

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".

(h) PERIODIC REAPPOINTMENT OF INDEPENDENT COUNSEL.—Section 596(b)(2) of title 28, United States Code, is amended by adding at the end the following new sentence: "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 not later than 3 years after the appointment of an independent counsel and at the end of each succeeding 3-year period."

(i) AUDITS BY THE COMPTROLLER GENERAL.—Section 596(c) of title 28, United States Code, is amended to read as follows:

"(c) AUDITS.—By 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 by the date that is 90 days after the date on which the office is terminated. The Comptroller General shall audit each such statement and shall, not later than March 31 of the year following the submission of any such statement, report the results of each audit to the Committee on the Judiciary and the Committee on Government Operations of the House of Representatives and to the Committee on Governmental Affairs and the Committee on the Judiciary of the Senate."

SEC. 4. MEMBERS OF CONGRESS.

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

(1) by indenting paragraphs (1) and (2) two ems to the right and by redesignating such paragraphs as subparagraphs (A) and (B), respectively;

(2) by striking "The Attorney" and all that follows through "if—" and inserting the following:

"(1) IN GENERAL.—The Attorney General may conduct a preliminary investigation in accordance with section 592 if—"; and

(3) by adding at the end the following new paragraph:

"(2) MEMBERS OF CONGRESS.—Whenever the Attorney General determines that it would be in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592 if the Attorney General has received 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."

SEC. 5. GROUNDS FOR REMOVAL.

Section 596(a)(1) of title 28, United States Code, is amended by striking "physical disability, mental incapacity" and inserting "physical or mental disability (consistent with prohibitions on discrimination otherwise imposed by law)".

SEC. 6. NATIONAL SECURITY.

Section 597 of title 28, United States Code, is amended by adding at the end the following:

"(c) NATIONAL SECURITY.—An independent counsel shall comply with guidelines and procedures used by the Department in the handling and use of classified materials."

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall become effective on the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. GEKAS moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 9, strike line 18 and all that follows through line 14 on page 10 and insert the following:

SEC. 4. 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 Representative in, or Delegate or Resident Commissioner to, the Congress, or any person who has served as a Senator, 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, a Representative, Delegate, or Resident Commissioner."

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. CARDIN, announced that the nays had it.

Mr. GEKAS demanded a recorded vote on agreeing to said motion to recommit with instructions, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 183 negative 230

19.17

[Roll No. 22]

AYES—183

- Allard Diaz-Balart Horn
Archer Dickey Houghton
Army Doolittle Huffington
Bachus (AL) Dornan Hunter
Baker (CA) Dreier Hutchinson
Baker (LA) Duncan Hyde
Ballenger Dunn Inglis
Barrett (NE) Ehlers Inhofe
Bartlett Emerson Istook
Barton Everett Jacobs
Batesman Fawell Johnson (CT)
Bentley Fish Johnson, Sam
Bereuter Fowler Kasich
Bliley Franks (CT) Kim
Blute Franks (NJ) Kingston
Boehlert Gallegly Klug
Boehner Gallo Knollenberg
Bonilla Gekas Kolbe
Brown (FL) Geren Kyl
Bunning Gilchrist Lazio
Burton Gillmor Leach
Buyer Gilman Levy
Byrne Gingrich Lewis (CA)
Callahan Goodlatte Lewis (FL)
Calvert Goodling Lightfoot
Camp Goss Linder
Canady Grams Livingston
Castle Grandy Machtley
Clinger Greenwood Manzullo
Coble Gunderson McCandless
Collins (GA) Hall (TX) McCollum
Combust Hancock McCrery
Cox Hansen McDade
Crane Herfley McHugh
Crapo Hergert McInnis
Cunningham Hobson McKeon
Deal Hoekstra Meyers
DeLay Hoke Mica

- Miller (FL) Ros-Lehtinen Stenholm
Molinari Roth Stump
Moorhead Roukema Sundquist
Morella Royce Sweet
Myers Santorum Talent
Nussle Saxton Tauzin
Oxley Schaefer Taylor (MS)
Packard Schiff Taylor (NC)
Parker Sensenbrenner Thomas (CA)
Paxon Shaw Thomas (WY)
Petri Shays Torkildsen
Pombo Shepherd Upton
Porter Shuster Valentine
Portman Skeen Volkmer
Pryce (OH) Skelton Vucanovich
Quillen Smith (MI) Walker
Quinn Smith (NJ) Walsh
Ramstad Smith (OR) Weldon
Ravenel Smith (TX) Wolf
Regula Snow Young (AK)
Roberts Solomow Young (FL)
Rogers Spence Zeliff
Rohrabacher Stearns Zimmer

