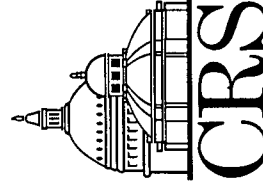


CRS Report for Congress

Independent Counsel Law: Derivation of Major Changes to Provisions

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Independent Counsel Law: Derivation Major Changes to Provisions

Summary

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

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
<p>P.L. 95-521, Title VI.</p> <p>Sec. 591. Applicability of provisions of this chapter</p> <p>(a) The Attorney General shall conduct an investigation pursuant to the provisions of this chapter whenever the Attorney General receives specific information that any of the persons described in subsection (b) of this section has committed a violation of any Federal criminal law other than a violation constituting a petty offense.</p> <p>(b) The persons referred to in subsection (a) of this section are -</p> <ol style="list-style-type: none"> (1) the President and Vice President; (2) any individual serving in a position listed in section 5312 of title 5; (3) any individual working in the Executive Office of the President and compensated at a rate not less than the annual rate of basic pay provided for level IV of the Executive Schedule under section 5315 of title 5; (4) any individual working in the Department of Justice and compensated at a rate not less than the annual rate of basic pay provided for level III of the Executive Schedule under section 5314 of title 5, any Assistant Attorney General, the Director of 	<p>P.L. 97-409 changed the term "special prosecutor" wherever it appeared in the law to "independent counsel."</p> <p>[Adjusted the persons covered by raising the level of compensation required for coverage]</p>	<p>P.L. 100-191, December 15, 1987. <i>Reenacted entire provisions for independent counsel. Section 591(a). Changed exception for "petty offense" to "violation classified as a Class B or C misdemeanor or an infraction."</i></p> <p>[Similar]</p>	<p>P.L. 103-270, June 30, 1994</p> <p>Sec. 591. Applicability of provisions of this chapter</p> <p>(a) Preliminary Investigation With Respect to Certain Covered Persons. -</p> <p>The Attorney General shall conduct a preliminary investigation in accordance with section 592 whenever the Attorney General receives information sufficient to constitute grounds to investigate whether any 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.</p> <p>(b) Persons to Whom Subsection (a) Applies. The persons referred to in subsection (a) are -</p> <ol style="list-style-type: none"> (1) the President and Vice President; (2) any individual serving in a position listed in section 5312 of title 5; (3) any individual working in the Executive Office of the President who is compensated at a rate of pay at or above level II of the Executive Schedule under section 5313 of title 5; (4) any Assistant Attorney General and any individual working in the Department of Justice who is compensated at a rate of pay at or above level III of the Executive Schedule under section 5314 of title 5; (5) the Director of Central Intelligence, the

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<p>Central Intelligence, the Deputy Director of Central Intelligence, and the Commissioner of Internal Revenue;</p> <p>(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 held office, if such preceding President was of the same political party as the incumbent President; and</p> <p>(6) any officer of the principal national campaign committee seeking the election or reelection of the President.</p>	<p>(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.</p>		<p>Deputy Director of Central Intelligence, and the Commissioner of Internal Revenue;</p> <p>(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</p> <p>(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.</p>
<p>[<i>Added subsec. (c) concerning "catchall" jurisdiction over people not expressly covered</i>].</p> <p>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.</p>	<p>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 -</p> <p>(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</p> <p>(2) the Attorney General determines that an investigation or prosecution 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.</p>	<p>Section 591(c) Preliminary Investigation With Respect to Other Persons. -</p> <p>(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 political 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.</p>	<p>[<i>Provision added expressly concerning Members of Congress</i>].</p> <p>(2) Members of Congress. - When the Attorney General determines that it would be</p>

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			<p>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.</p>
		<p><i>[Narrowed discretion of Attorney General to considering only 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.]</i></p> <p>Section 591(d) Examination of Information to Determine Need for Preliminary Investigation. -</p> <p>(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 -</p> <p>(A) the specificity of the information received; and</p> <p>(B) the credibility of the source of the information.</p> <p>(2) Time period for making determination. - The Attorney General shall determine whether grounds to investigate exist not later than 15 days after the information is first received. If within that 15-day period the Attorney General determines that 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 determines that the information is specific and from a credible source, the Attorney General shall, upon making that determination, commence</p>	<p>Section 591(d) Examination of Information to Determine Need for Preliminary Investigation. -</p> <p>(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 -</p> <p>(A) the specificity of the information received; and</p> <p>(B) the credibility of the source of the information.</p> <p>(2) Time period for making determination. - The Attorney General shall determine whether grounds to investigate exist not later than 30 days after the information is first received. If within that 30-day period the Attorney General determines that the information is not specific or is not from a credible source, then the Attorney General shall close the matter. If within that 30-day period the Attorney General determines that the information is specific and from a credible source, the Attorney General shall, upon making that determination, commence</p>

