

Chapman Johnson (SD)
 Clayton Johnson, E. B.
 Clement Johnston
 Clyburn Kanjorski
 Collins (IL) Kaptur
 Collins (MI) Kennedy
 Condit Kennelly
 Conyers Kildee
 Costello Kleczka
 Coyne Klein
 Cramer Klink
 Danner Kopetski
 Darden Kreidler
 de Lugo (VI) LaFalce
 DeFazio Lambert
 DeLauro Lancaster
 Dellums Lantos
 Deutsch LaRocco
 Dicks Lehman
 Dingell Levin
 Dixon Lewis (GA)
 Dooley Lipinski
 Durbin Lloyd
 Edwards (CA) Long
 Edwards (TX) Lowey
 Engel Maloney
 English Mann
 Eshoo Manton
 Evans Margolies-
 Faleomavaega Mezvinsky
 (AS) Markey
 Farr Martinez
 Fazio Matsui
 Fields (LA) McCloskey
 Filner McDermott
 Fingerhut McKinney
 Flake McNulty
 Foglietta Meehan
 Ford (MI) Meek
 Ford (TN) Menendez
 Frank (MA) Mfume
 Frost Miller (CA)
 Gejdenson Mineta
 Gephardt Minge
 Gibbons Mink
 Glickman Moakley
 Gonzalez Mollohan
 Gordon Montgomery
 Green Moran
 Gutierrez Murphy
 Hall (OH) Murtha
 Hamburg Nadler
 Hamilton Natcher
 Harman Neal (MA)
 Hayes Norton (DC)
 Hefley Oberstar
 Hefner Obey
 Hilliard Olver
 Hinchey Ortiz
 Hoagland Owens
 Hochbrueckner Oxley
 Holden Pallone
 Hoyer Pastor
 Hughes Payne (NJ)
 Hutto Payne (VA)
 Inslee Pelosi
 Jefferson Penny
 Johnson (GA) Peterson (FL)

NOES—188

Allard Collins (GA)
 Andrews (NJ) Combest
 Archer Cooper
 Armey Coppersmith
 Bacchus (FL) Cox
 Bachus (AL) Crane
 Baker (CA) Crapo
 Baker (LA) Cunningham
 Ballenger Deal
 Barrett (NE) DeLay
 Bartlett Diaz-Balart
 Barton Dickey
 Bateman Doolittle
 Bentley Dornan
 Bereuter Dreier
 Bliley Duncan
 Blute Dunn
 Boehlert Ehlers
 Boehner Emerson
 Bonilla Everett
 Bunning Fawell
 Burton Fields (TX)
 Buyer Fish
 Callahan Fowler
 Calvert Franks (CT)
 Camp Franks (NJ)
 Canady Furse
 Castle Gallegly
 Clinger Gallo
 Coble Gekas

Johnson, Sam
 Kasich
 Kim
 King
 Kingston
 Klug
 Knollenberg
 Kolbe
 Kyl
 Lazio
 Leach
 Levy
 Lewis (CA)
 Lewis (FL)
 Lightfoot
 Linder
 Livingston
 Machtley
 Manzullo
 Mazzoli
 McCandless
 McCollum
 McCrery
 McDade
 McHale
 McHugh
 McInnis
 McKeon
 Meyers
 Mica
 Miller (FL)
 Molinari
 Moorhead

Andrews (TX) Hastert
 Bilirakis Hastings
 Clay Laughlin
 Coleman McCurdy
 de la Garza McMillan
 Derrick Michel
 Ewing Morella

So the substitute amendment was agreed to.

After some further time,

9.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the foregoing amendment, as amended, submitted by Mr. GEKAS.

