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Independent Counsel Law: Derivation of Major Changes to Provisions

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Independent Counsel Law: Derivation Major Changes to Provisions

Summary

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This report traces the changes and derivation of the major amendments to the provisions of federal law authorizing the appointment of what is now called an "independent counsel." The original 1978 language of the law, enacted as part of the Ethics in Government Act of 1978 (P.L. 95-521), is provided in full in the left-hand column of the chart. The entire text of the current provisions of law (from the 1994 reauthorization, P.L. 103-270) is set out in the far right-hand column of the chart. The statutory text of significant changes in the act is placed in the other columns corresponding to the major amendments and reauthorizations in which such language was first adopted. Brief descriptions of some of the major changes are placed in the charts for explanation purposes in italics and brackets. All of the actual statutory language appears in regular print. Independent Counsel Law: Derivation of Major Changes to Provisions

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		bodielo un level III Ut trie Executive hodielo under contien 5214 of title 5 and			or above level 111 of the Executive Schedule
	As	Assistant Attorney General, the Director of			under section 5314 of title 5; (5) the Director of Central Intelligence the

Current Law (1994 reauthorization) Deputy Director of Central Intelligence, and the Commissioner of Internal Revenue; (6) the chairman and treasurer of the principal national campaign committee seeking the election or reelection of the President, and any officer of that committee exercising authority at the national level, during the incumbency of the President, and (7) any individual who held an office or position described in paragraph (1), (2), (3), (4), or (5) for 1 year after leaving the office or position.	 Section 591(c) Preliminary Investigation With Respect to Other Persons With Respect to Other Persons (1) In general When the Attorney General determines that an investigation or prosecution of a person by the Department of Justice may result in a personal, financial, or postical conflict of interest, the Attorney General may conduct a preliminary investigation of such person in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether that person may have violated Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction. [Provision added expressly concerning Members of Congress: - When the Attorney General determines that it would be Attorney General determines that it would be
1987 amendments	Section 591(c). Preliminary Investigation With Respect to Persons Not Listed in Subsection (b) The Attorney General may conduct a preliminary investigation in accordance with section 592 if - (1) the Attorney General receives information sufficient to constitute grounds to investigate whether any person other than a person described in subsection (b) may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction; and (2) the Attorney General determines that an investigation or proscution of the person, with respect to the information received, by the Attorney General or other officer of the Department of Justice may result in a personal, financial, or political conflict of interest.
1983 amendments [8] the chairman and treasurer of the principal national campaign committee seeking the election or reelection of the President, and any officer of the campaign exercising authority at the national level, such as the campaign manager or director, during the incumbency of the President.	[Added subsec. (c) concerning "catchalt" jurisdiction over people not expressly covered]: Section 591(c). Whenever the Attorney General receives information sufficient to constitute grounds to investigate that any person not described in subsection (b) of this section has committed a violation of any Federal criminal law other than a violation constituting a petty offense, the Attorney General may conduct an investigation and apply for an independent counsel pursuant to the provisions of this chapter if the Attorney General determines that investigation of the person by the Attorney General or other officer of the Department of Justice may result in a personal, financial, or political conflict of interest.
1978 legislation Central Intelligence, the Deputy Director of Central Intelligence, and the Commissioner of Internal Revenue; (5) any individual who held any office or position described in any of paragraphs (1) through (4) of this subsection during the incumbency of the President or during the period the last preceding President was of the same political party as the incumbent President; and (6) any officer of the principal national campaign committee seeking the election or reelection of the President.	

Current Law (1994 reauthorization)	in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether a Member of Congress may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.	 Section 591(d) Examination of Information to Determine Need for Preliminary Investigation (1) Factors to be considered In determining under subsection (a) or (c) (or section 592(c)2)) whether grounds to investigate exist, the Attorney General shall consider only - (A) the specificity of the information received; and - (A) the specificity of the source of the information (B) the credibility of the source of the information. (C) Time period for making determination (D) Time period for making determination (D) Time period for making determination (C) Time period for making determination (A) day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter. If within that 30-day period the Attorney General shall close the matter at the information is specific and from a credible source, the Attorney General shall. 	
1987 amendments		[Narrowed discretion of Attorney General to considering <u>only</u> specificity of information and credibility of source in making a decision for preliminary investigation, and by giving the Attorney General 15 days from the time of receiving information to determine whether to conduct a preliminary investigation.] Section 591(d) Examination of Information to Determine Weed for Preliminary Investigation (1) Factors to be considered In determining under subsection (a) or (c) (or section 592(c)(2)) whether grounds to investigate exist, the Attorney General shall consider only - (A) the specificity of the information received; and (B) the specificity of the source of the information. (2) Time period for making determines whether grounds to investigate exist not later than 15 days after the information is first received. If within that 15-day period the information is not specific or is not from a credible source, then the Attorney General shall close the matter. If within that 15-day period the Attorney General shall constide source, then the Attornes that the information is specific and from a credible source, then the Attorney General shall upon making that determines that the information is specific and from a credible source, the Attorney General shall upon making that determines that	
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1978 legislation			

Current Law (1994 reauthorization)	a preliminary investigation with respect to that information. If the Attorney General is unable to determine, within that 30-day period, whether the information is specific and from a credible source, the Attorney General shall, at the end of that 30-day period, commence a preliminary investigation with respect to that information.	 Section 591(e) Recusal of Attorney General. (1) When recusal is required (A) If information received under this chapter involves the Attorney General, the next most senior official in the Department of Justice who is not also recused shall perform the duties assigned under this chapter to the Attorney General has a personal or financial relationship, the Attorney General has a personal or financial recurse himself or herself by designating the next most senior official in the Department of Justice who is not also recused to perform the duties assigned under this chapter to the Attorney General has a personal or financial recurse himself or herself by designating the next most senior official in the Department of Justice who is not also recused to perform the duties assigned under this chapter to the Attorney General shall recurse himself or herself by the Attorney General shall the entities and the Attorney General shall the facts considered by the Attorney General shall the facts considered by the Attorney General shall the facts considered by the Attorney General attorney General shall the facts considered by the Attorney General attorney General attorney General shall the facts considered by the Attorney General shall the facts considered by the Attorney General attorney General
1987 amendments	a preliminary investigation with respect to that information. If the Attorncy General is unable to determine, within that 15-day period, whether the information is specific and from a credible source, the Attorney General shall, at the end of that 15-day period, commence a preliminary investigation with respect to that information.	[<i>Added recusal requirement for the Attorney General in certain preliminary decisions</i>]: Section 591(e) Recusal of Attorney General (1) When received under this chapter information received under this chapter information the Attorney General or a person with whom the Attorney General or a person a current or recent personal or financial relationship, the Attorney General shall recuse himself or herself by designating the next most senior official in the Department of involve and who does not have a personal or financial relationship with such person to perform the duties assigned under this chapter to the Attorney General. (2) Requirements for recusal determination. The Attorney general has a current of involve and who does not involve and who does not involve and the other of the end of the transition of the fully the factor of the fully the factor of the formation under this chapter with respect to that information. A determination to recuse shall for the reasons for the recusal. The Attorney General. Attorney General shall file this determination with and the reasons for the recusal. The Attorney general shall be in writing, shall identify the facts considered by the reasons for the recusal. The Attorney General shall for the determination with any notification submitted to the division of the court under this chapter with and the court under this chapter with and the court under this chapter with a determination of the court under this chapter with a state of the division of the court under this chapter with a court under this chapter with a state of the division of the court under this chapter with a state of the division of the court under this chapter with a court under this chapter with any notification submitted to the division of the court under this chapter with a court under the court under this chapter with a court under this chapter with a court under this chapter with
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Current Law (1994 reauthorization)			 Sec. 592. Preliminary investigation and application for appointment of an independent cornesel. (a) Conduct of Preliminary Investigation (a) Conduct of Preliminary Investigation (b) Conduct of Preliminary Investigation (c) Conduct of Preliminary investigation (c) Conduct of Preliminary investigation (d) In general A preliminary investigation (i) In general A preliminary investigation (i) In general A preliminary investigation is warranted, with respect to each potential violation, of a violation, of a violation, of a allegation of a violation, of a allegation of a violation, of criminal law. The Attorney General shall make such determinary investigation commenced, after a congressional request under subsection (g), the Attorney General shall make such determination not later than 90 days after the preliminary investigation and the date of such determination and the date of such determination and the date of such commencement. (2) Limited authority of attorney general. (A) In conducting preliminary investigation and the date of such commencement. (B)(i) The Attorney General shall have no authority to convene grand juries, plea bargain, grant immunity, or issue subpocenas.
1987 amendments	respect to the information involved.	[Limited discretion of Attorney General in using "state of mind" determinations as basis for not conducting a preliminary investigation or for not seeking an independent counsel]:	 Sec. 592. Preliminary investigation and application for appointment of an independent counsel. (a) Conduct of Preliminary investigation (b) Lin general A preliminary investigation conducted under this chapter shall be of such matters as the Attorncy General considers appropriate in order to make a determination, under subsection (b) or (c), on whether further investigation is warranted, with respect to each potential violation, or allegation of a violation, of criminal law. The Attorney General shall make such determinary investigation is commenced, with respect to each potential violation, of reliminary investigation commenced after a congressional request under subsection (g), the Attorney General shall make such determination not later than 90 days after the preliminary investigation and the date of such determination and the date of such determinary investigation and the date of such commencement. (2) Limited authority of attorney general. (3) Limited authority of attorney general.
1983 amendments		[Increased discretion of the Attorney General by allowing the Attorney General to consider the degree of specificity of the information provided, and the credibility of the source, in deciding whether to investigate. See now 591(d)1:	Section 592(a)(1). In determining whether grounds to investigate exist, the Attorney General shall consider - (A) the degree of specificity of the information received, and (B) the credibility of the source of the information. (B) the credibility of the source of the information. (B) the source of the source of the information. (B) the section, the Attorney General shall have no authority to convene grand juries, plea bargain, grant immunity, or issue subpoenas.
1978 legislation			section 592. Application for appointment of a special prosecutor (a) The Attorney General, upon receiving specific information that any of the persons described in section 591(b) of this title has engaged in conduct described in section 591(a) of this title, shall conduct, for a period not to exceed ninety days, such preliminary investigation of the matter as the Attorney General deems appropriate.