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		<p>a preliminary investigation with respect to that information. If the Attorney 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.</p>	<p>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.</p>
	<p><i>[Added recusal requirement for the Attorney General in certain preliminary decisions]:</i></p> <p>Section 591(e) Recusal of Attorney General. - (1) When recusal is required. - If information received under this chapter involves the Attorney General or a person with whom the Attorney General has 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 Justice whom that information does not 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.</p> <p>(2) Requirements for recusal determination. The Attorney General shall, before personally making any other determination under this chapter with respect to information received under this chapter, determine under paragraph (1) whether to recuse himself or herself with respect to that information. A determination to recuse shall be in writing, shall identify the facts considered by the Attorney General, and shall set forth the reasons for the recusal. The Attorney General shall file this determination with any notification or application submitted to the division of the court under this chapter with</p>	<p>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.</p> <p>(B) If information received under this chapter involves a person with whom the Attorney General has a personal or financial relationship, the Attorney General shall recuse 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.</p> <p>(2) Requirements for recusal determination. - Before personally making any other determination under this chapter with respect to information received under this chapter, the Attorney General shall determine under paragraph (1)(B) whether recusal is necessary. The Attorney General shall set forth this determination in writing, identify the facts considered by the Attorney General, and set forth the reasons for the recusal. The Attorney General shall file this determination with any notification or application submitted to the division of the court under this chapter with respect to such information.</p>	<p>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.</p> <p>(B) If information received under this chapter involves a person with whom the Attorney General has a personal or financial relationship, the Attorney General shall recuse 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.</p> <p>(2) Requirements for recusal determination. - Before personally making any other determination under this chapter with respect to information received under this chapter, the Attorney General shall determine under paragraph (1)(B) whether recusal is necessary. The Attorney General shall set forth this determination in writing, identify the facts considered by the Attorney General, and set forth the reasons for the recusal. The Attorney General shall file this determination with any notification or application submitted to the division of the court under this chapter with respect to such information.</p>

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<p>Section 592. Application for appointment of a special prosecutor</p> <p>(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.</p>	<p><i>[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)]:</i></p> <p>Section 592(a)(1). In determining whether grounds to investigate exist, the Attorney General shall consider -</p> <p>(A) the degree of specificity of the information received, and</p> <p>(B) the credibility of the source of the information.</p> <p>Section 592(a)(2). In conducting preliminary investigations pursuant to this section, the Attorney General shall have no authority to convene grand juries, plea bargain, grant immunity, or issue subpoenas.</p>	<p>respect to the information involved.</p> <p><i>[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]:</i></p> <p>Sec. 592. Preliminary investigation and application for appointment of an independent counsel.</p> <p>(a) Conduct of Preliminary Investigation. -</p> <p>(1) In general. - A preliminary investigation conducted under this chapter shall be of such matters as the Attorney 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 determination not later than 90 days after the preliminary investigation is commenced, except that, in the case of a preliminary investigation commenced after a congressional request under subsection (g), the Attorney General shall make such determination not later than 90 days after the request is received. The Attorney General shall promptly notify the division of the court specified in section 593(a) of the commencement of such preliminary investigation and the date of such commencement.</p> <p>(2) Limited authority of attorney general. -</p> <p>(A) In conducting preliminary investigations under this chapter, the Attorney General shall have no authority to convene grand juries, plea bargain, grant immunity, or issue subpoenas.</p> <p>(B)(i) The Attorney General shall not base a determination under this chapter that</p>	<p>Sec. 592. Preliminary investigation and application for appointment of an independent counsel.</p> <p>(a) Conduct of Preliminary Investigation. -</p> <p>(1) In general. - A preliminary investigation conducted under this chapter shall be of such matters as the Attorney 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 determination not later than 90 days after the preliminary investigation is commenced, except that, in the case of a preliminary investigation commenced after a congressional request under subsection (g), the Attorney General shall make such determination not later than 90 days after the request is received. The Attorney General shall promptly notify the division of the court specified in section 593(a) of the commencement of such preliminary investigation and the date of such commencement.</p> <p>(2) Limited authority of attorney general. -</p> <p>(A) In conducting preliminary investigations under this chapter, the Attorney General shall have no authority to convene grand juries, plea bargain, grant immunity, or issue subpoenas.</p> <p>(B)(i) The Attorney General shall not base a determination under this chapter that</p>

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

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<p>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.</p> <p>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</p> <p>(B) the Attorney General determines, after such additional investigation as the Attorney General deems appropriate, that such information warrants further investigation or prosecution,</p> <p>then 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.</p>	<p><i>[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]:</i></p> <p>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.</p> <p><i>[Same]</i></p>	<p>shall apply to the division of the court for the appointment of an independent counsel if -</p> <p>(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</p> <p>(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).</p> <p><i>[Clarified requirement of Attorney General to use Justice Department standards in deciding whether further investigation is warranted]:</i></p> <p>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.</p> <p>592(c)(2) Receipt of additional information -</p> <p>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 -</p> <p>(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</p> <p>(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</p>	<p>shall apply to the division of the court for the appointment of an independent counsel if -</p> <p>(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</p> <p>(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).</p> <p>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.</p> <p>592(c)(2) Receipt of additional information -</p> <p>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 -</p> <p>(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</p> <p>(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</p>