It was decided in the } Yeas 339
 affirmative } Nays 76

9.14 [Roll No. 20] AYES—339

Ackerman Canady
 Allard Cantwell
 Andrews (ME) Cardin
 Andrews (NJ) Carr
 Applegate Castle
 Bacchus (FL) Chapman
 Bachus (AL) Clayton
 Baesler Clement
 Baker (LA) Clinger
 Ballenger Clyburn
 Barca Collins (GA)
 Barcia Collins (IL)
 Barlow Collins (MI)
 Barrett (WI) Combest
 Bateman Condit
 Becerra Conyers
 Bieleon Cooper
 Bentley Coppersmith
 Bereuter Costello
 Berman Coyne
 Bevil Cramer
 Bilbray Cunningham
 Bishop Danner
 Blackwell Darden
 Blute de Lugo (VI)
 Boehlert DeFazio
 Dunn Bonilla
 Boehlert Bonior
 Boehner Borski
 Bonilla Boucher
 Bunting Brewster
 Burton Brooks
 Buyer Browder
 Callahan Brown (FL)
 Calvert Brown (OH)
 Castle Bryant
 Clinger Bunning
 Coble Byrne
 Calvo Calvert
 Camp English

Hayes
 Hefley
 Hefner
 Herger
 Hilliard
 Hinchey
 Hoagland
 Hobson
 Hochbrueckner
 Hoekstra
 Holden
 Hoyer
 Hughes
 Hunter
 Hutchinson
 Hutto
 Inhofe
 Inslee
 Istook
 Jacobs
 Jefferson
 Johnson (CT)
 Johnson (GA)
 Johnson (SD)
 Johnson, E. B.
 Kanjorski
 Kaptur
 Kasich
 Kennedy
 Kennelly
 Kildee
 Kim
 Kleczka
 Klein
 Klink
 Klug
 Knollenberg
 Kopetski
 Kreidler
 LaFalce
 Lambert
 Lancaster
 Lantos
 LaRocco
 Lazio
 Leach
 Lehman
 Levin
 Lewis (CA)
 Lewis (FL)
 Lewis (GA)
 Lightfoot
 Lipinski
 Livingston
 Lloyd
 Long
 Lowey
 Machtley
 Maloney
 Mann
 Manton
 Manzullo
 Margolies-
 Mezvinsky
 Markey
 Martinez
 Matsui
 Mazzoli
 McCandless
 McCloskey
 McCrery
 McDade
 Eshoo
 Evans
 Everett
 Faleomavaega
 (AS)
 Farr
 Fawell
 Fields (LA)
 Filner
 Fingerhut
 Fish
 Flake
 Foglietta
 Ford (MI)
 Ford (TN)
 Frank (MA)
 Franks (NJ)
 Frost
 Gallegly
 Gallo
 Barrett (NE)
 Bartlett
 Barton
 Bliley
 Boehner
 Burton
 Buyer
 Callahan
 Coble
 Cox
 Crane
 Crapo
 Deal
 DeLay
 Diaz-Balart
 Doolittle
 Dornan
 Dreier
 Bliley
 Blute
 Boehlert
 Boehner
 Bonilla
 Bunting
 Burton
 Buyer
 Callahan
 Calvert
 Camp
 Canady
 Castle
 Clinger
 Coble

NOES—76

Abercrombie Emerson
 Archer Fields (TX)
 Armey Fowler
 Baker (CA) Franks (CT)
 Barrett (NE) Furse
 Bartlett Gekas
 Barton Moorhead
 Bliley Gingrich
 Boehner Goss
 Burton Grams
 Buyer Grandy
 Callahan Hancock
 Coble Hansen
 Cox Hoke
 Crane Houghton
 Crapo Huffington
 Deal Hyde
 DeLay Inglis
 Diaz-Balart Johnson, Sam
 Doolittle King
 Dornan Kingston
 Dreier Kolbe
 Dunn Kyl
 Ehlers Levy
 Sangmeister
 Santorum
 Sarpalus
 Sawyer
 Saxton
 Schaefer
 Schenk
 Schiff
 Schroeder
 Schumer
 Scott
 Sensenbrenner
 Serrano
 Sharp
 Shaw
 Shays
 Shepherd
 Shuster
 Siskis
 Siskis
 Skaggs
 Skaggs
 Murphy
 Murtha
 Nadler
 Natcher
 Neal (MA)
 Norton (DC)
 Oberstar
 Obey
 Olver
 Ortiz
 Orton
 Owens
 Oxley
 Pallone
 Parker
 Pastor
 Payne (NJ)
 Payne (VA)
 Pelosi
 Penny
 Peterson (FL)
 Peterson (MN)
 Petri
 Pickett
 Pickle
 Pomeroy
 Porter
 Portman
 Poshard
 Price (NC)
 Pryce (OH)
 Quinn
 Rahall
 Ramstad
 Rangel
 Ravenel
 Reed
 Regula
 Reynolds
 Richardson
 Roberts
 Roemer
 Rogers
 Romero-Barceló
 (PR)
 Rose
 Rostenkowski
 Roth
 Roukema
 Rowland
 Roybal-Allard
 Rush
 Sabo
 Sanders
 Thomas (WY)
 Smith (MI)
 Smith (NJ)
 Smith (OR)
 Snowe
 Spratt
 Stark
 Stenholm
 Stokes
 Strickland
 Studds
 Stupak
 Swift
 Synar
 Tanner
 Tejeda
 Thompson
 Thornton
 Thurman
 Torres
 Torricelli
 Towns
 Traficant
 Tucker
 Unsoeld
 Upton
 Valentine
 Velazquez
 Vento
 Visclosky
 Waters
 Watt
 Waxman
 Wheat
 Whitten
 Wilson
 Wise
 Woolsey
 Wyden
 Wynn
 Yates
 Young (AK)
 Young (FL)
 Zimmer

