

21.24 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

- H.R. 3: Mr. FIELDS of Texas.
H.R. 13: Mr. KIM.
H.R. 28: Mrs. SEASTRAND.
H.R. 34: Mr. FOX, Mr. BISHOP, Mr. GENE GREEN of Texas, Ms. DANNER, Mr. MINGE, Mr. ANDREWS, Mr. ISTOOK, Mr. SANDERS, and Mr. CRAMER.
H.R. 70: Mr. HORN, Mr. CUNNINGHAM, Mr. LEWIS of California, Mr. DELAY, Mr. BONO, Mr. KIM, and Mr. GENE GREEN of Texas.
H.R. 76: Ms. DELAURO.
H.R. 77: Mr. CALVERT.
H.R. 78: Mr. STEARNS.
H.R. 97: Mr. ACKERMAN.
H.R. 99: Mr. DELLUMS, Mr. LIPINSKI, Mr. FARR, Ms. MCCARTHY, Ms. VELAZQUEZ, Mr. NEAL of Massachusetts, Mr. YATES, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. BURR, Mr. DIXON, Ms. LOFGREN, Mr. KLECZKA, Mr. ENGLISH of Pennsylvania, Mr. GUTIERREZ, Mr. KENNEDY of Rhode Island, Mrs. MEYERS of Kansas, and Mr. NADLER.
H.R. 210: Mr. PACKARD.
H.R. 216: Mr. CALVERT.
H.R. 217: Mr. MCCRERY.
H.R. 218: Mr. COLLINS of Georgia.
H.R. 219: Mrs. SEASTRAND.
H.R. 325: Mr. KLECZKA and Mr. STUMP.
H.R. 370: Mr. SHUSTER, Mr. ROTH, Mr. GOODLING, Mr. HOSTETTLER, and Mr. HEINEMAN.
H.R. 372: Mr. BILBRAY.
H.R. 373: Mrs. MEYERS of Kansas and Mr. NORWOOD.
H.R. 447: Mr. STEARNS, Mr. GENE GREEN of Texas, Mr. McNULTY, Mr. TAYLOR of Mississippi, Mr. MCHUGH, Mr. BONIOR, Mr. HILLIARD, Mr. ORTIZ, Mr. BLUTE, Mr. KANJORSKI, Mr. HEFNER, Mr. HAYES, Mr. BRYANT of Texas, Mr. VENTO, and Mr. HOLDEN.
H.R. 450: Mr. BALLENGER, Mrs. FOWLER, Mr. GEKAS, Mr. HERGER, Mr. HORN, Mr. SAM JOHNSON, Mr. MCINNIS, Mr. WATTS of Oklahoma, Mr. BROWNBACK, and Mr. CALVERT.
H.R. 462: Mr. ROEMER and Mr. UPTON.
H.R. 485: Mr. CALVERT.
H.R. 553: Mr. TOWNS.
H.R. 558: Mr. ARCHER.
H.R. 580: Mr. EVERETT, Mr. LEWIS of California, Mr. HALL of Texas, and Mr. CALVERT.
H.R. 592: Mr. KIM, Mrs. SEASTRAND, Mr. BILBRAY, Mr. STUMP, Mr. CANADY, Mrs. CHENOWETH, and Mr. SHAYS.
H.R. 619: Mr. CONYERS, Ms. WOOLSEY, Mr. NADLER, and Mr. SERRANO.
H.R. 620: Mr. CONYERS, Ms. WOOLSEY, and Mr. NADLER.
H.R. 638: Mr. MILLER of Florida, Mr. MILLER of California, Mr. OWENS, Mr. VENTO, Ms. RIVERS, and Mr. WATT of North Carolina.
H.R. 696: Mr. GENE GREEN of Texas, Mr. ANDREWS, Mr. BILBRAY, Mr. FATTAH, Mr. WYNN, Mr. EMERSON, Mr. SANDERS, Mr. SHADEGG, and Ms. BROWN of Florida.
H.R. 698: Mr. BALLENGER, Mr. WICKER, and Mr. HAYWORTH.
H.R. 709: Mrs. MORELLA, Ms. PELOSI, Mr. SOLOMON, Mrs. CLAYTON, Mr. RANGEL, and Mr. FROST.
H.R. 728: Mr. WELLER.
H.R. 729: Mr. WELLER and Mr. ROYCE.
H.R. 731: Mr. HASTINGS of Florida and Mr. BAKER of California.
H.R. 739: Mr. STEARNS, Mr. CHRYSLER, and Mr. DUNCAN.
H.R. 795: Mr. NORWOOD, Mr. HUTCHINSON, and Mr. MILLER of Florida.
H.R. 800: Ms. DANNER, Mr. FUNDERBURK, and Mr. MCCRERY.
H.R. 824: Mr. VISCLOSKY.
H.R. 840: Mrs. CLAYTON.
H.J. Res. 5: Mr. ORTON.
H.J. Res. 38: Mr. MCCOLLUM.