(ii) The Attorney General shall not base a (1) Notification of division of the court. - If (2) Form of notification. - Such notification independent counsel. - The Attorney General paragraph (1). The division of the court may, preliminary investigation under this chapter, from a credible source upon a determination apply to the division of the court for a single shall contain a summary of the information received and a summary of the results of the the Attorney General, upon completion of a grounds to believe that further investigation criminal law by a person is not specific and determination under this chapter that there extension, for a period of not more than 60 criminal law involved, unless there is clear investigation. - The Attorney General may promptly so notify the division of the court, determination that such person lacked the upon a showing of good cause, grant such and the division of the court shall have no further investigation is warranted, upon a information with respect to a violation of Current Law (1994 reauthorization) required for the violation of criminal law. state of mind required for the violation of that such person lacked the state of mind are no reasonable grounds to believe that power to appoint an independent counsel and convincing evidence that the person days, of the 90-day period referred to in is warranted, the Attorney General shall determines that there are no reasonable (3) Extension of time for preliminary (1) Application for appointment of 592(b) Determination That Further 592 (c) Determination That Further with respect to the matters involved. Investigation Not Warranted. -Investigation is Warranted lacked such state of mind. preliminary investigation. extension. (1) Notification of division of the court. - If independent counsel. - The Attorney General (ii) The Attorney General shall not base a paragraph (1). The division of the court may, (2) Form of notification. - Such notification preliminary investigation under this chapter, from a credible source upon a determination that such person lacked the state of mind apply to the division of the court for a single grounds to believe that further investigation shall contain a summary of the information received and a summary of the results of the the Attorney General, upon completion of a criminal law by a person is not specific and determination under this chapter that there state of mind required for the violation of criminal law involved, unless there is clear investigation. - The Attorney General may extension, for a period of not more than 60 promptly so notify the division of the court determination that such person lacked the upon a showing of good cause, grant such further investigation is warranted, upon a and the division of the court shall have no information with respect to a violation of required for the violation of criminal law. power to appoint an independent counsel are no reasonable grounds to believe that and convincing evidence that the person is warranted, the Attorney General shall days, of the 90-day period referred to in determines that there are no reasonable (3) Extension of time for preliminary (1) Application for appointment of 592(b) Determination That Further with respect to the matters involved. 592(c) Determination That Further 1987 amendments Investigation Not Warranted. -Investigation is Warranted. lacked such state of mind. preliminary investigation. extension. 1983 amendments Same (3) Such memorandum shall not be revealed investigation or prosecution, or if ninety days unsubstantiated that no further investigation court specified in section 593(a) of this title, to any individual outside the division of the Section 592 (b)(1) If the Attorney General, memorandum containing a summary of the information received and a summary of the and the division of the court shall have no court or the Department of Justice without completion of a preliminary investigation, General shall so notify the division of the or prosecution is warranted, the Attorney 592(c)(1) If the Attorney General, upon investigation, finds that the matter is so results of any preliminary investigation. upon the completion of the preliminary power to appoint a special prosecutor. finds that the matter warrants further (2) Such notification shall be by leave of the division of the court. 1978 legislation

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Current Law (1994 reauthorization)	shall apply to the division of the court for the appointment of an independent counsel if - (A) the Attorney General, upon completion of a preliminary investigation under this chapter, determines that there are reasonable grounds to believe that further investigation is warranted; or (B) the 90-day period referred to in subsection (a)(1), and any extension granted under subsection (a)(3), have elapsed and the Attorney General has not filed a notification with the division of the court under subsection (b)(1).	In determining under this chapter whether reasonable grounds exist to warrant further investigation, the Attorney General shall comply with the written or other established policies of the Department of Justice with respect to the conduct of criminal investigations. 592(c)(2) Receipt-of additional information. If, after submitting a notification under subsection (b)(1), the Attorney General receives additional information sufficient to constitute grounds to investigate the matters to which such notification related, the Attorney General shall - (A) conduct such additional preliminary investigation as the Attorney General constitutes appropriate for a period of not more than 90 days after the date on which such additional information is received; and (B) otherwise comply with the provisions of this section with respect to such additional preliminary investigation under samy other preliminary investigation under
1987 amendments	shall apply to the division of the court for the appointment of an independent counsel if - (A) the Attorney General, upon completion of a preliminary investigation under this chapter, determines that there are reasonable grounds to believe that further investigation is warranted; or (B) the 90-day period referred to in subsection (a)(1), and any extension granted under subsection (a)(3), have elapsed and the Attorney General has not filed a notification with the division of the court under subsection (b)(1).	In determining under this chapter whether reasonable grounds exist to warrant further investigation, the Attorney General shall comply with the written or other established policies of the Department of Justice with respect to the conduct of criminal investigations. 592(c)(2) Receipt of additional information. - If, after submitting a notification under subsection (b)(1), the Attorney General recoves additional information sufficient to constitute grounds to investigate the matters to which such notification related, the Attorney General shall - (A) conduct such additional preliminary investigation as the Attorney General considers appropriate for a period of not more than 90 days after the date on which such additional information is received; and (B) otherwise comply with the provisions of this section with respect to such additional preliminary investigation to the same extent as any other preliminary investigation under
1983 amendments	[Increased discretion of the Attorney General to expressly allow the Attorney General to apply Justice Department policy and standards in determining whether further investigation is warranted in any factual circumstance]:	In determining whether reasonable grounds exist to warrant further investigation or prosecution, the Attorney General shall comply with the written or other established policies of the Department of Justice with respect to the enforcement of criminal laws. [<i>Same</i>]
1978 legislation	elapse from the receipt of the information without a determination by the Attorney General that the matter is so unsubstantiated as not to warrant further investigation or prosecution, then the Attorney General shall apply to the division of the court for the appointment of a special prosecutor.	 592(c)(2) If - (A) after filing a memorandum under subsection (b) of this section, the Attorney General receives additional specific information about the matter to which such memorandum related, and (B) the Attorney General determines, after such additional investigation as the Attorney General determines, after the minor additional investigation as the Attorney General shall, not later than ninety days after receiving such additional information, apply to the division of the court for the appointment of a special prosecutor.

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592(d)(1) Any application under this chapter shall contain sufficient information to assist the division of the court to select a special prosecutor and to define that special prosecutor's prosecutorial jurisdiction.	[Same]	this section. 592(d) Contents of Application Any application for the appointment of an independent counsel under this chapter shall contain sufficient information to assist the division of the court in selecting an	this section. 592(d) Contents of Application Any application for the appointment of an independent counsel under this chapter shall contain sufficient information to assist the division of the court in selecting an
(2) No application or any other documents, materials, or memorandums supplied to the division of the court under this chapter shall be revealed to any individual outside the division of the court or the Department of Justice without leave of the division of the court.	[Same]	independent counsel and in defining that independent counsel's prosecutorial jurisdiction so that the independent counsel has adequate authority to fully investigate and prosecute the subject matter and all matters related to that subject matter. 592(e) Disclosure of Information Except as otherwise provided in this chapter, no officer or employee of the Department of Justice or an office of independent counsel may, without leave of the division of the court, disclose to any individual outside the Department of Justice or such office any provincement of Justice or such office any provincement of Justice or such office any	independent counsel and in defining that independent counsel's prosecutorial jurisdiction so that the independent counsel has adequate authority to fully investigate and prosecute the subject matter and all matters related to that subject matter. 522(e) Disclosure of Information Except as otherwise provided in this chapter or as is deemed necessary for law enforcement purposes, no officer or employee of the Department of Justice or an office of independent counsel may, without leave of the division of the court, disclose to any individual.
		document, materials, or memorandum supplied to the division of the court under this chapter. Nothing in this chapter shall be construed as authorizing the withholding of information from the Congress.	nurvioual outside the Department of Justice or such office any notification, application, or any other document, materials, or memorandum supplied to the division of the court under this chapter. Nothing in this chapter shall be construed as authorizing the withholding of information from the Congress.
(e) The Attorney General may ask a special prosecutor to accept referral of a matter that relates to a matter within that special prosecutor's prosecutorial jurisdiction.	[Same]	[See now 594(e)]	[See now 594(e)]
592(f) The Attorney General's determination under subsection (c) of this section to apply to the division of the court for the appointment of a special prosecutor shall not be reviewable in any court.	[Same]	592(f) Limitation on Judicial Review The Attorney General's determination under this chapter to apply to the division of the court for the appointment of an independent counsel shall not be reviewable in any court. [Establishes more specific procedures and time frames for congressional requests to	592(f) Limitation on Judicial Review The Attorney General's determination under this chapter to apply to the division of the court for the appointment of an independent counsel shall not be reviewable in any court.
[Congressional requests - see section 595(e) of this law]		Attorney General]: 592(g) Congressional Request (1) By judiciary committee or members	592(g) Congressional Request (1) By indiciary committee or members