Taylor (NC)	Vucanovich	Weldon
Thomas (CA)	Walker	Zeliff

NOT VOTING—23

Andrews (TX)	Fazio	Neal (NC)
Bilirakis	Gutierrez	Ridge
Brown (CA)	Hastert	Royce
Clay	Hastings	Slattery
Coleman	Laughlin	Underwood (GU)
de la Garza	McMillan	Washington
Duncan	Michel	Williams
Ewing	Miller (CA)	

So the amendment, as amended, was agreed to.

After some further time,

§9.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. HYDE:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Accountability and Reform Act of 1994".

SEC. 2. EXTENSION.

Section 599 of title 28, United States Code, is amended by striking "Reauthorization Act of 1987" and inserting "Accountability and Reform Act of 1994".

SEC. 3. APPLICATION TO MEMBERS OF CONGRESS.

Section 591(b) of title 28, United States Code, is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following:

"(9) any Senator, or any Representative in, or Delegate or Resident Commissioner to, the Congress, or any person who has served as a Senator or such a Representative, Delegate, or Resident Commissioner within the 2-year period before the receipt of the information under subsection (a) with respect to conduct that occurred while such person was a Senator or such a Representative, Delegate, or Resident Commissioner."

SEC. 4. BASIS FOR PRELIMINARY INVESTIGATION.

(a) INITIAL RECEIPT OF INFORMATION.—Section 591 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "information" and inserting "specific information from a credible source that is"; and

(B) by striking "may have" and inserting "has";

(2) in subsection (c)(1)—

(A) by striking "information" and inserting "specific information from a credible source that is"; and

(B) by striking "may have" and inserting "has"; and

(3) by amending subsection (d) to read as follows:

"(d) TIME PERIOD FOR DETERMINING NEED FOR PRELIMINARY INVESTIGATION.—The Attorney General shall determine, under subsection (a) or (c) (or section 592(c)(2)), 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 there is insufficient evidence of a violation of Federal criminal law referred to in subsection (a), then the Attorney General shall close the matter. If within that 15-day period the Attorney General determines there is sufficient evidence of such a violation, the Attorney General shall, upon making that determina-

tion, commence a preliminary investigation with respect to that information. If the Attorney General is unable to determine, within that 15-day period, whether there is sufficient evidence of such a violation, the Attorney General shall, at the end of that 15-day period, commence a preliminary investigation with respect to that information."

(b) RECEIPT OF ADDITIONAL INFORMATION.—Section 592(c)(2) of title 28, United States Code, is amended by striking "information" and inserting "specific information from a credible source that is".

SEC. 5. SUBPOENA POWER.

Section 592(a)(2) of title 28, United States Code, is amended by striking "grant immunity, or issue subpoenas" and inserting "or grant immunity, but may issue subpoenas duces tecum".

SEC. 6. PROSECUTORIAL JURISDICTION OF INDEPENDENT COUNSEL.

