

Coyne Inglis Norwood
Cunningham Johnson (CT) Nussle
Davis Johnson (SD) Owens
Deal Johnston Oxley
DeLauro Jones Packard
DeLay Kaptur Pallone
Deutsch Kasich Paxon
Diaz-Balart Kennelly Porter
Dickey Kim Portman
Dixon King Pryce
Doggett Kingston Quinn
Dornan Kleczka Radanovich
Dreier Knollenberg Ramstad
Ehlers Kolbe Regula
Ehrlich LaFalce Rivers
English Lantos Rohrabacher
Eshoo Largent Ros-Lehtinen
Everett Latham Roukema
Ewing LaTourette Royce
Fawell Lazio Sanford
Flanagan Leach Sawyer
Ford Lewis (CA) Saxton
Fowler Lewis (KY) Schiff
Fox Lightfoot Schumer
Frank (MA) Linder Sensenbrenner
Franks (NJ) Livingston Shadegg
Frelinghuysen LoBiondo Shaw
Gallegly Longley Shays
Ganske Lowey Skeen
Gekas Lucas Smith (MI)
Gibbons Luther Smith (NJ)
Gilchrist Maloney Smith (TX)
Gillmor Manton Talent
Goodlatte Manzullo Taylor (NC)
Goodling Markey Thomas
Goss Martini Tor-kildsen
Greenwood McCollum Torricelli
Gunderson McCrery Upton
Hansen McDade Waldholtz
Hastert McHale Walker
Hayworth McKeon Wamp
Hefley McNulty Ward
Heineman Meyers Watts (OK)
Hilleary Mfume Weldon (FL)
Hobson Mica Weldon (PA)
Hoekstra Miller (FL) Weller
Hoke Molinari White
Horn Moran Wolf
Hostettler Morella Wyden
Houghton Myrick Yates
Hoyer Neal Young (FL)
Hutchinson Nethercutt Zeliff
Hyde Neumann Zimmer

ANSWERED "PRESENT"—3

Collins (IL) Reynolds Rush

NOT VOTING—5

Brown (FL) Frost Solomon
Flake Hastings (WA)

So the amendment was agreed to.
After some further time,

22.7 RECORDED VOTE

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

Page 3, line 14, strike the close quotation mark and the period which follows.

Page 3, after line 14, insert the following:

"(e) LIMITATION.—This section shall not apply with respect to a search or seizure carried out by, or under the authority of, the Immigration and Naturalization Service."

It was decided in the Yeas 103
negative Nays 330

22.8 [Roll No. 102]
AYES—103

Barrett (WI) Collins (MI) Foglietta
Becerra Conyers Ford
Berman Coyne Furse
Bishop DeFazio Gejdenson
Bonior Dellums Gephardt
Boucher Dingell Green
Brown (CA) Durbin Gutierrez
Brown (FL) Engel Hastings (FL)
Bryant (TX) Evans Hefner
Clay Farr Hilliard
Clayton Fattah Hinchey
Clyburn Jackson-Lee
Coleman Filner Jefferson
Collins (IL) Flake Johnson, E. B.

Kennedy (MA) Obey Thompson
Kennedy (RI) Oliver Thornton
Kildee Owens Torres
Levin Pastor Torricelli
Lewis (GA) Payne (NJ) Towns
Lofgren Pelosi Tucker
Martinez Rangel Velazquez
Matsui Reynolds Vento
McDermott Richardson Visclosky
McKinney Rose Volkmer
Meehan Roybal-Allard Ward
Meek Rush Waters
Menendez Sabo Watt (NC)
Mfume Sanders Waxman
Miller (CA) Schroeder Williams
Mineta Scott Wise
Mink Serrano Woolsey
Moakley Skaggs Wynn
Mollohan Stark Yates
Nadler Stokes
Oberstar Studts