NOES—230

- Abercrombie Glickman Natcher
Ackerman Gonzalez Neal (MA)
Andrews (ME) Gordon Oberstar
Andrews (NJ) Green Obey
Applegate Gutierrez Olver
Baesler Hall (OH) Ortiz
Barca Hamburg Orton
Barcia Hamilton Owens
Barlow Harman Pallone
Barrett (WI) Hayes Pastor
Becerra Hefner Payne (NJ)
Beilenson Hinchey Payne (VA)
Berman Hoagland Pelosi
Bevill Hochbrueckner Penny
Bilbray Holden Peterson (FL)
Bishop Hoyer Peterson (MN)
Blackwell Hughes Pickett
Bonior Hutto Pickle
Borski Inslee Pomeroy
Boucher Jefferson Poshard
Brewster Johnson (GA) Price (NC)
Brooks Johnson (SD) Rahall
Browder Johnson, E. B. Rangel
Brown (CA) Johnston Reed
Brown (OH) Kanjorski Reynolds
Bryant Kaptur Richardson
Cantwell Kennedy Roemer
Cardin Kennelly Rose
Carr Kildee Rostenkowski
Chapman King Rowland
Clay Kleczka Roybal-Allard
Clement Klein Rush
Clyburn Klink Sabo
Collins (IL) Kopetski Sanders
Collins (MI) Kreidler Sangmeister
Condit LaFalce Sarpalious
Conyers Lambert Sawyer
Cooper Lancaster Schenk
Coppersmith Lantos Schroeder
Costello LaRocco Schumer
Coyne Lehman Scott
Cramer Levin Serrano
Danner Lewis (GA) Sharp
Darden Lipinski Sisisky
DeFazio Lloyd Skaggs
DeLauro Long Slaughter
Dellums Lowey Smith (IA)
Derrick Maloney Spratt
Deutsch Mann Stark
Dicks Manton Stokes
Dingell Margolies-Strickland
Dixon Mezvinsky Studts
Dooley Martinez Stupak
Durbin Mazzoli Swift
Edwards (CA) McCloskey Synar
Edwards (TX) McCurdy Tanner
Engel McDermott Tejada
English McHale Thompson
Eshoo McKinney Thornton
Evans McNulty Thurman
Farr Meehan Torres
Fazio Meek Torricelli
Fields (LA) Menendez Towns
Filner Mfume Traficant
Fingerhut Miller (CA) Tucker
Flake Mineta Unsoeld
Foglietta Minge Velazquez
Ford (MI) Mink Vento
Ford (TN) Moakley Visclosky
Frank (MA) Mollohan Waters
Frost Montgomery Watt
Furse Moran Waxman
Gejdenson Murphy Wheat
Gephardt Murtha Whitten
Gibbons Nadler Williams

Wilson Wise	Woolsey Wyden	Wynn Yates
NOT VOTING—20		
Andrews (TX)	Fields (TX)	McMillan
Bacchus (FL)	Hastert	Michel
Bilirakis	Hastings	Neal (NC)
Clayton	Hilliard	Ridge
Coleman	Laughlin	Slattery
de la Garza	Markey	Washington
Ewing	Matsui	

So the motion to recommit with instructions was not agreed to.

The question being put, *viva voce*,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. CARDIN, announced that the yeas had it.

Mr. GEKAS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative

Yeas	356
Nays	56

¶9.18 [Roll No. 23]
AYES—356

Ackerman	Deal	Herger
Allard	DeFazio	Hinchey
Andrews (ME)	DeLauro	Hoagland
Andrews (NJ)	Dellums	Hobson
Applegate	Derrick	Hochbrueckner
Bachus (AL)	Deutsch	Hoekstra
Baesler	Diaz-Balart	Holden
Baker (LA)	Dicks	Horn
Barca	Dingell	Hoyer
Barcia	Dixon	Huffington
Barlow	Dooley	Hughes
Barrett (NE)	Dunn	Hunter
Barrett (WI)	Durbin	Hutto
Bateman	Edwards (CA)	Hyde
Becerra	Edwards (TX)	Inhofe
Beilenson	Ehlers	Inslee
Bentley	Engel	Istook
Bereuter	English	Jacobs
Berman	Eshoo	Jefferson
Bevill	Evans	Johnson (CT)
Bilbray	Everett	Johnson (GA)
Bishop	Farr	Johnson (SD)
Blackwell	Fawell	Johnson, E. B.
Blute	Fazio	Johnston
Boehlert	Fields (LA)	Kanjorski
Boehner	Filner	Kaptur
Bonior	Fingerhut	Kasich
Borski	Fish	Kennedy
Boucher	Flake	Kennelly
Brewster	Foglietta	Kildee
Brooks	Ford (MI)	Kingston
Browder	Ford (TN)	Kleczka
Brown (CA)	Fowler	Klein
Brown (FL)	Frank (MA)	Klink
Brown (OH)	Franks (CT)	Klug
Bryant	Franks (NJ)	Knollenberg
Burton	Frost	Kopetski
Byrne	Furse	Kreidler
Calvert	Gallegly	LaFalce
Camp	Gallo	Lambert
Canady	Gejdenson	Lancaster
Cantwell	Gephardt	Lantos
Cardin	Geren	LaRocco
Carr	Gibbons	Lazio
Castle	Gilchrest	Leach
Chapman	Gillmor	Lehman
Clay	Gilman	Levin
Clement	Glickman	Levy
Clinger	Gonzalez	Lewis (CA)
Clyburn	Goodlatte	Lewis (FL)
Collins (GA)	Gordon	Lewis (GA)
Collins (IL)	Goss	Lightfoot
Collins (MI)	Grandy	Lipinski
Combest	Green	Livingston
Condit	Greenwood	Lloyd
Conyers	Gunderson	Long
Cooper	Gutierrez	Lowey
Coppersmith	Hall (OH)	Machtley
Costello	Hall (TX)	Maloney
Coyne	Hamburg	Mann
Cramer	Hamilton	Manton
Cunningham	Harman	Manzullo
Danner	Hayes	Margolies-
Darden	Hefner	Mezvinsky