- H.J. Res. 66: Mr. INGLIS of South Carolina, Mr. COOLEY, Mr. CHRISTENSEN, Mr. TALENT, and Mr. ENGLISH of Pennsylvania.
H. Con. Res. 4: Mr. SAM JOHNSON, Mr. BARTLETT of Maryland, Mr. MOORHEAD, Mrs. MEYERS of Kansas, and Mr. HANCOCK.
H. Con. Res. 5: Mr. STEARNS and Mr. CALVERT.
H. Con. Res. 12: Mr. UNDERWOOD and Mr. SENSENBRENNER.
H. Con. Res. 23: Mr. SANDERS, Mr. DEUTSCH, Mr. DELLUMS, Ms. KAPTUR, Mr. MILLER of California, Mr. CLYBURN, Mr. BOUCHER, and Mr. GENE GREEN of Texas.
H. Res. 25: Mr. HAYWORTH, Mr. ENGLISH of Pennsylvania, Ms. DUNN of Washington, Mrs. CUBIN, and Mr. PETERSON of Minnesota.
H. Res. 30: Mr. BOEHLERT, Mr. EMERSON, Mr. KLECZKA, Mrs. VUCANOVICH, Mr. GUTIERREZ, Mr. COBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BONIOR, Mr. MINGE, Mr. CHAPMAN, Ms. ROYBAL-ALLARD, Mr. EHLERS, Ms. PELOSI, Mr. BURTON of Indiana, Mr. FALCOMA, Mr. REED, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Mr. SOLOMON, and Mr. HOEKSTRA.
H. Res. 57: Mr. CONDIT.
H. Res. 58: Mr. HAYWORTH and Mrs. MEYERS of Kansas.

21.25 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

- H.J. Res. 2: Mr. ALLARD.

WEDNESDAY, FEBRUARY 8, 1995 (22)

The House was called to order by the SPEAKER.

22.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, February 7, 1995.

Mr. BONIOR, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce, Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. BONIOR objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

Table with 3 columns: Question, Yeas, Nays, Answered present. Row 1: When there appeared ... Yeas 346, Nays 69, Answered present 1.

22.2 [Roll No. 100] YEAS-346

- Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beitenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bono
Borski
Boucher
Bowster
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton

- Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Combust
Condit
Conyers
Cooley
Cox
Coyne
Cramer
Crapo
Creameans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kelly
Kennelly
Kildee
Kim
King
Kingston
Klecza
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourrette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Shadegg
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowe
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCullum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Talent
Tanner
Tate
Tauzin
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Tucker
Upton
Velazquez
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey

Wyden Young (AK) Zelff
Wynn Young (FL) Zimmer

NAYS—69

Abercrombie Hastings (FL) Payne (NJ)
Ackerman Hefley Pelosi
Becerra Hefner Pickett
Boehler Hilliard Pombo
Bonior Hinchey Pomeroy
Browder Jacobs Roemer
Brown (CA) Jefferson Rush
Chapman Kaptur Sabo
Clay Kennedy (MA) Schroeder
Clyburn Klink Skaggs
Coleman LaFalce Stark
Costello Lantos Taylor (MS)
Crane Lewis (GA) Taylor (NC)
Deutsch Lipinski Tejeda
Dicks McKinney Thompson
Evans Menendez Towns
Fazio Mfume Traficant
Filner Miller (CA) Vento
Foglietta Mineta Visclosky
Frank (MA) Neal Volkmer
Gutierrez Ortiz Waters
Hall (OH) Owens Wolf
Harman Pallone Yates

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—18

Andrews Furse Quinn
Collins (MI) Houghton Reynolds
Cubin Kasich Smith (NJ)
Durbin Kennedy (RI) Stockman
Emerson Minge Stupak
Frost Orton Torricelli

So the Journal was approved.