Current Law (1994 reauthorization)	thereof The Committee on the Judiciary of either House of the Congress, or a majority of majority party members or a majority of all nonmajority party members of either such committee, may request in writing that the Attorney General apply for the appointment of an independent counsel.	(2) Report by attorney general pursuant to request Not later than 30 days after the receipt of a request under paragraph (1), the Attorney General shall submit, to the committee making the request, or to the committee on which the persons making the request serve, a report on whether the	preliminary investigation under this chapter preliminary investigation under this chapter of the matters with respect to which the request is made, in accordance with subsection (a) or (c) of section 591, as the case may be. The report shall set forth the case may be. The report shall set forth the reasons for the Attorney General's decision regarding such preliminary investigation as it relates to each of the matters with respect to which the correction decrements in respect to	 where is such a preliminary investigation, the report shall include the date on which the preliminary investigation began or will begin. (3) Submission of information in response to congressional request At the same time as any outification, application, or any other document, material, or memorandum is supplied to the division of the court pursuant to this section with respect to a preliminary investigation of any material with respect to 	which a request is made under paragraph (1), such notification, application, or other document, material, or memorandum shall be supplied to the committee making the request, or to the committee on which the persons making the request serve. If no application for the appointment of an independent counsel is made to the division of the court under this section pursuant to
1987 amendments Cu	n the Judiciary of ss, or a majority of a majority of all s of either such writing that the the appointment		request is made, in accordance with regulation of the matters with respect to which the request is made, in accordance with the request is made, in accordance with the request is muscerion (a) or (c) of section 591, as the request is subsection (a) or (c) of section 591, as the request is subsection (a) or (c) of section 591, as the request is made, in accordance with the request is more reasons for the Attorney General's decision reasons regarding such preliminary investigation as it relatest which the concreased is mode.		which a request is made under paragraph (1), which a such notification, application, or other accume document, material, or memorandum shall be docume supplied to to the committee making the request, or to the committee any which the persons making the request serve. If no application for the appointment of an independent counsel is made to the division of the court under this section pursuant to of the or
	thereof The Committee o either House of the Congre majority party members or nonmajority party member committee, may request in Attorney General apply for of an independent counsel.	(2) Report by receiptsr Not 1 receipt of a req Attempt of a req Attempt of a req committee on v request serve, a	preliminary inv of the matters of the matters request is made subsection (a) (case may be. T reasons for the regarding such relates to each	there is such a report shall inc preliminary inv (3) Submission (3) Submission (4) Submission (4	which a reques such notificativ document, mat supplied to the request, or to th persons makin application for independent co of the court un
1983 amendments					
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1978 legislation	1983 amendments	1987 antendments	Current Law (1994 reauthorization)
•		such a preliminary investigation, the Attorney General shall submit a report to that committee stating the reasons why such application was not made, addressing each matter with respect to which the congressional request was made. (4) Disclosure of information Any report, notification, application, or other document, material, or memorandum supplied to a committee under this subsection shall not be revealed to any third party, except that the committee may, either on its own initiative or upon the request of the Attorney General, make public such portion or portions of such make public such portion or portions of such report, notification, application, document, material, or memorandum as will not in the committee's judgment prejudice the rights of any individual.	such a preliminary investigation, the Attorney General shall submit a report to that committee stating the reasons why such application was not made, addressing each matter with respect to which the congressional request was made. (4) Disclosure of information Any report, notification, application, or other document, material, or memorandum supplied to a committee under this subsection shall not be revealed to any third party, except that the committee may, either on its own initiative or upon the request of the Attorney General, make public such portion or portions of such report, notification, application, document, material, or memorandum as will not in the committee's judgment prejudice the rights of any individual.
Section 593. Duties of the division of the	[Same]	[Similar - reworded]	Sec. 593 Durties of the division of the
(a) The division of the court to which this			
chapter refers is the division established			(a) Reference to Division of the Court The
(h) I from receive of an amplication under			refers is the division established under
section 592(c) of this title, the division of the			section 49 of this title.
court shall appoint an appropriate special		· · · · · · · · · · · · · · · · · · ·	(v) Appointment and Junsaiction of Independent Counsel
prosecutor's prosecutorial jurisdiction. A			(1) Authority Upon receipt of an
special prosecutor's identity and prosecutorial		[Expands on qualification requirements for	of the court shall appoint an appropriate
request of the Attorney General or upon a		un inuepenueni counsei as one who will conduct a prompt, responsible and cost-	independent counsel and shall define that independent counsel's prosecutorial
determination of the division of the court that disclosure of the identity and proceeding		effective investigation]:	jurisdiction.
jurisdiction of such special prosecutor would		(2) Quainfications of independent counsel The division of the court shall appoint as	(2) Qualifications of independent counsel
be in the best interests of justice. In any		independent counsel an individual who has	independent counsel an individual who has
event, the fuentity and prosecutorial litrisdiction of such prosecutor shall be made		appropriate experience and who will conduct	appropriate experience and who will conduct
public when any indictment is returned or		the investigation and any prosecution in a prompt, responsible, and cost-effective	the investigation and any prosecution in a promut reconcide and cost effective
any criminal information is filed.		manner. The division of the court shall seek	manner. The division of the court shall seek
		to appoint as independent counsel an	to appoint as independent counsel an
		nutrividual with with serve to the extent	individual who will serve to the extent
		זותהמשמיל וה התווולוזהוה חיה זווגרשוולמחתוו מזוח	necessary to complete the investigation and

request was made, including perjury, obstruction of justice, destruction of evidence, request of the Attorney General or upon a determination of the division of the court that any event, the identity and prosecutorial jurisdiction of such independent counsel shall returned, or any criminal information is filed, to that subject matter. Such jurisdiction shall with respect to which the Attorney General's (4) Disclosure of identity and prosecutorial (c)) may not be made public except upon the prosecutorial jurisdiction, the division of the (3) Scope of prosecutorial jurisdiction. - In independent counsel, and all matters related independent counsel any person who holds any office of profit or trust under the United investigate and prosecute the subject matter also include the authority to investigate and classified as Class B or C misdemeanors or Е division of the court may not appoint as an with respect to which the Attorney General (including any expansion under subsection prosecute Federal crimes, other than those disclosure of the identity and prosecutorial any prosecution without undue delay. The investigation or prosecution of the matter Current Law (1994 reauthorization) would be in the best interests of justice. jurisdiction. - An independent counsel's jurisdiction of such independent counsel be made public when any indictment is court shall assure that the independent counsel has adequate authority to fully identity and prosecutorial jurisdiction pursuant to the independent counsel's has requested the appointment of the infractions, that may arise out of the defining the independent counsel's and intimidation of witnesses. investigation. States. jurisdiction of such independent counsel shall obstruction of justice, destruction of evidence, determination of the division of the court that returned, or any criminal information is filed, to that subject matter. Such jurisdiction shall with respect to which the Attorney General's prosecutorial jurisdiction, the division of the (4) Disclosure of identity and prosecutorial (c)) may not be made public except upon the any office of profit or trust under the United [Clarifies scope of prosecutorial jurisdiction (3) Scope of prosecutorial jurisdiction. - In independent counsel, and all matters related also include the authority to investigate and investigate and prosecute the subject matter classified as Class B or C misdemeanors or any prosecution without undue delay. The division of the court may not appoint as an independent counsel any person who holds would be in the best interests of justice. In with respect to which the Attorney General (including any expansion under subsection disclosure of the identity and prosecutorial prosecute Federal crimes, other than those request of the Attorney General or upon a investigation or prosecution of the matter jurisdiction of such independent counsel jurisdiction. - An independent counsel's any event, the identity and prosecutorial be made public when any indictment is court shall assure that the independent counsel has adequate authority to fully identity and prosecutorial jurisdiction pursuant to the independent counsel's has requested the appointment of the infractions, that may arise out of the request was made, including perjury, defining the independent counsel's 1987 amendments and intimidation of witnesses. established by court investigation. States. **1983** amendments **1978** legislation

	1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
			[Established detailed procedures for expansions of jurisdiction]:	
	request of the Attorney General which may	Same	593(c) Expansion of Jurisdiction (1) In general The division of the court	593(c) Expansion of Jurisdiction (1) In general - The division of the court
	be incorporated in an application under this chanter may expand the proceeding		upon the request of the Attorney General,	upon the request of the Attorney General,
	jurisdiction of an existing special prosecutor.		may expand the prosecutorial jurisdiction of an independent counsel and such expansion	may expand the prosecutorial jurisdiction of
	and such expansion may be in lieu of the		may be in lieu of the appointment of another	may be in lieu of the appointment of another
	appointment of an additional special		independent counsel.	independent counsel.
			(2) Procedure for request by independent counsel - (A) If the independent counsel	(2) Procedure for request by independent
			discovers or receives information about	discovers or receives information about
			possible violations of criminal law by persons	possible violations of criminal law by persons
	•		as provided in section 391, which are not	as provided in section 591, which are not
			covered by the prosecutorial jurisoliciton of the independent counsel the independent	covered by the prosecutorial jurisdiction of
			counsel may submit such information to the	ure mucependent counsel, the maependent
			Attorney General. The Attorney General	Attorney General The Attorney Canarol
			shall then conduct a preliminary	shall then conduct a preliminary constant
			investigation of the information in	investigation of the information in
			accordance with the provisions of section	accordance with the provisions of section
			592, except that such preliminary	592, except that such preliminary
			investigation shall not exceed 30 days from	investigation shall not exceed 30 days from
			the date such information is received. In	the date such information is received. In
			making the determinations required by section 502 the Attorney General shall size	making the determinations required by
			oreat weight to any recommendations of the	section 392, the Attorney General shall give
			independent counsel.	great weight to any recommendations of the indemendent conneel
			(B) If the Attorney General determines,	(B) If the Attorney General determines.
			after according great weight to the	after according great weight to the
	Ň		recommendations of the independent counsel,	recommendations of the independent counsel,
•			that there are no reasonable grounds to	that there are no reasonable grounds to
			warranted the Attorney General shall	UCHEVE LIAL INTURE INVESTIGATION IS
			promptly so notify the division of the court	martanicut, use Autorney Ostistal suali promotives notify the division of the court
			and the division of the court shall have no	and the division of the court shall have no
			power to expand the jurisdiction of the	power to expand the jurisdiction of the
			independent counsel or to appoint another	independent counsel or to appoint another
			independent counsel with respect to the	independent counsel with respect to the
			(C) If -	Induces Involved.
			(i) the Attorney General determines that	(i) the Attorney General determines that
			there are reasonable grounds to believe that	there are reasonable grounds to believe that