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<p>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.</p> <p>(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.</p>	<p>[Same]</p> <p>[Same]</p>	<p>this section.</p> <p>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 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.</p> <p>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 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.</p> <p>[See now 594(e)]</p>	<p>this section.</p> <p>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 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.</p> <p>592(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 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.</p> <p>[See now 594(e)]</p>
<p>(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.</p>	<p>[Same]</p>	<p>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.</p> <p>[Establishes more specific procedures and time frames for congressional requests to Attorney General].</p> <p>592(g) Congressional Request. -</p> <p>(1) By judiciary committee or members</p>	<p>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.</p> <p>592(g) Congressional Request. -</p> <p>(1) By judiciary committee or members</p>
<p>[Congressional requests - see section 595(e) of this law]</p>	<p>[Same]</p>	<p>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.</p> <p>[Establishes more specific procedures and time frames for congressional requests to Attorney General].</p> <p>592(g) Congressional Request. -</p> <p>(1) By judiciary committee or members</p>	<p>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.</p> <p>592(g) Congressional Request. -</p> <p>(1) By judiciary committee or members</p>

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		<p>thereof. - The Committee on the Judiciary of either House of the Congress, or a majority of all 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.</p> <p>(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 Attorney General has begun or will begin a 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 reasons for the Attorney General's decision regarding such preliminary investigation as it relates to each of the matters with respect to which the congressional request is made. If there is such a preliminary investigation, the report shall include the date on which the preliminary investigation began or will begin.</p> <p>(3) Submission of information in response to congressional request. - At the same time as any notification, 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 matter 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</p>	<p>thereof. - The Committee on the Judiciary of either House of the Congress, or a majority of all 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.</p> <p>(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 Attorney General has begun or will begin a 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 reasons for the Attorney General's decision regarding such preliminary investigation as it relates to each of the matters with respect to which the congressional request is made. If there is such a preliminary investigation, the report shall include the date on which the preliminary investigation began or will begin.</p> <p>(3) Submission of information in response to congressional request. - At the same time as any notification, 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 matter 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 independent counsel is made to the division of the court under this section pursuant to</p>

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
<p>Section 593. Duties of the division of the court</p> <p>(a) The division of the court to which this chapter refers is the division established under section 49 of this title.</p> <p>(b) Upon receipt of an application under section 592(c) of this title, the division of the court shall appoint an appropriate special prosecutor and shall define that special prosecutor's prosecutorial jurisdiction. A special prosecutor's identity and prosecutorial jurisdiction shall be made public upon request of the Attorney General or upon a determination of the division of the court that disclosure of the identity and prosecutorial jurisdiction of such special prosecutor would be in the best interests of justice. In any event, the identity and prosecutorial jurisdiction of such prosecutor shall be made public when any indictment is returned or any criminal information is filed.</p>	[Same]	<p>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.</p> <p>(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.</p>	<p>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.</p> <p>(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.</p>
<p>Section 593. Duties of the division of the court</p> <p>(a) The division of the court to which this chapter refers is the division established under section 49 of this title.</p> <p>(b) Upon receipt of an application under section 592(c) of this title, the division of the court shall appoint an appropriate special prosecutor and shall define that special prosecutor's prosecutorial jurisdiction. A special prosecutor's identity and prosecutorial jurisdiction shall be made public upon request of the Attorney General or upon a determination of the division of the court that disclosure of the identity and prosecutorial jurisdiction of such special prosecutor would be in the best interests of justice. In any event, the identity and prosecutorial jurisdiction of such prosecutor shall be made public when any indictment is returned or any criminal information is filed.</p>	[Similar - reworded]	<p>Sec. 593. Duties of the division of the court</p> <p>(a) Reference to Division of the Court. - The division of the court to which this chapter refers is the division established under section 49 of this title.</p> <p>(b) Appointment and Jurisdiction of Independent Counsel. -</p> <p>(1) Authority. - Upon receipt of an application under section 592(c), the division of the court shall appoint an appropriate independent counsel and shall define that independent counsel's prosecutorial jurisdiction.</p> <p>(2) Qualifications of independent counsel. - The division of the court shall appoint as independent counsel an individual who has appropriate experience and who will conduct the investigation and any prosecution in a prompt, responsible, and cost-effective manner. The division of the court shall seek to appoint as independent counsel an individual who will serve to the extent necessary to complete the investigation and</p>	<p>Sec. 593. Duties of the division of the court</p> <p>(a) Reference to Division of the Court. - The division of the court to which this chapter refers is the division established under section 49 of this title.</p> <p>(b) Appointment and Jurisdiction of Independent Counsel. -</p> <p>(1) Authority. - Upon receipt of an application under section 592(c), the division of the court shall appoint an appropriate independent counsel and shall define that independent counsel's prosecutorial jurisdiction.</p> <p>(2) Qualifications of independent counsel. - The division of the court shall appoint as independent counsel an individual who has appropriate experience and who will conduct the investigation and any prosecution in a prompt, responsible, and cost-effective manner. The division of the court shall seek to appoint as independent counsel an individual who will serve to the extent necessary to complete the investigation and</p>