NOES—330

Abercrombie Diaz-Balart Inglis
Ackerman Dickey Istook
Allard Dicks Jacobs
Andrews Dixon Johnson (CT)
Archer Doggett Johnson (SD)
Doolittle Dornan Johnson, Sam
Doyle Dreyer Johnston
Baker (CA) Dreier Jones
Baker (LA) Duncan Kaptur
Baldacci Dunn Kasich
Ballenger Edwards Kelly
Barcia Ehrlich Kennelly
Barr Ehlich Kim
Barrett (NE) Emerson King
Bartlett English Kingston
Barton Ensign Kleczka
Bass Eshoo Klink
Bateman Everett Klug
Beilenson Ewing Knollenberg
Bentsen Fawell Kolbe
Bereuter Fazio LaFalce
Bevill Fields (TX) LaHood
Bilbray Flanagan Lantos
Bilirakis Foley Largent
Billey Forbes Latham
Blute Fowler LaTourette
Boehlert Fox Laughlin
Boehner Frank (MA) Lazio
Bonilla Franks (CT) Leach
Bono Franks (NJ) Lewis (CA)
Borski Frelinghuysen Lewis (KY)
Brewster Frisa Lightfoot
Browder Frost Lincoln
Brown (OH) Funderburk Linder
Brownback Gallegly Lipinski
Bryant (TN) Ganske Livingston
Bunn Gekas LoBiondo
Bunning Geren Longley
Burr Gibbons Lowey
Burton Gilchrist Lucas
Buyer Gillmor Luther
Callahan Gilman Maloney
Calvert Gonzalez Manton
Camp Goodlatte Manzullo
Canady Goodling Markey
Cardin Gordon Martini
Castle Goss Mascara
Chabot Graham McCarthy
Chambliss Greenwood McCollum
Chapman Gunderson McCrery
Chenoweth Gutknecht McDade
Christensen Hall (OH) McHale
Chrysler Hall (TX) McHugh
Clement Hamilton McInnis
Clinger Hancock McIntosh
Coble Hansen McKeon
Coburn Harman McNulty
Collins (GA) Hastert Metcalf
Combust Hastings (WA) Meyers
Condit Hayes Mica
Cooley Hayworth Miller (FL)
Costello Hefley Minge
Cox Heineman Molinari
Cramer Herger Montgomery
Crane Hilleary Moorhead
Crapo Hobson Moran
Creameans Hoekstra Morella
Cubin Hoke Murtha
Cunningham Holden Myers
Danner Horn Myrick
Davis Hostettler Neal
de la Garza Houghton Nethercutt
Deal Hoyer Neumann
DeLauro Hunter Ney
DeLay Hutchinson Norwood
Deutsch Hyde Nussle

Ortiz Roukema Talent
Orton Royce Tanner
Oxley Salmon Tate
Packard Sanford Tauzin
Pallone Sawyer Taylor (MS)
Parker Saxton Taylor (NC)
Paxon Scarborough Tejada
Payne (VA) Schaefer Thomas
Peterson (FL) Schiff Thornberry
Peterson (MN) Schumer Thurman
Petri Seastrand Tiahrt
Pickett Sensenbrenner Tor-kildsen
Pombo Shadegg Traficant
Pomeroy Shaw Upton
Porter Shays Vucanovich
Portman Shuster Waldholtz
Poshard Sisisky Walker
Pryce Skeen Walsh
Quillen Skelton Wamp
Quinn Slaughter Watts (OK)
Radanovich Smith (MI) Weldon (FL)
Rahall Smith (NJ) Weldon (PA)
Ramstad Smith (TX) Weller
Reed Smith (WA) White
Regula Solomon Whitfield
Riggs Souder Wicker
Rivers Spence Wilson
Roberts Spratt Wolf
Roemer Stearns Wyden
Rogers Stenholm Young (AK)
Rohrabacher Stockman Young (FL)
Ros-Lehtinen Stump Zeliff
Roth Stupak Zimmer

NOT VOTING—1

Dooley

So the amendment was not agreed to.

After some further time,
The SPEAKER pro tempore, Mr. HOBSON, assumed the Chair.

When Mr. RIGGS, Chairman, pursuant to House Resolution 61, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 3, line 14, strike the close quotation mark and the period which follows.

Page 3, after line 14, insert the following:

"(d) LIMITATION.—This section shall not apply with respect to a search or seizure carried out by, or under the authority of, the Bureau of Alcohol, Tobacco and Firearms."

Page 3, line 14, strike the close quotation mark and the period which follows.

Page 3, after line 14, insert the following:

"(d) LIMITATION.—This section shall not apply with respect to a search or seizure carried out by, or under the authority of, the Internal Revenue Service."

Page 3, line 12, strike "Rule" and insert "Rules".

Page 3, line 14, after "proceeding," insert "Nothing in this section shall be construed so as to violate the fourth article of amendments to the Constitution of the United States."

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

The question being put, viva voce,

Will the House pass said bill?

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

Mr. CONYERS 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 289
Nays 142

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

¶22.9

[Roll No. 103]

AYES—289

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Cremeans
Cubin
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)

NOES—142
Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chenoweth
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Crapo
DeFazio
DeLauro
Dellums
Dingell
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Hunter
Foglietta
Ford
Frost
Furse
Gedjenson
Gepphardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson, E.B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Kolbe
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowe
Maloney
Markey
Martinez
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
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”.