that in the case of a vacancy arising by reason of the removal of an independent counsel, the the matter to the Attorney General for further shall appoint another independent counsel to to overrule this determination but may return independent counsel to complete the work of death, or removal caused the vacancy, except (e) Vacancies. - If a vacancy in office arises judicial review of such removal is completed. from the Attorney General that there are no information received under this chapter, the division of the court may appoint an acting Upon receipt of a notification under section division of the court shall have no authority the independent counsel whose resignation, notification to the division of the court that jurisdiction of the appropriate independent counsel to include the matters involved or 592 or subsection (c)(2)(B) of this section reasonable grounds to believe that further investigation is warranted with respect to no further investigation is warranted, the 593(d) Return for Further Explanation. -Current Law (1994 reauthorization) by reason of the resignation, death, or removal of an independent counsel, the independent counsel to serve until any (ii) the 30-day period referred to in division of the court shall expand the division of the court shall appoint an further investigation is warranted; or subparagraph (A) elapses without a explanation of the reasons for such investigate such matters. [See now 593(B)(2)] determination. that in the case of a vacancy arising by reason of the removal of an independent counsel, the the matter to the Attorney General for further shall appoint another independent counsel to to overrule this determination but may return death, or removal caused the vacancy, except independent counsel to complete the work of judicial review of such removal is completed. arises by reason of the resignation, death, or information received under this chapter, the the independent counsel whose resignation, division of the court may appoint an acting [Allows court to return to Attorney General for more information concerning a decision Upon receipt of a notification under section from the Attorney General that there are no division of the court shall have no authority notification to the division of the court that jurisdiction of the appropriate independent counsel to include the matters involved or 592 or subsection (c)(2)(B) of this section reasonable grounds to believe that further investigation is warranted with respect to 593(e) Vacancies. - If a vacancy in office no further investigation is warranted, the 593(d) Return for Further Explanation. removal of an independent counsel, the independent counsel to serve until any (ii) the 30-day period referred to in division of the court shall appoint an division of the court shall expand the further investigation is warranted; or subparagraph (A) elapses without a explanation of the reasons for such 1987 amendments not to investigate further]. investigate such matters. [See now 593(B)(2)] determination. 1983 amendments [Same] [Same] appoint as a special prosecutor any person who holds or recently held any office of profit Section 593(e). If a vacancy in office arises may appoint a special prosecutor to complete removal of a special prosecutor, the division prosecutor to serve until any judicial review of such removal is completed. Upon the resignation or death caused the vacancy. If the vacancy in office arises by reason of the special prosecutor, the division of the court division of the court shall take appropriate of the court may appoint an acting special 593(d) The division of the court may not by reason of the resignation or death of a the work of the special prosecutor whose completion of such judicial review, the **1978** legislation or trust under the United States. action.

 counsel pursuant to this chapter, the division of the court may, if no indictment is brought against such individual pursuant to that investigation, award reimbursement for those reasonable attorneys' fees incurred by that individual during that investigation of the requirements of this chapter. The division of the court shall notify the Attorney General of any request for attorneys' fees under this subsection. (2) Evaluation of fees The division of the court may direct such independent counsel and the Attorney General of any request for attorneys' fees under this subsection. (2) Evaluation of fees The division of the court may direct such independent counsel and the Attorney General to file a written evaluation of any request for attorneys' fees under this subsection, analyzing for each expense - (A) the sufficiency of the documentation; (B) the need or justification for the underlying item; (C) the reasonableness of the amount of money requested. 	e use e ant ot <i>Tries to clarify and tighten allowance for</i> <i>"reasonable" attorneys fees</i>]: ct 593(f) Attorneys Fees (1) Award of fees Upon the request of an investigation conducted by an independent counsel pursuant to this chapter, the division	Isos autenancents1987 amendmentsExtension of preliminary investigation, see now under current law, 592(a)(3)]: Section 593(f) Upon a showing of good cause by the Attorney General, the division of the court may grant a single extension of the preliminary investigation conducted pursuant to section 592(a) of this title for a period not to exceed sixty days.1987 amendments	1978 legislation 1987 amendments Current Law (1994 reauthorization)
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1978 legislation	1983 amendments [987]	1987 amendments	Current Law (1994 reauthorization)
		593(g) Disclosure of Information The division of the court may, subject to section 594(h)(2), allow the disclosure of any notification, application, or any other document, material, or memorandum supplied to the division of the court under this chapter. 594(h) Amicus Curiae Briefs When 594(h) Amicus Curiae Briefs When fils of the court may disclose sufficient information about the issues to permit the filing of timely amicus curiae briefs.	593(g) Disclosure of Information The division of the court may, subject to section 594(h)(2), allow the disclosure of any notification, application, or any other document, material, or memorandum supplied to the division of the court under this chapter. 594(h) Amicus Curiae Briefs When 594(h) Amicus Curiae Briefs When presented with significant legal issues, the division of the court may disclose sufficient information about the issues to permit the filing of timely amicus curiae briefs.
 Sec. 594. Authority and duties of a special prosecutor prosecutor (a) Notwithstanding any other provision of law, an special prosecutor appointed under this chapter shall have, with respect to all matters in such special prosecutor's prosecutorial jurisdiction established under this chapter, full power and independent authority to exercise all investigative and prosecutorial functions and powers of the Department of Justice, the Attorney General, and any other of Justice, except that the Attorney General, bepartment of Justice, except that the Department of Justice, except that the Department of Justice, except that the Attorney General's personal action under section 2516 of title 18. Such provers shall include - (1) conducting proceedings before grand juries and other investigations; (2) appealing in court proceedings and engaging in any litigation, including civil and criminal matters, that such special prosecutor participates in an official capacity; (3) appealing any decision of acents in an official capacity; (4) reviewing all documentary evidence 	[Same]	[Same – added express authority to consult with U.S. Attorney of the district in which violation occurred (par. 10)].	 Sec. 594. Authority and duties of an independent counsel (a) Authorities Notwithstanding any other provision of law, an independent counsel appointed under this chapter shall have, with respect to all matters in such independent counsel independent authority to exercise all investigative and prosecutorial functions and powers of the Department of Justice, the Attorney General and any other officer or employee of the Department of Justice, except that the Attorney General shall exercise direction or control as to those matters that specifically require the Attorney General's prosecutorial functions and powers of the Department of Justice, except that the Attorney General shall exercise direction or control as to those matters that specifically require the Attorney General's Dersonal action under section 2516 of title 18. Such investigative and prosecutorial functions and other investigation, including civil and criminal matters, that such independent juries and other investigations, including civil and criminal matters that societing in any litigation, including civil and criminal matters that societing any dots of the state of proceedings before grand juries and other investigations;

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
available from any source;			(4) reviewing all dommentary aridance
(c) determining whether to contest the			available from any source.
(6) receiving annronriate national security			(5) determining whether to contest the
clearances and, if necessary, contesting in			assertion of any testimonial privilege;
court (including, where appropriate,			(6) receiving appropriate national security
participating in in camera proceedings) any			clearances and, it necessary, contesting in
claim of privilege or attempt to withhold			participating in in camera proceedings) any
(7) making applications to any Federal court			claim of privilege or attempt to withhold
for a grant of immunity to any witness.			evidence on grounds of national security;
consistent with applicable statutory			(7) making applications to any Federal
requirements, or for warrants, subpoenas, or			court for a grant of innumity to any witness,
other court orders, and, for purposes of			requirements, or for warrants, submenas, or
eventising the sufficient voted in 0.11-16.			other court orders, and, for purposes of
States attorney or the Attorney General.			sections 6003, 6004, and 6005 of title 18,
(8) inspecting obtaining or using the			exercising the authority vested in a United
original or a copy of any tax return in			States attorney or the Attorney General;
accordance with the applicable statutes and			(8) inspecting, obtaining, or using the
regulations, and, for purposes of section 6103			original or a copy of any tax return, in
of the Internal Revenue Code of 1954, and			accordance with the applicable statutes and
the regulations issued thereunder, exercising			of the Internol Decomo Code of 1086 2 - 3 41-2
the powers vested in a United States attorney			the micrimal revenue Code of 1980 and the regulations iscused thereindar availations
or the Attorney General; and			Dowers vested in a United States atternation
(9) Initiating and conducting prosecutions			the Attorney General:
frame of the second second second second			(9) initiating and conducting proceeditions
informations and headline all sectors filing			in any court of competent inrisdiction.
introlution with transmitting all aspects of any			framing and signing indictments filing
wase, in the name of the United States.			informations, and handling all aspects of any
х.			case, in the name of the United States: and
			(10) consulting with the United States
			attorney for the district in which any
			violation of law with respect to which the
			independent counsel is appointed was alleged
			to have occurred.
			Added controls and limits on compensation
			per diem, and other expenses];
594(b) A special prosecutor appointed under	[Same]	[Same]	(1) In general - Δη independent council
this chapter shall receive compensation at a			appointed under this chapter shall receive
			Allowed training the Journ and the second second JJ-