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

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<p>593(c) The division of the court, upon request of the Attorney General which may be incorporated in an application under this chapter, may expand the prosecutorial jurisdiction of an existing special prosecutor, and such expansion may be in lieu of the appointment of an additional special prosecutor.</p>	<p>[Same]</p>	<p><i>[Established detailed procedures for expansions of jurisdiction]:</i></p> <p>593(c) Expansion of Jurisdiction. - (1) In general. - The division of the court, upon the request of the Attorney General, may expand the prosecutorial jurisdiction of an independent counsel, and such expansion may be in lieu of the appointment of another independent counsel.</p> <p>(2) Procedure for request by independent counsel. - (A) If the independent counsel discovers or receives information about possible violations of criminal law by persons as provided in section 591, which are not covered by the prosecutorial jurisdiction of the independent counsel, the independent counsel may submit such information to the Attorney General. The Attorney General shall then conduct a preliminary investigation of the information in accordance with the provisions of section 592, except that such preliminary investigation shall not exceed 30 days from the date such information is received. In making the determinations required by section 592, the Attorney General shall give great weight to any recommendations of the independent counsel.</p> <p>(B) If the Attorney General determines, after according great weight to the recommendations of the independent counsel, that there are no reasonable grounds to believe that further investigation is warranted, the Attorney General shall promptly so notify the division of the court and the division of the court shall have no power to expand the jurisdiction of the independent counsel or to appoint another independent counsel with respect to the matters involved.</p> <p>(C) If - (i) the Attorney General determines that there are reasonable grounds to believe that</p>	<p>593(c) Expansion of Jurisdiction. - (1) In general. - The division of the court, upon the request of the Attorney General, may expand the prosecutorial jurisdiction of an independent counsel, and such expansion may be in lieu of the appointment of another independent counsel.</p> <p>(2) Procedure for request by independent counsel. - (A) If the independent counsel discovers or receives information about possible violations of criminal law by persons as provided in section 591, which are not covered by the prosecutorial jurisdiction of the independent counsel, the independent counsel may submit such information to the Attorney General. The Attorney General shall then conduct a preliminary investigation of the information in accordance with the provisions of section 592, except that such preliminary investigation shall not exceed 30 days from the date such information is received. In making the determinations required by section 592, the Attorney General shall give great weight to any recommendations of the independent counsel.</p> <p>(B) If the Attorney General determines, after according great weight to the recommendations of the independent counsel, that there are no reasonable grounds to believe that further investigation is warranted, the Attorney General shall promptly so notify the division of the court and the division of the court shall have no power to expand the jurisdiction of the independent counsel or to appoint another independent counsel with respect to the matters involved.</p> <p>(C) If - (i) the Attorney General determines that there are reasonable grounds to believe that</p>

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

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<p><i>Extension of preliminary investigation, see now under current law, 592(a)(3):</i></p> <p>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.</p>	<p><i>[Allows for the granting of attorney's fees for subjects who are not indicted]:</i></p> <p>Section 593(g). Upon request by the subject of an investigation conducted by an independent counsel pursuant to this chapter, the division of the court may, in its discretion, award reimbursement for all or part of the attorneys' fees incurred by such subject during such investigation if –</p> <ol style="list-style-type: none"> (1) no indictment is brought against such subject; and (2) the attorney's fees would not have been incurred but for the requirements of this chapter. 	<p><i>[Tries to clarify and tighten allowance for "reasonable" attorneys' fees]:</i></p> <p>593(f) Attorneys' Fees. -</p> <ol style="list-style-type: none"> (1) Award of fees. - Upon the request of an individual who is the subject of an investigation conducted by an independent 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 which would not have been incurred but for 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 to file a written evaluation of any request for attorneys' fees under this subsection, analyzing for each expense - <ol style="list-style-type: none"> (A) the sufficiency of the documentation; (B) the need or justification for the underlying item; (C) the reasonableness of the amount of money requested. 	<p><i>[Puts independent counsel on notice of claimed fees, and provides for analysis of "but for" requirement]:</i></p> <p>593(f) Attorneys' Fees. -</p> <ol style="list-style-type: none"> (1) Award of fees. - Upon the request of an individual who is the subject of an investigation conducted by an independent 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 which would not have been incurred but for the requirements of this chapter. The division of the court shall notify the independent counsel who conducted the investigation and Attorney General of any request for attorneys' fees under this subsection. (2) Evaluation of fees. - The division of the court shall direct such independent counsel and the Attorney General to file a written evaluation of any request for attorneys' fees under this subsection, addressing - <ol style="list-style-type: none"> (A) the sufficiency of the documentation; (B) the need or justification for the underlying item; (C) whether the underlying item would have been incurred but for the requirements of this chapter; and (D) the reasonableness of the amount of money requested.

