointed under
 21 paragraph (2).

22 “(2) PROCEDURES.—The Director of the Ad-
 23 ministrative Office of the United States Courts shall
 24 establish procedures that—

11 “(C) provide for the oversight of an inves-
12 tigation or prosecution by a United States at-
13 torney appointed under subparagraph (A) by
14 the district court making that appointment.”.

“220. United States attorneys.”.

(a) IN GENERAL.—In determining whether to commence or recommend a prosecution or take other action against a person relating to a criminal investigation or prosecution, an attorney for the Government shall not consider—

1 (1) the race, religion, sex, national origin, or
2 political association, activities or beliefs of that per-
3 son;

4 (2) the personal feelings of that attorney con-
5 cerning that person, associates of that person, or the
6 victim; or

7 (3) the possible effect of the decision on the
8 professional or personal circumstances of that attor-
9 ney.

10 (b) CHARACTERISTICS PERTINENT TO OFFENSE.—If
11 a characteristic listed in subsection (a)(1) is pertinent to
12 an offense, the attorney for the Government may consider
13 that characteristic for the purpose intended by the Con-
14 gress.

15 (c) COMPLIANCE.—The Attorney General of the
16 United States shall ensure compliance with this section.

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