per odime med events spreamed in a chasic Schedule under section 5315 of titls 5. C) Three Express Schedule under section 5315 of titls 5. Schedule 1. Schedule 1.	1983 amendments 1987 amendments	Current Law (1994 reauthorization)
 23) Tarted expansion 23) Tarted expansion 23) Tarted expansion 24) Tarted expansion 25) Tarted expansion 26) Tarted expansion 27) Tarted 10 prim. 28) Tarted expansion 29) Tarted 10 prim. 20) Tarted 10 prim. 20) Tarted 10 prim. 21) Tarted 10 prim. 21) Tarted 10 prim. 21) Tarted 10 prim. 22) Tarted 10 prim. 23) Tarted 200, for the excitted explort. 24) Tarted 10 prim. 25) Tarted 10 prim. 26) Tarted 10 prim. 27) Tarted 10 prim. 28) Tarted 20, Tarted 10 prim. 26) Tarted 10 prim. 27) Tarted 10 prim. 28) Tarted 10 prim. 28) Tarted 10 prim. 29) Tarted 10 prim. 20) Tarted 10 prim. 20) Tarted 10 prim. 21) Tarted 10 prim. 21) Tarted 10 prim. 22) Tarted 10 prim. 23) Tarted 10 prim. 24) Tarted 10 prim. 24) Tarted 10 prim. 25) Tarted 10 prim. 26) Tarted 10		compensation at the per diem rate equal to the annual rate of basic pay payable for level IV of the Breentive Schedule under section
 In paragraphi (O), and paragraphical (on the paragraphical of the paragraphical of the paragraphical of the paragraphical of the paragraphical (or paragraphical of the paragraphical or paragraphical (or paragraphical or paragraphical or paragraphical or paragraphical (or p		5315 of title 5. (2) Travel expenses Except as provided
 entited in the parameter of the second state in the second state is a coordinate with second state in the second state is a secon		in paragraph (3), an independent counsel and persons appointed under subsection (c) shall
 a provide of yates a provide of yates (a) Travet to print (b) Ingeneral. (c) A magnetization of the independent of the independent composition of the independent compositio		be entitled to the payment of travel expenses
 accordance with secondance with s		as provided by subchapter I of chapter 57 of title 5, United States Code, including travel.
 (3) The relation of the interpretation of the interpretat		per diem, and subsistence expenses in
 Inder this chapter. Independent course Independent cou		(3) Travel to primary office
and persons appoint and persons appoint per diem, or subsist subchapter 1 of chai subchapter 1 of chai among of the riverse out certification mder respenses (i) the cost to the respenses		(A) In general After 1 year of service
per diem, or subsis subchapter 1 of char subchapter 1 of char states Code, for the or from the city in v or from the city in v or from the city in the independent counts court certify that the independent counts certification under cespection (c and der absection (c absection (c))))		and persons appointed under subsection (c)
Production of the independent on the states Code, for the located. The located. The located. The located the located to must be a states to carry out independent counts of the independent on the independ		shall not be entitled to the payment of travel,
States Code, for the or from the city in yo of the independent for successive 6-mo independent couns count cearry out chapter. (B) Relevant fact certification under and the division of and the division of and the dind the dind the division of and		per diem, or subsistence expenses under subchanter I of chanter 57 of title 5 United
or file independent for successive 6-mo independent counts count certify that the interest to carry out chapter. • • (B) Relevant fact certification under mong other relevant for mong other relevant for independent counts such the division of among other relevant (i) the cost to the relevantes; (i) the pendent counts activities of the inde		States Code, for the purpose of commuting to
Image: Second		or from the city in which the primary office
 for successive 6-monomagnetic counts of the successive 6-monomagnetic counts of the count certify that the interest to carry out chapter. (B) Relevant fact context fact certification under the subsection (c and the division of among other relevant monog other relevant monog other relevant monog other relevant counts are contributed subsection (c) and the division of the relevant counts are contributed to the relevant contains are contained to the relevant containe		of the independent counsel or person is located The Lower neriod may be availed
independent counts interest to carry out court certify that the interest to carry out carry out certification under t respect to travel and an independent count independent counts (i) the cost to the reimbursing such tr expenses; (ii) the period of independent counts activities of the inde-		for successive 6-month periods if the
court certury that the interest to carry out chapter. CB) Relevant fact CB) Relevant fact Certification under to cravel and an independent counder and the division of the anong other relevant (i) the cost to the relevant (i) the cost to the relevant (ii) the period of independent counses activities of the independent counses		independent counsel and the division of the
Chapter. Chapter. (B) Relevant fact Chapter. (B) Relevant fact (Chapter. (B) Relevant fact certification under an an independent cou under subsection (c) and the division of amount of the cost to the reimbursing such tr (ii) the period of independent course activities of the inde		court certify that the payment is in the public
(\hat{H}) Relevant fact (\hat{H}) Relevant fact (\hat{H}) Relevant fact (\hat{H}) I Relevant for the inde		chapter.
certification under respect to travel and an independent cou under subsection (c) among other releva (i) the cost to the reimbursing such tr expenses; (ii) the period of independent counse activities of the inde		(B) Relevant factors In making any
 The people of the relevant our darker and the division of an independent counter relevant to the relevant of a mong other relevant (i) the cost to the relevant of the reindon such the removement of the removement of		certification under this paragraph with
under subsection (c) and the division of among other releva (i) the cost to the reimbursing such tr expenses; (ii) the period of independent counse activities of the inde		an independent counsel or person appointed
and the division of among other releva (i) the cost to the reimbursing such tr expenses; (ii) the period of independent counse activities of the inde		under subsection (c), the independent counsel
among other releva (i) the cost to the reimbursing such tr expenses; (ii) the period of independent counse activities of the inde		and the division of the court shall consider,
(1) the ossi to the ossi to the subursing such treimbursing such trepenses; (2) the period of independent counse activities of the independent counse activities activities activities activities activities activities activitie		among other relevant factors -
expenses; expenses; (ii) the period of independent counse activities of the inde		(1) the cost to the Government of reimburging such travel and subsistence
(ii) the period of independent counse activities of the independent counse activities activitie		expenses;
independent counse activities of the inde		(ii) the period of time for which the
		independent counsel anticipates that the
		acuvities of the second more by a second of
person, as ure case (iii) the personal		(iii) the personal and financial burdens on

1987 amendments Current Law (1994 reauthorization)	the independent counsel or person, as the case may be, of relocating so that such travel and subsistence expenses would not be incurred. and (iv) the burdens associated with appointing a new independent counsel, or appointing a new independent counsel, or appointing another person undependent counsel, or appointing to so relocate. [54] (b) to appointing another person under subsection (c), to replace the individual involved who is unable or unwilling to so relocate. [54] (b) to appointing another person electer. [54] (b) to appoint for the purposes of carrying out the duties of an office of independent counsel, such an office of independent counsel, such and essign the duties of an office of an darge in any appoint. fix the compensation, and assign the duties of an office of an dependent counsel, such an optices are exampled from the comparable for comparable positions in the Office of and such employees are exceeded show the District of Columbia under sections 548 and 550, but in no event shall any such employee for ontpoly payable for exceedent from the conversated at levels not to exceed from the conversated at levels not to exceedent show the positions in the Office of the District of Columbia under sections 548 and 550, but in no event shall any such employee for the District of Columbia under sections 548 and 550, but in no event shall any such employee for the District of Columbia under sections 548 and 550, but in the originated at regranders of the bistrict of Columbia under sections 548 and 550, but in the originated at the sections 548 and 550, but in the originated at regranders of the District of Columbia under sections 548 and 550, but in the originated at the level by a section 548 and 550, but in the originated at the section 548 and 550, but in the originated at the section 548 and 550, but in the oreset shall by a section 548 and 550, but i	[Clarified obligation of DOJ, and required [Provides express instruction on "detail" of quarterly reporting from DOJ]: [federal employees to office]:	 594(d) Assistance of Department of Justice 594(d) Assistance of Department of Justice (1) In carrying out functions An independent counsel may request assistance from the Department of Justice in carrying from the Department of Justice in carrying
1983 amendments	[Same]		[Same]
1978 legislation	Section 594(c) For the purposes of carrying out the duties of the office of special prosecutor, a special prosecutor shall have prosecutor shall have prosecutor appoint, fix the compensation, and assign the duties, of such employees as such special prosecutor deems necessary (including investigators, attorneys, and part- time consultants). The positions of all such employees are exempted from the competitive service. No such employee may be compensated at a rate exceeding the maximum rate provided for GS-18 of the General Schedule under section 5332 of title 5.		594(d) A special prosecutor may request assistance from the Department of Justice, and the Department of Justice shall provide that assistance, which may include access to any records, files, or other materials relevant

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
prosecutorial jurisdiction, and the use of the resources and personnel necessary to perform such special prosecutor's duties.		that assistance, which may include access to any records, files, or other materials relevant to matters within such independent counsel's prosecutorial jurisdiction, and the use of the resources and personnel necessary to perform such independent counsel's duties. (2) Payment of and reports on expenditures of independent counsel The Department of Justice shall pay all costs relating to the establishment and operation of any office of independent counsel. The Attorney General shall submit to the Congress, not later than 30 days after the end of each fiscal year, a	that assistance, which may include access to any records, files, or other materials relevant to matters within such independent counsel's prosecutorial jurisdiction, and the use of the resources and personnel necessary to perform such independent counsel's duties. At the request of an independent counsel, prosecutors, administrative personnel, and ofther employees of the Department of Justice may be detailed to the staff of the independent counsel. (2) Payment of and reports on expenditures of independent counsel. The Department of
		for expenses of investigations and prosecutions by independent counsel. Each such report shall include a statement of all payments made for activities of independent counsel but may not reveal the identity or prosecutorial jurisdiction of any independent counsel which has not been disclosed under section 593(b)(4).	establishment and operation of any office of independent counsel. The Attorney General shall submit to the Congress, not later than 30 days after the end of each fiscal year, a report on amounts paid during that fiscal year for expenses of investigations and prosecutions by independent counsel. Each such report shall include a statement of all payments made for activities of independent counsel but may not reveal the identity or prosecutorial jurisdiction of any independent counsel which has not been disclosed under section 593(b)(4).
594 (e) A special prosecutor may ask the Attorney General or the division of the court to refer matters related to the special prosecutor's prosecutorial jurisdiction. A special prosecutor may accept referral of a matter by the Attorney General, if the matter relates to a matter within such special prosecutor's jurisdiction established by the division. If such a referral is accepted, the special prosecutor shall notify the division of the court.	[Same]	[Similar]	594(e) Referral of Other Matters to an Independent Counsel An independent counsel may ask the Attorney General or the division of the court to refer to the independent counsel's prosecutorial jurisdiction, and the Attorney General or the division of the court, as the case may be, may refer such matters. If the Attorney General refers a matter to an independent counsel on the Attorney General's own initiative, the independent counsel may accept such referral f the matter relates to the independent counsel's prosecutorial jurisdiction. If the Attorney General refers any matter to the

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Current Law (1994 reauthorization)	 independent counsel pursuant to the independent counsel's request, or if the independent counsel's request, or if the independent counsel screpts a referral made by the Attorney General on the Attorney General's own initiative, the independent countesl shall so notify the division of the court. <i>Clarifies standard of requirement to follow DOJ guidelines, substituting except where "not possible"</i>]: 594(f) Compliance With Policies of the Department of Justice (1) In general An independent counsel shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply with the written or other established policies of the Department of Justice respecting enforcement of the criminal laws. To determine these policies and policies under subsection (1)(1)(B), the independent counsel shall, except to the extent that doing so would be inconsistent with the purposes of this chapter, consult with the Department of Justice and policies under subsection (1)(1)(B), the independent counsel shall, except to the extent that doing so would be inconsistent with the purposes of this chapter, consult with the Department of Justice (2) National security An independent counsel shall, except to the extent that doing so would be inconsistent with the purposes of this chapter, consult with the Department of Justice (2) National security An independent counsel shall comply with guidelines and procedures used by the Department of Long and use of classified material. 	594(g) Dismissal of Matters The independent counsel shall have full authority to dismiss matters within the independent counsel's prosecutorial jurisdiction without conducting an investigation or at any subsequent time before prosecution, if to do so would be consistent with the written or other established policies of the Department of Justice with respect to the enforcement of criminal laws.
1987 amendments	[Same]	[Same]
1983 amendments	[Tightens requirement for independent counsel to follow Justice Department guidelines, both written and "other established policies"]: Section 594(f). An independent counsel shall, except where not possible, comply with the written or other established policies of the Department of Justice respecting enforcement of the criminal laws.	[Added express authority to dismiss matters]: Section 594(g). The independent counsel shall have full authority to dismiss matters within his prosecutorial jurisdiction without conducting an investigation or at any subsequent time prior to prosecution if to do so would be consistent with the written or other established policies of the Department of Justice with respect to the enforcement of criminal laws.
1978 legislation	594(f) A special prosecutor shall, to the extent that special prosecutor deems appropriate, comply with the written policies of the Department of the criminal laws.	

