Zimmer

Owens

Pastor

Pelosi

Pickett

Poshard

Rangel

Reed

Rivers

Rose

Rush

Sabo

Sanders

Sawyer

Schroeder

Schumer

Scott

Serrano

Skaggs

Stark

Stokes

Studds

Slaughter

Stockman

Taylor (NC)

Thompson

Thornton

Torricelli

Velazquez

Visclosky

Watt (NC)

Waxman

Williams

Woolsey

Wynn

Yates

Gekas

Watts (OK)

Towns

Tucker

Vento

Ward

Waters

Payne (NJ)

Reynolds Richardson

Roybal-Allard

It was decided in the Yeas 289 affirmative Nays 142 ¶22.9[Roll No. 103] AYES-289 Franks (NJ) Allard Moran Andrews Frelinghuysen Morella Archer Murtha Frisa Funderburk Armey Mvers Myrick Bachus Gallegly Baesler Ganske Nethercutt Baker (CA) Geren Neumann Baker (LA) Gilchrest Nev Ballenger Gillmor Norwood Gilman Barcia Nussle Barr Goodlatte Ortiz Barrett (NE) Goodling Orton Bartlett Gordon Oxlev Barton Goss Packard Bass Graham Pallone Bateman Parker Green Greenwood Bentsen Paxon Payne (VA) Bereuter Gunderson Bevill Gutknecht Peterson (FL) Bilbray Hall (TX) Peterson (MN) Bilirakis Hancock Petri Bliley Pombo Hansen Blute Harman Pomerov Boehlert Hastert Porter Hastings (WA) Portman Boehner Bonilla Hayes Hayworth Pryce Quillen Bono Borski Hefley Quinn Brewster Heineman Radanovich Browder Herger Rahall Brownback Hilleary Ramstad Bryant (TN) Hobson Regula Riggs Hoekstra Bunn Bunning Roberts Hoke Burr Holden Roemer Burton Rogers Horn Hostettler Rohrabacher Buyer Callahan Calvert Houghton Ros-Lehtinen Roth Hunter Hutchinson Roukema Camp Canady Castle Royce Salmon Hyde Inglis Chabot Istook Sanford Chambliss .Jacobs Saxton Scarborough Johnson (CT) Chapman Christensen Johnson (SD) Schaefer Chrysler Clement Johnson, Sam Schiff Jones Seastrand Clinger Kanjorski Sensenbrenner Coble Kasich Shadegg Kelly Coburn Shaw Collins (GA) Kim Shays Combest King Shuster Condit Sisisky Kingston Cooley Klink Skeen Costello Klug Knollenberg Skelton Smith (MI) Cramer LaHood Smith (NJ) Smith (TX) Crane Largent Cremeans Smith (WA) Cubin LaTourette Solomon Laughlin Souder Danner Davis Lazio Spence de la Garza Leach Spratt Lewis (CA) Deal Stearns DeLay Lewis (KY) Stenholm Deutsch Lightfoot Stump Diaz-Balart Stupak Linder Lipinski Dickey Talent Dicks Livingston Tanner Dooley LoBiondo Tate Doolittle Longley Tauzin Taylor (MS) Dornan Lucas Doyle Luther Tejeda Dreier Manton Thomas Thornberry Duncan Manzullo Dunn Martini Thurman Edwards Mascara Tiahrt Torkildsen Ehlers Matsui Ehrlich McCollum Traficant McCrery Emerson Upton McDade English Volkmer Ensign McHale Vucanovich Everett McHugh Waldholtz McInnis Walker Ewing McIntosh Walsh Fields (TX) Wamp McKeon Flanagan McNulty Weldon (FL) Foley Meyers Weldon (PA) Forbes Mica Weller Miller (FL) Fowler White Molinari Whitfield Frank (MA) Montgomery Wicker Franks (CT) Moorhead

Wise Wolf Young (AK) Young (FL) Wyden NOES-142 Gutierrez Abercrombie Hall (OH) Ackerman Baldacci Hamilton Hastings (FL) Hefner

Hilliard

Hinchey

Jackson-Lee

Johnson, E.B.

Kennedy (MA)

Kennedy (RI)

Jefferson

Johnston

Kennelly

Kildee

Kolbe

Kleczka

LaFalce

Lantos

Lincoln

Lofgren

Lowey

Lewis (GA)

Levin

Kaptur

Hoyer

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 Foglietta Ford

Maloney Markey Martinez McCarthy McDermott McKinney Meehan Meek Menendez Metcalf Mfume Miller (CA) Mineta Minge Mink Moakley Frost Mollohan Furse Nadler Gejdenson Neal Gephardt Oberstar Gibbons Obev Olver

Gonzalez NOT VOTING-3 Dixon Cunningham

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.

$\P 22.10$ 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 AMEMDMENT.—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"