

## AMENDMENTS

1996—Subsec. (b)(3)(A). Pub. L. 104-208, §101(a) [title I, §118(a), (b)], in second sentence substituted “for successive 6-month periods” for “by 6-months” and “independent counsel and the division of the court certify” for “employee assigned duties under subsection (l)(1)(A)(iii) certifies”.

Subsec. (b)(3)(B). Pub. L. 104-208, §101(a) [title I, §118(c)], which directed the amendment of second sentence of subsec. (b)(3)(A) by striking “such employee” and inserting “the independent counsel” and “the division of the court”, was executed to introductory provisions of subsec. (b)(3)(B) by substituting “the independent counsel and the division of the court” for “such employee” to reflect the probable intent of Congress.

1994—Subsec. (b). Pub. L. 103-270, §3(b), designated existing text as par. (1) and inserted heading, and added pars. (2) and (3).

Subsec. (c). Pub. L. 103-270, §3(c), substituted last sentence for former last sentence which read as follows: “No such employee may be compensated at a rate exceeding the maximum rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5.”

Subsec. (d)(1). Pub. L. 103-270, §3(m), inserted at end “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.”

Subsec. (f). Pub. L. 103-270, §3(e), designated existing provisions as par. (1) and inserted heading, substituted “shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply” for “shall, except where not possible, comply”, inserted at end “To determine these policies and policies under subsection (l)(1)(B), the independent counsel shall, except to the extent that doing so would be inconsistent with the purposes of this chapter, consult with the Department of Justice.”, and added par. (2).

Subsec. (h)(1)(B). Pub. L. 103-270, §3(o), struck out before period at end “, and the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such independent counsel”.

Subsec. (h)(3). Pub. L. 103-270, §3(f), added par. (3).

Subsec. (j)(5). Pub. L. 103-270, §3(d), added par. (5).

Subsec. (l). Pub. L. 103-270, §3(a), added subsec. (l).

1987—Pub. L. 100-191 amended section generally, substituting subssecs. (a) to (k) for former subssecs. (a) to (g) which related to similar subject matter.

1986—Subsec. (a)(8). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1983—Pub. L. 97-409, §2(a)(1)(A), substituted “independent counsel” for “special prosecutor” in section catchline.

Subsec. (a). Pub. L. 97-409, §2(a)(1), substituted “independent counsel” for “special prosecutor” wherever appearing and “independent counsel’s” for “special prosecutor’s”.

Subsec. (a)(10). Pub. L. 97-409, §6(a), added par. (10).

Subsecs. (b), (c). Pub. L. 97-409, §2(a)(1)(A), substituted “independent counsel” for “special prosecutor” wherever appearing.

Subsecs. (d), (e). Pub. L. 97-409, §2(a)(1), substituted “independent counsel” for “special prosecutor” and “independent counsel’s” for “special prosecutor’s” wherever appearing.

Subsec. (f). Pub. L. 97-409, §§2(a)(1)(A), 6(b), substituted “independent counsel” for “special prosecutor”, “except where not possible” for “to the extent that such special prosecutor deems appropriate”, and “written or other established policies” for “written policies”.

Subsec. (g). Pub. L. 97-409, §6(c), added subsec. (g).

## EFFECTIVE DATE OF 1994 AMENDMENT; TRANSITION PROVISIONS

Amendment by Pub. L. 103-270 applicable with respect to independent counsels appointed before, on, or after June 30, 1994, with transition provisions relating

to assignment of employee to certify expenditures and relating to office space, travel and subsistence expenses, rates of compensation, and reporting requirements established or modified by Pub. L. 103-270, see section 7(a)-(e), (g) of Pub. L. 103-270, set out as a note under section 591 of this title.

## EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-191 effective Dec. 15, 1987, and applicable to proceedings initiated and independent counsels appointed on and after Dec. 15, 1987, but with the following provisions applicable to previously initiated proceedings pending on Dec. 15, 1987: subsec. (d)(2) (relating to reports by Attorney General on expenditures by independent counsel, except that the first such report shall be made only with respect to expenditures on or after Dec. 15, 1987), subsec. (h)(1)(A) except that the 6-month periods described in subsec. (h)(1)(A) of this section shall be calculated from Dec. 15, 1987, subsec. (i), subsec. (k) of this section, and 90 days after Dec. 15, 1987, subsec. (j), see section 6 of Pub. L. 100-191, set out as a note under section 591 of this title.

## § 595. Congressional oversight

## (a) OVERSIGHT OF CONDUCT OF INDEPENDENT COUNSEL.—

(1) CONGRESSIONAL OVERSIGHT.—The appropriate committees of the Congress shall have oversight jurisdiction with respect to the official conduct of any independent counsel appointed under this chapter, and such independent counsel shall have the duty to cooperate with the exercise of such oversight jurisdiction.

(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.

(b) OVERSIGHT OF CONDUCT OF ATTORNEY GENERAL.—Within 15 days after receiving an inquiry about a particular case under this chapter, which is a matter of public knowledge, from a committee of the Congress with jurisdiction over this chapter, the Attorney General shall provide the following information to that committee with respect to that case:

(1) When the information about the case was received.

(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.

(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.

(Added Pub. L. 95-521, title VI, §601(a), Oct. 26, 1978, 92 Stat. 1871; amended Pub. L. 97-409, §2(a)(1), Jan. 3, 1983, 96 Stat. 2139; Pub. L. 100-191, §2, Dec. 15, 1987, 101 Stat. 1304; Pub. L. 103-270, §3(g), June 30, 1994, 108 Stat. 734.)

#### AMENDMENTS

1994—Subsec. (a)(2). Pub. L. 103-270 substituted “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” for “such statements or reports on the activities of such independent counsel as the independent counsel considers appropriate”.

1987—Pub. L. 100-191 amended section generally, substituting subsecs. (a) to (c) relating to congressional oversight for former subsecs. (a) to (e) relating to reporting and congressional oversight.

1983—Pub. L. 97-409, §2(a)(1), substituted “independent counsel” for “special prosecutor” and “independent counsel’s” for “special prosecutor’s” wherever appearing.

#### EFFECTIVE DATE OF 1994 AMENDMENT; TRANSITION PROVISIONS

Amendment by Pub. L. 103-270 applicable with respect to independent counsels appointed before, on, or after June 30, 1994, with transition provision relating to reporting requirements established or modified by Pub. L. 103-270, see section 7(a), (g) of Pub. L. 103-270, set out as a note under section 591 of this title.

#### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-191 effective Dec. 15, 1987, and applicable to proceedings initiated and independent counsels appointed on and after Dec. 15, 1987, see section 6 of Pub. L. 100-191, set out as a note under section 591 of this title.

### § 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),<sup>1</sup> or any other condition that substantially impairs the performance of such independent counsel’s duties.

(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 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).

(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.

#### (b) TERMINATION OF OFFICE.—

(1) TERMINATION BY ACTION OF INDEPENDENT COUNSEL.—An office of independent counsel shall terminate when—

(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

(B) the independent counsel files a final report in compliance with section 594(h)(1)(B).

(2) TERMINATION BY DIVISION OF THE COURT.—The division of the court, either on its own motion or upon the request of the Attorney 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.

(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.

(2) The Comptroller General shall—

<sup>1</sup> So in original.