

It was decided in the affirmative { Yeas 289 Nays 142

Wise Young (AK) Zimmer
Wolf Young (FL)
Wyden Zeliff

¶22.9

[Roll No. 103]

AYES—289

Allard Franks (NJ) Moran
Andrews Frelinghuysen Morella
Archer Frisa Murtha
Armey Funderburk Myers
Bachus Gallegly Myrick
Baesler Ganske Nethercatt
Baker (CA) Geren Neumann
Baker (LA) Gilchrist Ney
Ballenger Gillmor Norwood
Barcia Gilman Nussle
Barr Goodlatte Ortiz
Barrett (NE) Goodling Orton
Bartlett Gordon Oxley
Barton Goss Packard
Bass Graham Pallone
Bateman Green Parker
Bentsen Greenwood Paxon
Bereuter Gunderson Payne (VA)
Bevill Gutknecht Peterson (FL)
Bilbray Hall (TX) Peterson (MN)
Bilirakis Hancock Petri
Bliley Hansen Pombo
Blute Harman Pomeroy
Boehlert Hastert Porter
Boehner Hastings (WA) Portman
Bonilla Hayes Pryce
Bono Hayworth Quillen
Borski Hefley Quinn
Brewster Heineman Radanovich
Browder Herger Rahall
Brownback Hilleary Ramstad
Bryant (TN) Hobson Regula
Bunn Hoekstra Riggs
Bunning Hoke Roberts
Burr Holden Roemer
Burton Horn Rogers
Buyer Hostettler Rohrabacher
Callahan Houghton Ros-Lehtinen
Calvert Hunter Roth
Camp Hutchinson Roukema
Canady Hyde Royce
Castle Inglis Salmon
Chabot Istook Sanford
Chambliss Jacobs Saxton
Chapman Johnson (CT) Scarborough
Christensen Johnson (SD) Schaefer
Chrysler Johnson, Sam Schiff
Clement Jones Seastrand
Clinger Kanjorski Sensenbrenner
Coble Kasich Shadegg
Coburn Kelly Shaw
Collins (GA) Kim Shays
Combest King Shuster
Condit Kingston Sisisky
Cooley Klink Skeen
Costello Klug Skelton
Cox Knollenberg Smith (MI)
Cramer LaHood Smith (NJ)
Crane Largent Smith (TX)
Cremeans Latham Smith (WA)
Cubin LaTourette Solomon
Danner Laughlin Souder
Davis Spence Spence
de la Garza Leach Spratt
Deal Lewis (CA) Stearns
DeLay Lewis (KY) Stenholm
Deutsch Lightfoot Stump
Diaz-Balart Linder Stupak
Dickey Lipinski Talent
Dicks Livingston Tanner
Dooley LoBiondo Tate
Doolittle Longley Tauzin
Dornan Lucas Taylor (MS)
Doyle Luther Tejada
Dreier Manton Thomas
Duncan Manzullo Thornberry
Dunn Martini Thurman
Edwards Mascara Tiaht
Ehlers Matsui Torkildsen
Ehrlich McCollum Traficant
Emerson McCrery Upton
English McDade Volkmer
Ensign McHale Vucanovich
Everett McHugh Waldholtz
Ewing McInnis Walker
Fawell McIntosh Walsh
Fields (TX) McKeon Wamp
Flanagan McNulty Weldon (FL)
Foley Meyers Weldon (PA)
Forbes Mica Weller
Fowler Miller (FL) White
Fox Molinari Whitfield
Frank (MA) Montgomery Wicker
Franks (CT) Moorhead Wilson