the court, setting forth fully and completely a counsel, including the disposition of all cases other expenses, incurred by that office during make any portion of a final report filed under explains major expenses, and summarizes all the 6-month period with respect to which the 596(b), file a final report with the division of person, such portions of a report made under prevent undue interference with any pending report is filed, and estimates future expenses (A) file with the division of the court, with paragraph (1)(B) available to any individual respect to the 6-month period beginning on the date of his or her appointment, and with The division of the court may release to the prosecution. The division of the court may until the office of that independent counsel considers appropriate. The division of the description of the work of the independent independent counsel's office under section this subsection as the division of the court Current Law (1994 reauthorization) respect to each 6-month period thereafter (2) Disclosure of information in reports. named in such report for the purposes of (1) Required reports. - An independent terminates, a report which identifies and [Final report, eliminated requirement to Congress, the public, or any appropriate appropriate to protect the rights of any individual named in such report and to receiving within a time limit set by the express reasons for not prosecuting]. (h) Reports by Independent Counsel. court shall make such orders as are (B) before the termination of the of that office: and counsel shall brought. 596(b), file a final report with the division of the court, setting forth fully and completely a counsel, including the disposition of all cases brought, and the reasons for not prosecuting other expenses, incurred by that office during explains major expenses, and summarizes all the 6-month period with respect to which the report is filed, and estimates future expenses Congress, the public, or any appropriate person, such portions of a report made under prevent undue interference with any pending make any portion of a final report filed under (A) file with the division of the court, with Added new subsection and requirements for paragraph (1)(B) available to any individual the date of his or her appointment, and with respect to each 6-month period thereafter The division of the court may release to the respect to the 6-month period beginning on until the office of that independent counsel independent counsel's office under section considers appropriate. The division of the prosecution. The division of the court may this subsection as the division of the court description of the work of the independent (1) Required reports. - An independent terminates, a report which identifies and jurisdiction of such independent counsel. (2) Disclosure of information in reports. individual named in such report and to appropriate to protect the rights of any (h) Reports by Independent Counsel. any matter within the prosecutorial court shall make such orders as are (B) before the termination of the 1987 amendments of that office; and counsel shall reports 1983 amendments [Same] [Final report: see Section 595(b)(1) of this **1978** legislation ĝ

division of the court any comments or factual information that such individual may submit.

Such comments and factual information, in

division of the court any comments or factual

named in such report for the purposes of

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receiving within a time limit set by the

whole or in part, may, in the discretion of the appointed under this chapter, and the persons paragraph (2). The independent counsel shall certify the number of copies necessary for the such independent counsel. Additional copies Independent Counsel, Persons Serving in the of an independent counsel, the Public Printer shall be made available to the public through subsection (c), are separate from and independent of the Department of Justice for purposes of sections 202 through 209 of title 18. Office of an Independent Counsel, and Their appointed by that independent counsel under public, and the Public Printer shall place the (3) Publication of reports. - At the request Superintendent of Documents sales program pursuant to sections 1702 and 1903 of title 594(j) Standards of Conduct Applicable to cost of the required number to the debit of 594(i) Independence From Department of Current Law (1994 reauthorization) (1) Restrictions on employment while independent counsel and appointees are division of the court, be included as an previously released to the public under [New provision on printing reports]; (A) During the period in which an Justice. - Each independent counsel shall cause to be printed any report the depository library program and [Added para. 5 re enforcement]: appendix to such final report. Law Firms. serving. -4 whole or in part, may, in the discretion of the division of the court, be included as an appointed under this chapter, and the persons Independent Counsel, Persons Serving in the information that such individual may submit. Office of an Independent Counsel, and Their appointed by that independent counsel under independent of the Department of Justice for purposes of sections 202 through 209 of title 18. Such comments and factual information, in 594(j) Standards of Conduct Applicable to 594(i) Independence From Department of independent counsel and staff as separate Added express standards of conduct for independent counsel and appointees are (1) Restrictions on employment while [Added new section to clarify status of subsection (c), are separate from and (A) During the period in which an Justice. - Each independent counsel 1987 amendments independent counsel and staff]: appendix to such final report. Law Firms. from DOJI: serving. -1983 amendments 1978 legislation

tith in reference is see a see	2	1983 amendments	198 / amendments	Current Law (1994 reauthorization)
			independent counsel is serving under this chapter -	independent counsel is serving under this chapter -
			(i) such independent counsel, and (ii) any person associated with a firm with	(i) such independent counsel, and (ii) any nerson associated with a firm with
			which such independent counsel is	which such independent counsel is
L			associated, may not represent in any matter	associated, may not represent in any matter
		1	prosecution under this chapter.	prosecution under this chapter.
		•	(B) During the period in which any person	(B) During the period in which any person
hise in the second			appointed by an independent counsel under	appointed by an independent counsel under
his in the set of the			subsection (c) is serving in the office of	subsection (c) is serving in the office of
rvestigation or prosecution under this at employment restrictions on dent counsel and appointees ach independent counsel and each uppointed by that independent counsel bisscrion (c) may not, for 3 years g the termination of the service under pler of that independent counsel or ad person, as the case may be, at any person in any matter if that all was the subject of an investigation cotton under this chapter that was ed by that independent counsel. Sech independent counsel or absection (c) may not, for 1 year pler of that independent counsel or d person, as the case may be, at any person in any matter involving setigation or prosecution under this soften or prosecution under this soften or prosecution under this soften or prosecuted with a firm uich an independent counsel is of or becomes associated with a firm of the service ounsel is			utacpendent counset, such person may not represent in any matter any person involved	independent counsel, such person may not represent in any matter any person involved
at employment restrictions on dent counsel and appointes dent counsel and appointes hbsction (c) may not, for 3 years g the termination of the service under pre of that independent counsel or ad person, as the case may be, at any person in any matter if that at any person in any matter if that at any person in any matter if that at any person in any not. for 1 year of by that independent counsel. Set independent counsel or absection (c) may not, for 1 year per of that independent counsel or a person, as the case may be, at any person in any matter involving setigation or prosecution under this soffirms of independent counsel or d person, as the case may be, at any person in any matter involving setigation or prosecution under this soffirms of independent counsel. son who is associated with a firm ich an independent counsel is			in any investigation or prosecution under this	in any investigation or prosecution under this
			chapter.	chapter.
			(2) Post employment restrictions on	(2) Post employment restrictions on
			independent counsel and appointees	independent counsel and appointees
			(A) Each independent counsel and each	(A) Each independent counsel and each
			person appointed by that independent counsel	person appointed by that independent counsel
			under subsection (c) may not, for 3 years	under subsection (c) may not, for 3 years
			tonowing the termination of the service under this chapter of that independent councel or	Iollowing the termination of the service unde
			appointed person. as the case may be	ans viaped of that interpolating courses of appointed person, as the case may be
			represent any person in any matter if that	represent any person in any matter if that
in der seel			individual was the subject of an investigation	individual was the subject of an investigation
ch ounsel i under i vinder i or this rel m			or prosecution under this chapter that was	or prosecution under this chapter that was
			Conducted by that independent counsel.	conducted by that independent counsel.
· · · · · · · · · · · · · · · · · · ·			(B) Each independent counsel and each berson appointed hy that independent counsel	(b) Each independent counsel and cach nerson appointed by that independent coupse
			under subsection (c) may not, for 1 year	under subsection (c) may not. for 1 year
			following the termination of the service under	following the termination of the service under
<u>م</u> ه .		_	this chapter of that independent counsel or	this chapter of that independent counsel or
<u>ພ</u>			appointed person, as the case may be,	appointed person, as the case may be,
. 1			represent any person in any matter involving	represent any person in any matter involving
			any investigation or prosecution under this	any investigation or prosecution under this
			chapter.	chapter.
			(3) One-year ban on representation by members of firms of independent counsel -	(3) One-year ban on representation by members of firms of independent counsel -
, , ,			Any nerson who is associated with a firm	Any nerson who is associated with a firm
andant			with which an independent counsel is	with which an independent counsel is
			associated or becomes associated after	associated or becomes associated after
			termination of the service of that independent counsel under this chanter may not. for 1 year	counsel under this chanter may not for 1 year

records. - Records transferred to the Archivist counsel's office, were stored with the division that person is an officer, director, partner, or and the Director of the Office of Government Ethics have authority to enforce compliance Transfer of records. - Upon termination records are subject to rule 6(e) of the Federal (B) a person is "associated" with a firm if of the office of an independent counsel, that office. Before this transfer, the independent counsel shall clearly identify which of these which have been created or received by that (5) Enforcement. - The Attorney General Rules of Criminal Procedure as grand jury Reauthorization Act of 1987, shall also be materials and which of these records have following such termination, represent any Current Law (1994 reauthorization) independent counsel shall transfer to the Archivist of the United States all records information. Any records which were compiled by an independent counsel and, transferred to the Archivist of the United States by the division of the court or the (4) Definitions. - For purposes of this enactment of the Independent Counsel (2) Maintenance, use, and disposal of investigation or prosecution under this other member or employee of that firm. (A) the term "firm" means a law firm whether organized as a partnership or upon termination of the independent person in possession of such records. of the court or elsewhere before the person in any matter involving any been classified as national security 594(k) Custody of Records of an Independent Counsel. with this subsection. corporation; and subsection chapter records. - Records transferred to the Archivist that person is an officer, director, partner, or other member or employee of that firm. counsel's office, were stored with the division (1) Transfer of records. - Upon termination records are subject to rule 6(e) of the Federal (B) a person is "associated" with a firm if of the office of an independent counsel, that office. Before this transfer, the independent counsel shall clearly identify which of these which have been created or received by that Rules of Criminal Procedure as grand jury materials and which of these records have Added provisions on custody of records]: following such termination, represent any Reauthorization Act of 1987, shall also be Archivist of the United States all records independent counsel shall transfer to the compiled by an independent counsel and, transferred to the Archivist of the United States by the division of the court or the (4) Definitions. - For purposes of this (A) the term "firm" means a law firm enactment of the Independent Counsel person in possession of such records. (2) Maintenance, use, and disposal of investigation or prosecution under this information. Any records which were whether organized as a partnership or upon termination of the independent of the court or elsewhere before the person in any matter involving any been classified as national security 594(k) Custody of Records of an 1987 amendments Independent Counsel. corporation: and subsection chapter. 1983 amendments 1978 legislation