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<p>Sec. 594. Authority and duties of a special prosecutor</p> <p>(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 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 personal action under section 2516 of title 18. Such investigative and prosecutorial functions and powers shall include -</p> <ol style="list-style-type: none"> (1) conducting proceedings before grand juries and other investigations; (2) participating in court proceedings and engaging in any litigation, including civil and criminal matters, that such special prosecutor deems necessary; (3) appealing any decision of a court in any case or proceeding in which such special prosecutor participates in an official capacity; (4) reviewing all documentary evidence 	[Same]	<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>
<p>Sec. 594. Authority and duties of an independent counsel</p> <p>(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'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 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 personal action under section 2516 of title 18. Such investigative and prosecutorial functions and powers shall include -</p> <ol style="list-style-type: none"> (1) conducting proceedings before grand juries and other investigations; (2) participating in court proceedings and engaging in any litigation, including civil and criminal matters, that such independent counsel considers necessary; (3) appealing any decision of a court in any case or proceeding in which such independent counsel participates in an official capacity; 	[Same -- added express authority to consult with U.S. Attorney of the district in which violation occurred (par. 10)].		

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<p>available from any source;</p> <p>(5) determining whether to contest the assertion of any testimonial privilege;</p> <p>(6) receiving appropriate national security clearances and, if necessary, contesting in court (including, where appropriate, participating in in camera proceedings) any claim of privilege or attempt to withhold evidence on grounds of national security;</p> <p>(7) making applications to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpoenas, or other court orders, and, for purposes of sections 6003, 6004, and 6005 of title 18, exercising the authority vested in a United States attorney or the Attorney General;</p> <p>(8) inspecting, obtaining, or using the original or a copy of any tax return, in accordance with the applicable statutes and regulations, and, for purposes of section 6103 of the Internal Revenue Code of 1954, and the regulations issued thereunder, exercising the powers vested in a United States attorney or the Attorney General; and</p> <p>(9) initiating and conducting prosecutions in any court of competent jurisdiction, framing and signing indictments, filing informations, and handling all aspects of any case, in the name of the United States.</p> <p>594(b) A special prosecutor appointed under this chapter shall receive compensation at a</p>	[Same]	[Same]	<p>(4) reviewing all documentary evidence available from any source;</p> <p>(5) determining whether to contest the assertion of any testimonial privilege;</p> <p>(6) receiving appropriate national security clearances and, if necessary, contesting in court (including, where appropriate, participating in in camera proceedings) any claim of privilege or attempt to withhold evidence on grounds of national security;</p> <p>(7) making applications to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpoenas, or other court orders, and, for purposes of sections 6003, 6004, and 6005 of title 18, exercising the authority vested in a United States attorney or the Attorney General;</p> <p>(8) inspecting, obtaining, or using the original or a copy of any tax return, in accordance with the applicable statutes and regulations, and, for purposes of section 6103 of the Internal Revenue Code of 1986 and the regulations issued thereunder, exercising the powers vested in a United States attorney or the Attorney General;</p> <p>(9) initiating and conducting prosecutions in any court of competent jurisdiction, framing and signing indictments, filing informations, and handling all aspects of any case, in the name of the United States;</p> <p>(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.</p> <p>[Added controls and limits on compensation, per diem, and other expenses]:</p> <p>594(b) Compensation. -</p> <p>(1) In general. - An independent counsel appointed under this chapter shall receive</p>

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<p>per diem rate equal to the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.</p>			<p>compensation at the per diem rate equal to the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.</p> <p>(2) Travel expenses. - Except as provided in paragraph (3), an independent counsel and persons appointed under subsection (c) shall be entitled to the payment of travel expenses as provided by subchapter I of chapter 57 of title 5, United States Code, including travel, per diem, and subsistence expenses in accordance with section 5703 of title 5.</p> <p>(3) Travel to primary office. -</p> <p>(A) In general. - After 1 year of service under this chapter, an independent counsel and persons appointed under subsection (c) shall not be entitled to the payment of travel, per diem, or subsistence expenses under subchapter I of chapter 57 of title 5, United States Code, for the purpose of commuting to or from the city in which the primary office of the independent counsel or person is located. The 1-year period may be extended for successive 6-month periods if the independent counsel and the division of the court certify that the payment is in the public interest to carry out the purposes of this chapter.</p> <p>(B) Relevant factors. - In making any certification under this paragraph with respect to travel and subsistence expenses of an independent counsel or person appointed under subsection (c), the independent counsel and the division of the court shall consider, among other relevant factors -</p> <ul style="list-style-type: none"> (i) the cost to the Government of reimbursing such travel and subsistence expenses; (ii) the period of time for which the independent counsel anticipates that the activities of the independent counsel or person, as the case may be, will continue; (iii) the personal and financial burdens on

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<p>Section 594(c) For the purposes of carrying out the duties of the office of special prosecutor, a special prosecutor shall have power to 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.</p>	<p>[Same]</p>	<p>[Same]</p>	<p>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 another person under subsection (c), to replace the individual involved who is unable or unwilling to so relocate.</p> <p><i>[Adjusted salary limits for personnel]</i></p> <p>594(c) Additional Personnel. - For the purposes of carrying out the duties of an office of independent counsel, such independent counsel may appoint, fix the compensation, and assign the duties of such employees as such independent counsel considers necessary (including investigators, attorneys, and part-time consultants). The positions of all such employees are exempted from the competitive service. Such employees shall be compensated at levels not to exceed those payable for comparable positions in the Office of United States Attorney for the District of Columbia under sections 548 and 550, but in no event shall any such employee be compensated at a rate greater than the rate of basic pay payable for level ES-4 of the Senior Executive Service Schedule under section 5382 of title 5, as adjusted for the District of Columbia under section 5304 of that title regardless of the locality in which an employee is employed.</p> <p><i>[Provides express instruction on "detail" of federal employees to office]:</i></p> <p>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 out the functions of the independent counsel, and the Department of Justice shall provide</p>
<p>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 to matters within such special prosecutor's</p>	<p>[Same]</p>	<p><i>[Clarified obligation of DOJ, and required quarterly reporting from DOJ]:</i></p> <p>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 out the functions of the independent counsel, and the Department of Justice shall provide</p>	