NOES—142

Abercrombie Gutierrez Owens
Ackerman Hall (OH) Pastor
Baldacci Hamilton Payne (NJ)
Barrett (WI) Hastings (FL) Pelosi
Becerra Hefner Pickett
Beilenson Hilliard Poshard
Berman Hinchey Rangel
Bishop Hoyer Reed
Bonior Jackson-Lee Reynolds
Boucher Jefferson Richardson
Brown (CA) Johnson, E.B. Rivers
Brown (FL) Johnston Rose
Brown (OH) Kaptur Roybal-Allard
Bryant (TX) Kennedy (MA) Rush
Cardin Kennedy (RI) Sabo
Chenoweth Kennelly Sanders
Clay Kildee Sawyer
Clayton Kleczka Schroeder
Clyburn Kolbe Schumer
Coleman LaFalce Scott
Collins (IL) Lantos Serrano
Collins (MI) Levin Skaggs
Conyers Lewis (GA) Slaughter
Coyne Lincoln Stark
Crapo Lofgren Stockman
DeFazio Lowey Stokes
DeLauro Maloney Studds
Dellums Markey Taylor (NC)
Dingell Martinez Thompson
Doggett McCarthy Thornton
Durbin McDermott Torres
Engel McKinney Torricelli
Eshoo Meehan Towns
Evans Meek Tucker
Farr Menendez Velazquez
Fattah Metcalf Vento
Fazio Mfume Visclosky
Fields (LA) Miller (CA) Ward
Filner Mineta Waters
Flake Minge Watt (NC)
Foglietta Mink Watts (OK)
Ford Moakley Waxman
Frost Mollohan Williams
Furse Nadler Woolsey
Gedjenson Neal Wynn
Geperhard Oberstar Yates
Gibbons Obey
Gonzalez Oliver

NOT VOTING—3

Cunningham Dixon Gekas

So the bill was passed.

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

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶22.10 MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

¶22.11 DEATH PENALTY

The SPEAKER pro tempore, Mr. HOBSON, pursuant to the special order of the House of February 7, 1995, and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 729) to control crime by a more effective death penalty.

The SPEAKER pro tempore, Mr. HOBSON, by unanimous consent, designated Mr. DREIER as Chairman of the Committee of the Whole; and after some time spent therein,

¶22.12 RECORDED VOTE

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

After subtitle B of title I insert the following:

Subtitle C—Competent Counsel in Death Penalty Cases in State Court

SEC. 121. COMPETENT COUNSEL IN STATE COURT.

(a) IN GENERAL.—Title 28, United States Code, is amended by inserting after the chapter added by section 111 the following:

“CHAPTER 154A—COMPETENT COUNSEL IN STATE COURT

“Sec. “2263. Competent counsel in State court.

“§2263. Competent counsel in State court

“(a) If an action under section 2254 of this title, brought by an applicant under sentence of death, the court determines that—

“(1) the relevant State has established or identified a counsel authority which meets the requirements of subsections (b) through (e) of this section, to ensure that indigents in capital cases receive competent counsel and support services at trial in State court and on direct review in the appropriate State appellate courts;

“(2) if the applicant in the instant case was eligible for the appointment of counsel and did not waive such an appointment, the counsel authority actually appointed an attorney or attorneys to represent the applicant; and

“(3) the counsel so appointed met the qualifications and performance standards established by the counsel authority;

then the court shall not apply subsection (f) of this section to the claims presented in the application.

“(b) The counsel authority may be—

“(1) the highest State court having jurisdiction over criminal matters;

“(2) a committee appointed by the highest State court having jurisdiction over criminal matters; or

“(3) a defender organization.

“(c) The counsel authority shall publish a roster of attorneys qualified to be appointed in capital cases, procedures by which attorneys are appointed, and standards governing the qualifications, performance, compensation, and support of counsel; and, upon the request of a State court before which a death penalty is pending, shall appoint counsel to represent the client.

“(d) An attorney who is not listed on the roster shall be appointed only on the request of the client concerned and in circumstances in which the attorney requested is able to provide the client with competent legal representation.

“(e) Upon receipt of notice from the counsel authorized that an individual entitled to the appointment of counsel under this section has declined to accept such an appointment, the court requesting the appointment shall conduct, or cause to be conducted, a hearing, at which the individual and counsel proposed to be appointed under this section shall be present, to determine the individual’s competency to decline the appointment, and whether the individual has knowingly and intelligently declined it.

“(f) Except as provided by subsection (a) of this section, in an action under section 2254 of this title, brought by an applicant under sentence of death, the court shall not decline to consider a claim on the ground that it was not previously raised in State court at the time and in the manner prescribed by State law and, for that reason, the State courts refused or would refuse to entertain it.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part VI of title 28, United States Code, is amended by inserting after the item relating to the chapter added by section 111 the following new item: “154A, Competent Counsel in State Court 2263”.