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cauthorization)	e maintained, use unce with chapte	t to paragraph (4	ferred to the er shall be	f title 5.	nt of justice T' ten annlication h	close any such	of Justice for	w enforcement	ceding, except the	naterials, such	ea oniy by oraer ider nile 6(e) of	Procedure	hstanding any	sed by law, the	ployed by the	cords	ngaged in the	chival work shal	cords transferred	apter.	cougress reco	atives or the Ser	independent	estigation or	that independent		as a separate boo	rds of the	1- 1 1	as nave been Hunder this	excent as	(B) and (C). in	governing releas	e of Congress th: e independent	James
Current Law (1994 reauthorization)	under this chapter shall be maintained, used, and disposed of in accordance with chapters 21 29 and 33 of ithe 44	 (3) Access to records (A) In general Subject to paragraph (4), 	access to the records transferred to the Archivist under this chapter shall be	governed by section 552 of title 5.	(B) Access by department of justice The Archivist shall noon written amilication by	the Attorney General, disclose any such	records to the Department of Justice for	purposes of an ongoing law enforcement	investigation or court proceeding, except that,	in the case of grand jury materials, such	the court of invision and a muder by order of	Federal Rules of Criminal Procedure	(C) Exception Notwithstanding any	restriction on access imposed by law, the	Archivist and persons employed by the	National Archives and Records	Administration who are engaged in the	performance of normal archival work shall be	permitted access to the records transferred to	uie Auciuvisi under uns chäpter. (4) Records monidad hu congress Docords	ation provided by	of the House of Representatives or the Senate	which are provided to an independent	counsel to assist in an investigation or	prosecution conducted by that independent		(A) shall be maintained as a separate body	of records within the records of the	Debutent counsel; and	(D) shall, after the records have been transferred to the Archivict under this	chapter, be made available, excent as	provided in paragraph (3)(B) and (C) in	accordance with the rules governing release	of the records of the House of Congress that provided the records to the independent	
Cur	under thi and disp	(3) Acc (3) Acc	Archivist	governed	Archivis	the Attor	records to	purposes	investiga	in the car	the court	Federal F	(C) Ex	restrictio	Archivist	National	Administ	pertorma	permitted	(4) Per	of an inv	of the Ho	which ar	counsel t	prosecuti	- counsel -	(A) sha	or record		transferre	chapter. 1	provided	accordan	of the rec provided	
1987 amendments	under this chapter shall be maintained, used, and disposed of in accordance with chapters 21, 29, and 33 of title 44.	(3) Access to records(A) In general Subject to paragraph (4),	access to the records transferred to the Archivist under this chapter shall be	governed by section 552 of title 5.	Archivist shall, upon written application by	the Attorney General, disclose any such	records to the Department of Justice for	purposes of an ongoing law enforcement	invesugation of court proceeding, except that,	I un tuc case of gland Jury materials, such records shall be so disclosed only by order of	the court of jurisdiction under rule 6(e) of the	Federal Rules of Criminal Procedure.	(C) Exception Notwithstanding any	restriction on access imposed by law, the	Archivist and persons employed by the	National Archives and Records	Administration who are engaged in the	performance of normal archival work shall be	the Archinist under this charter	(4) Records provided by congress - Records	of an investigation conducted by a committee	of the House of Representatives or the Senate	which are provided to an independent	counsel to assist in an investigation or	prosecution conducted by that independent	counsel -	(A) shall be maintained as a separate body	or records wruthin the records of the	(R) shall after the records have been	transferred to the Archivist under this	chapter, be made available, except as	provided in paragraph (3)(B) and (C), in	accordance with the rules governing release	or the records of the rouse of Congress that provided the records to the independent	
1983 amendments																																			
1978 legislation																																			

arrangements without the authorization of the (iii) promptly, upon taking office, assign to except to the extent that compliance would be inconsistent with the purposes of this chapter. a specific employee the duty of certifying that reasonable and made in accordance with law. pursuant to grand jury or court proceedings. expenditures of the independent counsel are (B) Liability for invalid certification. - An Subparagraph (B) shall not apply to those (ii) authorize only reasonable and lawful invalid certification to the same extent as a (2) Administrative support. - The Director Courts shall disclose information related to (A) In general. - An independent counsel (i) conduct all activities with due regard employee making a certification under subparagraph (A)(iii) shall be liable for an (C) Department of justice policies. - An independent counsel shall comply with the States Courts shall provide administrative support and guidance to each independent Administrative Office of the United States of the Administrative Office of the United (3) Office space. - The Administrator of Current Law (1994 reauthorization) expenditures and administrative support] 594(I) Cost and Administrative Support. certifying official certifying a voucher is liable under section 3528 of title 31. established policies of the Department of Added new provisions on cost controls, Justice respecting expenditures of funds, an independent counsel's expenditures, counsel. No officer or employee of the records which have been surrendered personnel, or administrative acts or independent counsel. Cost controls. expenditures; and for expense; counsel. shall -Subparagraph (B) shall not apply to those pursuant to grand jury or court proceedings. records which have been surrendered 1987 amendments counsel 1983 amendments 1978 legislation

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1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
			General Services, in consultation with the Director of the Administrative Office of the United States Courts, shall promptly provide appropriate office space for each independent counsel. Such office space shall be within a Federal building unless the Administrator of General Services determines that other arrangements would cost less. Until such office of the United States Courts shall provide newly appointed independent counsels immediately upon appointment with appropriate, temporary office space, equipment, and supplies
Section 595. Reporting and congressional oversight [Committee oversight, see this section, subsec.[d]]:	[Same]	 Sec. 595. Congressional oversight (a) Oversight of Conduct of Independent Counsel (1) Congressional oversight The appropriate committees of the Congress shall have oversight jurisdiction with respect to the official conduct of any independent counsel appointed under this chapter, and such independent counsel shall have the duty to cooperate with the exercise of such oversight jurisdiction. 	Sec. 595. Congressional oversight (a) Oversight of Conduct of Independent Counsel The (1) Congressional oversight The appropriate committees of the Congress shall have oversight jurisdiction with respect to the official conduct of any independent counsel appointed under this chapter, and such independent counsel shall have the duty to cooperate with the exercise of such oversight jurisdiction.
(a) A special prosecutor appointed under this chapter may make public from time to time, and shall send to Congress statements and reports on the activities of such special prosecutor. These statements and reports shall contain such information as such special prosecutor deems appropriate.		(2) Reports to congress An independent counsel appointed under this chapter shall submit to the Congress such statements or reports on the activities of such independent counsel as the independent counsel considers appropriate.	[<i>Adds mandatory annual report to Congress</i>]: (2) Reports to congress An independent counsel appointed under this chapter shall submit to the Congress annually a report on the activities of the independent counsel, including a description of the progress of any investigation or prosecution conducted by the independent counsel. Such report may omit any matter that in the judgment of the independent counsel should be kept confidential, but shall provide information adequate to justify the expenditures that the office of the independent counsel has made.
[Final report, see current Section 594(h)]: (b)(1) In addition to any reports made under	[Same]	[See 594(h)]	[See 594(h)]

Current I any (1004 result/orisotion)	595(b) Oversight of Conduct of Attorney General Within 15 days after receiving an inquiry about a particular case under this chapter, which is a matter of public knowledge, from a committee of the Congress with jurisdiction over this chapter, the Attorney General shall provide the following information to that committee with respect to that case: (1) When the information about the case was received.
CRS-28	[<i>Adds provision on oversight of and responses from Attorney General</i>]: 595 (b) Oversight of Conduct of Attorney General]: 595 (b) Oversight of Conduct of Attorney General]: 595 (b) Oversight of Conduct of Attorney General Within 15 days after receiving an inquiry about a particular case under this chapter, the Attorney General shall provide the Congress with jurisdiction over this chapter, the Attorney General shall provide the following information to that case: (1) When the information about the case was received.
CRS 1983 amendments	
1978 legislation	subsection (a) of this section, and before the termination of a special prosecutor's office under section 596(b) of this title, such special prosecutor shall submit to the division of the court a report under this subsection shall set forth fully and completely a description of the work of the special prosecutor, including the disposition of all cases brought, and the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such special prosecutor which was not prosecuted. (3) The division of the court may release to the Congress, the public, or to any appropriate person, such portions of a report made under this subsection as the division deems appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. The division det he court may make any portion of the court such report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a report under this section as the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and for the purposes of receiving within a time limit set by the division be included as an appendix to such report.