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
<p>prosecutorial jurisdiction, and the use of the resources and personnel necessary to perform such special prosecutor's duties.</p> <p>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.</p>	<p>[Same]</p>	<p>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.</p> <p>(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 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).</p> <p>[Similar]</p>	<p>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 other employees of the Department of Justice may be detailed to the staff of the independent counsel.</p> <p>(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 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).</p> <p>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 matters related to the 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 if the matter relates to the independent counsel's prosecutorial jurisdiction. If the Attorney General refers any matter to the</p>

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<p>594(f) A special prosecutor shall, to the extent that special prosecutor deems appropriate, comply with the written policies of the Department of Justice respecting enforcement of the criminal laws.</p>	<p><i>[Tightens requirement for independent counsel to follow Justice Department guidelines, both written and "other established policies"]:</i></p> <p>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.</p>	<p>[Same]</p>	<p>independent counsel pursuant to the independent counsel's request, or if the independent counsel accepts a referral made by the Attorney General on the Attorney General's own initiative, the independent counsel shall so notify the division of the court.</p> <p><i>[Clarifies standard of requirement to follow DOJ guidelines, substituting except where "inconsistent" for except where "not possible"]:</i></p> <p>594(f) Compliance With Policies of the Department of Justice. -</p> <p>(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.</p> <p>(2) National security. - An independent counsel shall comply with guidelines and procedures used by the Department in the handling and use of classified material.</p> <p>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.</p>

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

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
		<p>information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report.</p>	<p>whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report.</p> <p><i>[New provision on printing reports]:</i> (3) Publication of reports. - At the request of an independent counsel, the Public Printer shall cause to be printed any report previously released to the public under paragraph (2). The independent counsel shall certify the number of copies necessary for the public, and the Public Printer shall place the cost of the required number to the debit of such independent counsel. Additional copies shall be made available to the public through the depository library program and Superintendent of Documents sales program pursuant to sections 1702 and 1903 of title 44.</p> <p>594(i) Independence From Department of Justice. - Each independent counsel appointed under this chapter, and the persons appointed by that independent counsel under subsection (c), are separate from and independent of the Department of Justice for purposes of sections 202 through 209 of title 18.</p> <p><i>[Added para. 5 re enforcement]:</i> 594(j) Standards of Conduct Applicable to Independent Counsel Persons Serving in the Office of an Independent Counsel, and Their Law Firms. - (1) Restrictions on employment while independent counsel and appointees are serving. - (A) During the period in which an</p>
		<p><i>[Added new section to clarify status of independent counsel and staff as separate from DOJ]:</i> 594(i) Independence From Department of Justice. - Each independent counsel appointed under this chapter, and the persons appointed by that independent counsel under subsection (c), are separate from and independent of the Department of Justice for purposes of sections 202 through 209 of title 18.</p> <p><i>[Added express standards of conduct for independent counsel and staff]:</i> 594(j) Standards of Conduct Applicable to Independent Counsel, Persons Serving in the Office of an Independent Counsel, and Their Law Firms. - (1) Restrictions on employment while independent counsel and appointees are serving. - (A) During the period in which an</p>	

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
		<p>independent counsel is serving under this chapter -</p> <p>(i) such independent counsel, and</p> <p>(ii) any person associated with a firm with which such independent counsel is associated, may not represent in any matter any person involved in any investigation or prosecution under this chapter.</p> <p>(B) During the period in which any person appointed by an independent counsel under subsection (c) is serving in the office of independent counsel, such person may not represent in any matter any person involved in any investigation or prosecution under this chapter.</p> <p>(2) Post employment restrictions on independent counsel and appointees. -</p> <p>(A) Each independent counsel and each person appointed by that independent counsel under subsection (c) may not, for 3 years following the termination of the service under this chapter of that independent counsel or appointed person, as the case may be, represent any person in any matter if that individual was the subject of an investigation or prosecution under this chapter that was conducted by that independent counsel.</p> <p>(B) Each independent counsel and each person appointed by that independent counsel under subsection (c) may not, for 1 year following the termination of the service under this chapter of that independent counsel or appointed person, as the case may be, represent any person in any matter involving any investigation or prosecution under this chapter.</p> <p>(3) One-year ban on representation by members of firms of independent counsel. - Any person who is associated with a firm with which an independent counsel is associated or becomes associated after termination of the service of that independent counsel under this chapter may not, for 1 year</p>	<p>independent counsel is serving under this chapter -</p> <p>(i) such independent counsel, and</p> <p>(ii) any person associated with a firm with which such independent counsel is associated, may not represent in any matter any person involved in any investigation or prosecution under this chapter.</p> <p>(B) During the period in which any person appointed by an independent counsel under subsection (c) is serving in the office of independent counsel, such person may not represent in any matter any person involved in any investigation or prosecution under this chapter.</p> <p>(2) Post employment restrictions on independent counsel and appointees. -</p> <p>(A) Each independent counsel and each person appointed by that independent counsel under subsection (c) may not, for 3 years following the termination of the service under this chapter of that independent counsel or appointed person, as the case may be, represent any person in any matter if that individual was the subject of an investigation or prosecution under this chapter that was conducted by that independent counsel.</p> <p>(B) Each independent counsel and each person appointed by that independent counsel under subsection (c) may not, for 1 year following the termination of the service under this chapter of that independent counsel or appointed person, as the case may be, represent any person in any matter involving any investigation or prosecution under this chapter.</p> <p>(3) One-year ban on representation by members of firms of independent counsel. - Any person who is associated with a firm with which an independent counsel is associated or becomes associated after termination of the service of that independent counsel under this chapter may not, for 1 year</p>

