

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)  
Finler  
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”.