(a) PROSECUTORIAL JURISDICTION.—Section 593(b) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "define" and inserting "with specificity, define"; and

(B) by adding at the end the following: "Such jurisdiction shall be limited to the alleged violations of criminal law with respect to which the Attorney General has requested the appointment of the independent counsel, and matters directly related to such criminal violations."; and

(2) by amending paragraph (3) to read as follows:

"(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 alleged violations of criminal law with respect to which the Attorney General has requested the appointment of the independent counsel, and matters directly related to such criminal violations, including perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses."

(b) CONFORMING AMENDMENT.—Section 592(d) of title 28, United States Code, is amended by striking "subject matter" and inserting "the alleged violations of criminal law with respect to which the application is made, and matters directly related to such criminal violations".

SEC. 7. USE OF STATE AND LOCAL PROSECUTORS; STAFF OF INDEPENDENT COUNSEL.

(a) PROSECUTORS AS INDEPENDENT COUNSEL.—Section 593(b)(1) of title 28, United States Code, as amended by section 7 of this Act, is further amended by adding at the end the following: "The division of the court should strongly consider exercising the authority of section 3372 of title 5 so that it may appoint as independent counsel prosecutors from State or local governments, and the division of the court may exercise the authorities of such section 3372 for such purpose to the same extent as the head of a Federal agency."

(b) STAFF OF INDEPENDENT COUNSEL.—Section 594(c) of title 28, United States Code, is amended by striking the last sentence and inserting the following: "Not more than 2 such employees may be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive schedule under section 5316 of title 5, and all other such employees shall be compensated at rates not to exceed the maximum rate of basic pay payable for GS-15 of the General Schedule under section 5332 of title 5. The independent counsel should, to the greatest extent possible, use personnel of the Department of Justice, on a reimbursable basis, in

lieu of appointing employees, to carry out the duties of such independent counsel. The independent counsel should also strongly consider exercising the authority of section 3372 of title 5 so that he or she may appoint as employees under this subsection prosecutors of State or local governments. In order to carry out the preceding sentence, each independent counsel shall, for purposes of such section 3372, be considered to be the head of a Federal agency."

SEC. 8. ATTORNEYS' FEES.

Section 593(f)(1) of title 28, United States Code, is amended in the first sentence—

(1) by striking "the court may" and inserting "the court shall";

(2) by inserting after "pursuant to that investigation," the following: "if such individual is acquitted of all charges, or no conviction is obtained against such individual, at a trial brought pursuant to that investigation, or if the conviction of such individual at such a trial is overturned on appeal."; and

(3) by inserting ", trial, and appeal (if any)" after "during that investigation".

SEC. 9. TREATMENT OF CLASSIFIED INFORMATION.

Section 594(a) of title 28, United States Code, is amended by adding at the end the following:

"An independent counsel appointed under this chapter who gains access to classified information shall follow all procedures established by the United States Government regarding the maintenance, use, and disclosure of such information. The failure to follow such procedures shall be grounds for removal for good cause under section 596(a)(1), in addition to any penalty provided in section 798 of title 18 or any other law that may apply."

SEC. 10. INDEPENDENT COUNSEL PER DIEM EXPENSES.

Section 594(b) of title 28, United States Code, is amended to read as follows:

"(b) COMPENSATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an independent counsel appointed under this chapter shall receive compensation at the per diem rate not to exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.

"(2) TRAVEL AND LODGING IN WASHINGTON.—An independent counsel and persons appointed under subsection (c) shall not be entitled to the payment of travel and subsistence expenses under subchapter 1 of chapter 57 of title 5, with respect to duties performed in the District of Columbia after 1 year of service under this chapter."

SEC. 11. AUTHORITIES AND DUTIES OF INDEPENDENT COUNSEL.

(a) ADMINISTRATIVE SUPPORT.—Section 594 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(1) ADMINISTRATIVE SERVICES.—

"(1) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide administrative support to each independent counsel.

"(2) OFFICE SPACE.—The Administrator of General Services 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."

(b) COMPLIANCE WITH POLICIES OF THE DEPARTMENT OF JUSTICE.—Section 594(f) of title 28, United States Code, is amended—

(1) by striking "except where not possible," and inserting "at all times"; and

(2) by striking "enforcement of the criminal laws" and inserting "the enforcement of criminal laws and the release of information relating to criminal proceedings".