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

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
		<p>under this chapter shall be maintained, used, and disposed of in accordance with chapters 21, 29, and 33 of title 44.</p> <p>(3) Access to records. -</p> <p>(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.</p> <p>(B) Access by department of justice. - The 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 investigation or court proceeding, except that, in the case of grand 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.</p> <p>(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 the Archivist under this chapter.</p> <p>(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 -</p> <p>(A) shall be maintained as a separate body of records within the records of the independent counsel; and</p> <p>(B) 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 of the records of the House of Congress that provided the records to the independent</p>	<p>under this chapter shall be maintained, used, and disposed of in accordance with chapters 21, 29, and 33 of title 44.</p> <p>(3) Access to records. -</p> <p>(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.</p> <p>(B) Access by department of justice. - The 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 investigation or court proceeding, except that, in the case of grand 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.</p> <p>(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 the Archivist under this chapter.</p> <p>(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 -</p> <p>(A) shall be maintained as a separate body of records within the records of the independent counsel; and</p> <p>(B) 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 of the records of the House of Congress that provided the records to the independent</p>

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		<p>counsel.</p> <p>Subparagraph (B) shall not apply to those records which have been surrendered pursuant to grand jury or court proceedings.</p>	<p>counsel.</p> <p>Subparagraph (B) shall not apply to those records which have been surrendered pursuant to grand jury or court proceedings.</p> <p><i>[Added new provisions on cost controls, expenditures and administrative support]:</i></p> <p>594(l) Cost and Administrative Support. -</p> <p>(1) Cost controls. -</p> <p>(A) In general. - An independent counsel shall -</p> <p>(i) conduct all activities with due regard for expense;</p> <p>(ii) authorize only reasonable and lawful expenditures; and</p> <p>(iii) promptly, upon taking office, assign to a specific employee the duty of certifying that expenditures of the independent counsel are reasonable and made in accordance with law.</p> <p>(B) Liability for invalid certification. - An employee making a certification under subparagraph (A)(iii) shall be liable for an invalid certification to the same extent as a certifying official certifying a voucher is liable under section 3528 of title 31.</p> <p>(C) Department of justice policies. - An independent counsel shall comply with the established policies of the Department of Justice respecting expenditures of funds, except to the extent that compliance would be inconsistent with the purposes of this chapter.</p> <p>(2) Administrative support. - The Director of the Administrative Office of the United States Courts shall provide administrative support and guidance to each independent counsel. No officer or employee of the Administrative Office of the United States Courts shall disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel.</p> <p>(3) Office space. - The Administrator of</p>

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<p>Section 595. Reporting and congressional oversight <i>[Committee oversight, see this section, subsec. (d)]:</i></p> <p>(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.</p> <p><i>[Final report, see current Section 594(h)]:</i> (b)(1) In addition to any reports made under</p>	<p>[Same]</p>	<p>Sec. 595. Congressional oversight (a) Oversight of Conduct of Independent Counsel. -</p> <p>(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.</p> <p>(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.</p> <p>[See 594(h)]</p>	<p>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 space is provided, the Administrative Office of the United States Courts shall provide newly appointed independent counsels immediately upon appointment with appropriate, temporary office space, equipment, and supplies</p>
<p>Sec. 595. Congressional oversight (a) Oversight of Conduct of Independent Counsel. -</p> <p>(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.</p> <p>(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.</p> <p>[See 594(h)]</p>	<p>[Same]</p>	<p>Sec. 595. Congressional oversight (a) Oversight of Conduct of Independent Counsel. -</p> <p>(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.</p> <p>(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.</p> <p>[See 594(h)]</p>	<p>Sec. 595. Congressional oversight (a) Oversight of Conduct of Independent Counsel. -</p> <p>(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.</p> <p><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.</p> <p>[See 594(h)]</p>

