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(Original Signature of Member)

115TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

Mr. NADLER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To ensure independent investigations and 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 Inde-  
5 pendence and Integrity 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-

1 pendance from the normal Department of Justice chain  
2 of command, may be removed from office only by the per-  
3 sonal action of an Attorney General who has been con-  
4 firmed by the Senate, or, if the Attorney General is  
5 recused from the matter, the most senior Department of  
6 Justice official who has been confirmed by the Senate and  
7 is not recused from the matter.

8 (b) REMOVAL FOR CAUSE.—A special counsel or  
9 other appointed official described in subsection (a) may  
10 be removed only for misconduct, dereliction of duty, inca-  
11 pacity, conflict of interest, or other good cause, including  
12 violation of policies of the Department of Justice.

13 (c) NOTICE OF REMOVAL.—

14 (1) IN GENERAL.—The Attorney General or  
15 other Department of Justice official described in  
16 subsection (a), as the case may be, shall provide  
17 written notice to the special counsel or other ap-  
18 pointed official described in subsection (a) of the  
19 specific reason or reasons for the removal.

20 (2) EFFECTIVE DATE OF REMOVAL.—Except as  
21 provided in subsection (e), removal under this sec-  
22 tion shall become effective on the date that is 10  
23 days after the date on which the written notice was  
24 provided under paragraph (1).

1 (d) TIMING.—Not later than 10 days after the date  
2 on which written notice was provided under subsection  
3 (c)(1), the special counsel or other appointed official de-  
4 scribed in subsection (a), as the case may be, may file  
5 an action challenging the removal in accordance with sub-  
6 section (e).

7 (e) REVIEW.—

8 (1) IN GENERAL.—An individual that received  
9 written notice under subsection (c)(1) may file an  
10 action in accordance with paragraph (2) that the re-  
11 moval was in violation of this Act.

12 (2) REQUIREMENTS.—Any action filed under  
13 this subsection shall be heard and determined by a  
14 court of 3 judges not later than 14 days after the  
15 date on which the action is filed in accordance with  
16 the provisions of section 2284 of title 28, United  
17 States Code, and any appeal shall lie to the Supreme  
18 Court.

19 (3) RELIEF.—If a court determines that the re-  
20 moval of the individual who filed an action under  
21 this subsection violates this Act, the removal shall  
22 not take effect. The court may also provide other ap-  
23 propriate relief.

24 (4) STATUS DURING PROCEEDINGS.—

1 (A) IN GENERAL.—At the request of the  
2 individual who filed an action under this sub-  
3 section, the court shall determine whether the  
4 individual shall remain in office during the  
5 pendency of the action described in paragraph  
6 (2).

7 (B) PRESERVATION OF MATERIALS.—Dur-  
8 ing the pendency of an action filed under this  
9 subsection, the staff, documents, and materials  
10 of the special counsel or other appointed official  
11 described in subsection (a) shall be preserved.

12 (C) LIMITATION.—During the pendency of  
13 an action filed under this subsection, a replace-  
14 ment for the special counsel or other appointed  
15 official described in subsection (a) who is chal-  
16 lenging the removal shall not be designated.

17 (f) EFFECTIVE DATE.—This Act shall apply to any  
18 special counsel or other appointed official described in sub-  
19 section (a) appointed on or after January 1, 2017.

20 (g) SEVERABILITY.—If any provision of this Act or  
21 the application of such provision to any person or cir-  
22 cumstance is held to be invalid or unconstitutional, the  
23 remainder of this Act and the application of the provisions  
24 of this Act to any person or circumstance shall remain  
25 and shall not be affected thereby.