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1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
· ·		 Whether a preliminary investigation is being conducted, and if so, the date it began. Whether an application for the appointment of an independent counsel or a notification that further investigation is not warranted has been filed with the division of the court, and if so, the date of such filing. 	 Whether a preliminary investigation is being conducted, and if so, the date it began. Whether an application for the appointment of an independent counsel or a notification that further investigation is not warranted has been filed with the division of the court, and if so, the date of such filing.
Section 595(c). A special prosecutor shall advise the House of Representatives of any substantial and crodible information which such special prosecutor receives that may constitute grounds for an impeachment. Nothing in this chapter or section 49 of this title shall prevent the Congress or either House thereof from obtaining information in the course of an impeachment proceeding.	[Same]	[Same, except adds phrase "in carrying out the independent counsel's responsibilities under this chapter"]	595(c) Information Relating to Impeachment An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives, in carrying out the independent counsel's responsibilities under this chapter, that may constitute grounds for an impeachment. Nothing in this chapter to section 49 of this title shall prevent the Congress or either House thereof from obtaining information in the course of an impeachment proceeding.
Section 595(d). The appropriate committees of Congress shall have oversight jurisdiction with respect to the official conduct of any special prosecutor appointed under this chapter, and such special prosecutor shall have the duty to cooperate with the exercise of oversight jurisdiction.	[Same]	[See, now, subsec. (a) this section]	[See, now, subsec. (a) this section]
Section 595(e). A majority of majority party members or a majority of all non-majority party members of the Committee on the Judiciary of either House of Congress may request in writing that the Attorney General apply for the appointment of a special prosecutor. Not later than thirty days after the receipt of such a request, or no later than fifteen days after the completion of a preliminary investigation of the matter with respect to which the request is made, whichever is later, the Attorney General shall provide written notification of any action the	[Same]	[Congressional requests, see now, section 592(g)]	Congressional requests, see now, section 592(g)

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Attorney General has taken in response to such request and, if no application has been made to the division of the court, why such application was not made. Such written committee on which the persons making the committee on which the persons making the committee on which the persons making the committee on which the persons making the request serve, and shall not be revealed to any ither on its own initiative or upon the committee on initiative or upon the committee on initiative or upon the request of the Attorney General, make public such protion or portions of such midevidual. Expression of the committee may either on is will not in the committee swill not in the committee such and only for any independent counsel for than by impeachment and conviction, only by the personal action of the Attorney diffice, the Attorney General and only for any other than by impeachment and conviction, only by the personal action of the Attorney diffice, the Attorney General and only for good cause, physical disability, mental incapacity, or any other incapacity or any other control on the than by impeachment and conviction, on the than by impeachment and conviction, only by the personal action of the court substantially impairs the performance of such independent counsel's diffice, the Attorney General shall promptly submit to the division of the court and the counties on the Induces. Office, the Attorney General shall promptly submit to the division of the court and the committees on the budiciary of the court and the committees on the budiciary of the court specifying the facts found and the ultimate specifying the facts found and the

The independent counsel may be reinstated or a civil action commenced in the United States hear or determine any such civil action or any division of the court may release any or all of District Court for the District of Columbia. A been completed or so substantially completed Attorney General that the investigation of all 594(e), and any resulting prosecutions, have may obtain judicial review of the removal in matters within the prosecutorial jurisdiction member of the division of the court may not 596(a)(3) Judicial review of removal. - An appeal of a decision in any such civil action. of such independent counsel or accepted by granted other appropriate relief by order of counsel. - An office of independent counsel determine if independent counsel's duties Termination by action of independent (A) the independent counsel notifies the (2) Termination by division of the court. (B) the independent counsel files a final independent counsel removed from office Current Law (1994 reauthorization) Adds duty of division of court review to such independent counsel under section publishing any or all of the report. The Department of Justice to complete such such report in accordance with section undue interference with any pending prosecution, postpone or refrain from investigations and prosecutions; and that it would be appropriate for the report in compliance with section 594(h)(1)(B). 596(b) Termination of Office. + are substantially completed] shall terminate when -594(h)(2). the court. The independent counsel may be reinstated or granted other appropriate relief by order of a civil action commenced in the United States division of the court may release any or all of hear or determine any such civil action or any been completed or so substantially completed District Court for the District of Columbia. A Attorney General that the investigation of all 594(e), and any resulting prosecutions, have may obtain judicial review of the removal in appeal of a decision in any such civil action. 596(a)(3) Judicial review of removal. - An member of the division of the court may not matters within the prosecutorial jurisdiction of such independent counsel or accepted by (2) Termination by division of the court. counsel. - An office of independent counsel Termination by action of independent (A) the independent counsel notifies the (B) the independent counsel files a final independent counsel removed from office such independent counsel under section publishing any or all of the report. The Section 596(b) Termination of Office. -Department of Justice to complete such such report in accordance with section undue interference with any pending prosecution, postpone or refrain from investigations and prosecutions; and that it would be appropriate for the report in compliance with section 1987 amendments shall terminate when -594(h)(1)(B). 594(h)(2). the court. **1983** amendments [Same] [Same] The it would be appropriate for the Department of Attorney General, may terminate an office of special prosecutor or accepted by such special special prosecutor at any time, on the ground court may release any or all of such report in may obtain judicial review of the removal in a civil action commenced before the division completed or so substantially completed that files a report in full compliance with section section 595(b)(3) of t his title and under the prosecutions; and (B) the special prosecutor prosecution, delete or postpone publishing any or all of the report. The division of the the same manner as a report released under 596(a)(3) An special prosecutor so removed of the court and, if such removal was based General that the investigation of all matters within the prosecutorial jurisdiction of such prosecutor under section 594(e) of this title, Justice to complete such investigations and (2) The division of the court, either on its same limitations as apply to a release of a and any resulting prosecutions, have been reinstatement or other appropriate relief. division of the court shall cause such an prosecutor shall terminate when (A) the special prosecutor notifies the Attorney own motion or upon suggestion of the Section 596(b)(1) An office of special on error of law or fact, may obtain action to be in every way expedited. 1978 legislation report under that section. 595(b) of this section.

The division of the court, either on its own motion or upon the request of the Attorney

The division of the court, either on its own

that the investigation of all matters within the

prosecutorial jurisdiction of such special

motion or upon the request of the Attorney

Current Law (1994 reauthorization)	General, may terminate an office of independent counsel at any time, on the ground that the investigation of all matters within the prosecutorial jurisdiction of such independent counsel or accepted by such independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions. At the time of such termination, the independent counsel shall file the final report required by section 594(h)(1)(B). If the Attorney General has not made a request under this paragraph, the division of the court shall determine on its own motion whether termination is appropriate under this paragraph no later than 2 years after the appointment of an independent counsel, and thereafter at the end of each succeeding 2-year period.	[<i>Added detailed provisions on semi-amual audits by Comptroller General</i>]: 596(c) Audits (1) On or before June 30 of each year, an independent counsel shall prepare a statement of expenditures for the 6 months that ended on the immediately preceding March 31. On or before December 31 of each year, an independent counsel shall prepare a statement of expenditures for the fiscal year that ended on the immediately preceding September 30. An independent to the fiscal year that ended on the immediately preceding September 30. An independent counsel shall prepare a statement of expenditures on or before the date that is 90 days after the date that is 90 days after the date on which the office is terminated prior to the office is terminated. (2) The Comptroller General shall - (A) conduct a financial audit to a year- year statement and statement on termination;
1987 amendments	General, may terminate an office of independent counsel at any time, on the ground that the investigation of all matters within the prosecutorial jurisdiction of such independent counsel or accepted by such independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions. At the time of such termination, the independent counsel shall file the final report required by section 594(h)(1)(B).	[Added provision for final audit in para. (c)]: 596(c)Audits - After the termination of the office of an independent counsel, the Comptroller General shall conduct an audit of the expenditures of that office, and shall submit to the appropriate committees of the Congress a report on the audit.
1983 amendments		
1978 legislation	prosecutor or accepted by such special prosecutor under section 594(e) of this title, and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions. At the time of termination, the special prosecutor shall file the report required by section 595(b) of this title.	

General, and all other officers and employees Sec. 597. Relationship with Department of of the Department of Justice shall suspend all section 594(d)(1), and except insofar as such prevent the Attorney General or the Solicitor amicus curiae to any court as to issues of law raised by any case or proceeding in which an investigations and proceedings regarding such matter, except to the extent required by official capacity or any appeal of such a case Government Operations, and Committee on Committee on the Judiciary, Committee on prosecutorial jurisdiction of an independent (a) Suspension of Other Investigations and and (B) report the results to the Committee Proceedings. - Whenever a matter is in the independent counsel agrees in writing that independent counsel under section 594(e), Governmental Affairs, and Committee on Current Law (1994 reauthorization) such investigation or proceedings may be Permitted. - Nothing in this chapter shall continued by the Department of Justice. General from making a presentation as the Department of Justice, the Attorney independent counsel participates in an Representatives not later than 90 days following the submission of each such If any provision of this chapter or the application thereof to any person or Appropriations of the Senate and the (b) Presentation as Amicus Curiae counsel or has been accepted by an on the Judiciary, Committee on Appropriations of the House of [No change from 1987]: Sec. 598. Severability or proceeding. statemen Justice [Reworded provision - substantially similar If any provision of this chapter or the application thereof to any person or 1987 amendments [Added severability provision] Sec. 598. Severability to original] 1983 amendments [Same] proceedings regarding such matter, except to Sec. 597. Relationship with Department of (a) Whenever a matter is in the prosecutorial section 594(e) of this title, the Department of (b) Nothing in this chapter shall prevent the from making a presentation as amicus curiae prosecutor participates in an official capacity officers and employees of the Department of to any court as to issues of law raised by any the extent required by section 594(d) of this Justice, the Attorney General, and all other Justice shall suspend all investigations and or any appeal of such a case or proceeding. Attorney General or the Solicitor General jurisdiction of a special prosecutor under continued by the Department of Justice. title, and except insofar as such special prosecutor agrees in writing that such case or proceeding in which a special investigation or proceedings may be 1978 legislation Justice

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
		circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.	circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.
Sec. 598. Termination of effect of chapter This chapter shall cease to have effect five years after the date of the enactment of this chapter, except that this chapter shall continue in effect with respect to then pending matters before a special prosecutor that in the judgment of such special prosecutor require such continuation until that special prosecutor determines such matters have been completed.	[No substantive change, substituted new date and name of reauthorization for "this chapter"]	[No substantive change, substituted new date and name of reauthorization.]	[No substantive change, substituted new date and name of reauthorization.] Sec. 599. Termination of effect of chapter This chapter shall cease to be effective five years after the date of the enactment of the Independent Counsel Reauthorization Act of 1994, except that this chapter shall continue in effect with respect to then pending matters before an independent counsel that in the judgment of such counsel require such continuation until that independent counsel determines such matters have been completed.

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