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
<p>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.</p> <p>(2) 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.</p> <p>(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. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in 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 available to any individual named in such report for 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 factual information, in whole or in part, may in the discretion of such division be included as an appendix to such report.</p>		<p><i>[Adds provision on oversight of and responses from Attorney General]:</i></p> <p>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:</p> <p>(1) When the information about the case was received.</p>	<p>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:</p> <p>(1) When the information about the case was received.</p>

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
<p>Section 595(c). A special prosecutor shall advise the House of Representatives of any substantial and credible 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.</p>	[Same]	<p>(2) Whether a preliminary investigation is being conducted, and if so, the date it began. (3) 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.</p> <p>[Same, except adds phrase "in carrying out the independent counsel's responsibilities under this chapter"]</p>	<p>(2) Whether a preliminary investigation is being conducted, and if so, the date it began. (3) 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.</p> <p>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 or section 49 of this title shall prevent the Congress or either House thereof from obtaining information in the course of an impeachment proceeding.</p> <p>[See, now, subsec. (a) this section]</p>
<p>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.</p>	[Same]	[See, now, subsec. (a) this section]	
<p>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</p>	[Same]	[Congressional requests, see now, section 592(g)]	[Congressional requests, see now, section 592(g)]

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
<p>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 notification shall be provided to the committee on which the persons making the request serve, and 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 notification as will not in the committee's judgment prejudice the rights of any individual.</p>			
<p>Sec. 596. Removal of a special prosecutor; termination of office (a)(1) A special prosecutor appointed under this chapter may be removed from office, other than by impeachment and conviction, only by the personal action of the Attorney General and only for extraordinary impropriety, physical disability, mental incapacity, or any other condition that substantially impairs the performance of such special prosecutor's duties.</p> <p>(2) If a special prosecutor is removed from office, the Attorney General shall promptly submit to the division of the court and the Committees on the Judiciary of the Senate and the House of Representatives a report specifying the facts found and the ultimate grounds for such removal. The committees shall make available to the public such report, except that each committee may, if necessary to protect the rights of any individual named in the report or to prevent undue interference with any pending</p>	<p><i>[Changes standard of removal from "extraordinary impropriety" to "good cause"]</i>: Section 596(a)(1). An independent counsel appointed under this chapter may be removed from office, other than by impeachment and conviction, only by the personal action of the Attorney General and only for good cause, physical disability, mental incapacity, or any other condition that substantially impairs the performance of such independent counsel's duties.</p> <p><i>[Same]</i></p>	<p><i>[Changes judicial review of removal to D.C. U.S. District Court and not division of court]</i>: Sec. 596. Removal of an independent counsel; termination of office (a) Removal; Report on Removal. - (1) Grounds for removal. - An independent counsel appointed under this chapter may be removed from office, other than by impeachment and conviction, only by the personal action of the Attorney General and only for good cause, physical disability, mental incapacity, or any other condition that substantially impairs the performance of such independent counsel's duties.</p> <p>(2) Report to division of the court and congress. - If an independent counsel is removed from office, the Attorney General shall promptly submit to the division of the court and the Committees on the Judiciary of the Senate and the House of Representatives a report specifying the facts found and the ultimate grounds for such removal. The committees shall make available to the public such report, except that each committee may, if necessary to protect the rights of any individual named in the report or to prevent</p>	<p><i>[Minor changes of wording re mental "disability"]</i>: Sec. 596. Removal of an independent counsel; termination of office (a) Removal; Report on Removal. - (1) Grounds for removal. - An independent counsel appointed under this chapter may be removed from office, other than by impeachment and conviction, only by the personal action of the Attorney General and only for good cause, physical or mental disability (if not prohibited by law protecting persons from discrimination on the basis of such a disability), or any other condition that substantially impairs the performance of such independent counsel's duties.</p> <p>(2) Report to division of the court and congress. - If an independent counsel is removed from office, the Attorney General shall promptly submit to the division of the court and the Committees on the Judiciary of the Senate and the House of Representatives a report specifying the facts found and the ultimate grounds for such removal. The committees shall make available to the public such report, except that each committee may, if necessary to protect the rights of any individual named in the report or to prevent</p>

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

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<p>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.</p>		<p>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).</p> <p><i>[Added provision for final audit in para. (c)]:</i></p> <p>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.</p>	<p>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, at the end of the succeeding 2-year period, and thereafter at the end of each succeeding 1-year period.</p> <p><i>[Added detailed provisions on semi-annual audits by Comptroller General]:</i></p> <p>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 counsel whose office is terminated prior to the end of the fiscal year shall prepare a statement of expenditures on or before the date that is 90 days after the date on which the office is terminated.</p> <p>(2) The Comptroller General shall -</p> <p>(A) conduct a financial review of a mid-year statement and a financial audit of a year-end statement and statement on termination;</p>

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

1978 legislation	1983 amendments	1987 amendments	Current Law (1994 reauthorization)
<p>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.</p>	<p><i>[No substantive change, substituted new date and name of reauthorization for "this chapter"]</i></p>	<p>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.</p>	<p>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.</p>
<p>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.</p>	<p><i>[No substantive change, substituted new date and name of reauthorization.]</i></p>		<p><i>[No substantive change, substituted new date and name of reauthorization.]</i> 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.</p>

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