Markey	Petri	Smith (OR)
Martinez	Pickett	Smith (TX)
Matsui	Pickle	Snowe
Mazzoli	Pomeroy	Spence
McCandless	Porter	Spratt
McCoskey	Portman	Stark
McCollum	Poshard	Stearns
McCrery	Price (NC)	Stenholm
McCurdy	Pryce (OH)	Stokes
McDade	Quinn	Strickland
McDermott	Rahall	Studds
McHale	Ramstad	Stupak
McHugh	Rangel	Sweet
McKeon	Ravenel	Swift
McKinney	Reed	Synar
Meehan	Regula	Tanner
Meek	Reynolds	Tauzin
Menendez	Richardson	Taylor (MS)
Meyers	Roberts	Tejeda
Mfume	Roemer	Thomas (WY)
Mica	Rogers	Thompson
Miller (CA)	Rohrabacher	Thornton
Miller (FL)	Ros-Lehtinen	Thurman
Mineta	Rose	Torkildsen
Minge	Rostenkowski	Torres
Mink	Roukema	Torricelli
Moakley	Rowland	Towns
Molinari	Roybal-Allard	Traficant
Mollohan	Royce	Tucker
Montgomery	Rush	Unsoeld
Moorhead	Sabo	Upton
Moran	Sanders	Valentine
Morella	Sangmeister	Velazquez
Murphy	Santorum	Vento
Murtha	Sarpalius	Visclosky
Myers	Sawyer	Volkmer
Nadler	Saxton	Vucanovich
Natcher	Schenk	Walsh
Neal (MA)	Schiff	Waters
Oberstar	Schroeder	Watt
Obey	Schumer	Waxman
Olver	Scott	Weldon
Ortiz	Serrano	Wheat
Orton	Sharp	Whitten
Owens	Shaw	Williams
Packard	Shays	Wilson
Pallone	Shepherd	Wise
Parker	Sisisky	Wolf
Pastor	Skaggs	Woolsey
Payne (NJ)	Skeen	Wyden
Payne (VA)	Skelton	Wynn
Pelosi	Slaughter	Yates
Penny	Smith (IA)	Young (FL)
Peterson (FL)	Smith (MI)	Zeliff
Peterson (MN)	Smith (NJ)	Zimmer

NOES—56

Abercrombie	Dreier	Linder
Archer	Duncan	McInnis
Armey	Emerson	McNulty
Ballenger	Gekas	Nussle
Bartlett	Gingrich	Oxley
Barton	Goodling	Paxon
Biiley	Grams	Pombo
Bonilla	Hancock	Quillen
Bunning	Hansen	Schaefer
Buyer	Hefley	Sensenbrenner
Callahan	Hoke	Shuster
Coble	Houghton	Solomon
Cox	Hutchinson	Stump
Crane	Inglis	Sundquist
Crapo	Johnson, Sam	Taylor (NC)
DeLay	Kim	Thomas (CA)
Dickey	King	Walker
Doolittle	Kolbe	Young (AK)
Dornan	Kyl	

NOT VOTING—21

Andrews (TX)	Ewing	Michel
Bacchus (FL)	Fields (TX)	Neal (NC)
Baker (CA)	Hastert	Ridge
Bilirakis	Hastings	Roth
Clayton	Hilliard	Slattery
Coleman	Laughlin	Talent
de la Garza	McMillan	Washington

So the bill was passed.

On motion of Mr. BROOKS, pursuant to House Resolution 352, the bill of the Senate (S. 24) to reauthorize the independent counsel law for an additional 5 years, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. BROOKS submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 811, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was passed was, by unanimous consent, laid on the table.

On motion of Mr. BROOKS, pursuant to House Resolution 352, it was,

Resolved, That the House insist upon its amendment to the foregoing bill and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. CARDIN, by unanimous consent, announced the appointment of Messrs. BROOKS, BRYANT, GLICKMAN, FRANK, FISH, HYDE, and GEKAS, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

By unanimous consent, H.R. 811, a similar House bill, was laid on the table.

¶9.19 PROVIDING FOR THE
CONSIDERATION OF H.R. 3345

Mr. MOAKLEY, by direction of the Committee on Rules, called up the following resolution (H. Res. 357):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3345) to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments; and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. No amendment to the amendment in the nature of a substitute shall be in order except the amendment printed in part 2 of the report of the Committee on Rules, which may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report of the Committee on Rules are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any