22.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

339. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice that the Navy intends to renew the lease of the *Albert David* (FF 1050), pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

340. A letter from the Secretary of Health and Human Services, transmitting a copy of the fiscal year 1993 report on the Native Hawaiian Revolving Loan Fund [NHRLF], pursuant to 42 U.S.C. 2991-1; to the Committee on Economic and Educational Opportunities.

341. A letter from the Secretary of Labor, transmitting a report on the enforcement activities of the Directorate of Civil Rights concerning the nondiscrimination and equal opportunity provisions of the JTP act, pursuant to Public Law 97-300, section 167(e); to the Committee on Economic and Educational Opportunities.

342. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-382, "Maurice T. Turner, Jr., Education and Training Center Designation Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

343. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-383, "Privatization of Government Services Task Force Establishment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

344. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-385, "Anti-Sexual Abuse Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

345. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-386, "Probate Reform Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

346. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. Act 10-387, "Clean Air Compliance Fee Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

347. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-388, "District of Columbia Housing Authority Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

348. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-390, "Washington Metropolitan Area Transit Authority Compact Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

349. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-391, "Closing of a Public Alley in Square 750, S.O. 94-123, Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

350. A letter from the Acting Inspector General, Federal Communications Commission, transmitting the annual report regarding an evaluation of the compliance by the FCC with, and the effectiveness of, the requirements imposed by 31 U.S.C. 1352 on the FCC and on persons requesting and receiving Federal contracts from the FCC using appropriated funds, pursuant to Public Law 101-121, section 319(a)(1) (103 Stat. 753); to the Committee on Government Reform and Oversight.

351. A letter from the Secretary of Veterans Affairs, transmitting a report on contract care and services furnished to eligible veterans, pursuant to Public Law 100-322, section 112(a); to the Committee on Veterans' Affairs.

352. A letter from the Chairman, Advisory Council on Unemployment Compensation, transmitting their second annual report, pursuant to Public Law 102-164, section 303 (105 Stat. 1060); to the Committee on Ways and Means.

353. A letter from the Director, Office of Civilian Radioactive Waste Management, transmitting the 10th annual report on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to 42 U.S.C. 10224(c); jointly, to the Committees on Commerce and Resources.

22.4 EXCLUSIONARY RULE REFORM

The SPEAKER pro tempore, Mr. LAZIO, pursuant to House Resolution 61 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 666) to control crime by exclusionary rule reform.

Mr. RIGGS, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

22.5 RECORDED VOTE

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

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."

It was decided in the affirmative

Yeas 228
Nays 198
Answered present 3

22.6

[Roll No. 101]

AYES—228

| | | |
|--------------|---------------|---------------|
| Ackerman | Geren | Peterson (FL) |
| Allard | Gilman | Peterson (MN) |
| Baldacci | Gonzalez | Petri |
| Barcia | Gordon | Pickett |
| Barrett (WI) | Graham | Pombo |
| Bartlett | Green | Pomeroy |
| Bass | Gutierrez | Poshard |
| Becerra | Gutknecht | Quillen |
| Bevill | Hall (OH) | Rahall |
| Bilirakis | Hall (TX) | Rangel |
| Bishop | Hamilton | Reed |
| Bliley | Hancock | Richardson |
| Bonior | Harman | Riggs |
| Borski | Hastings (FL) | Roberts |
| Boucher | Hayes | Roemer |
| Brewster | Hefner | Rogers |
| Browder | Herger | Rose |
| Brown (CA) | Hilliard | Roth |
| Brown (OH) | Hinchey | Roybal-Allard |
| Bryant (TX) | Holden | Sabo |
| Bunn | Hunter | Salmon |
| Burton | Istook | Sanders |
| Callahan | Jackson-Lee | Scarborough |
| Camp | Jacobs | Schaefer |
| Chapman | Jefferson | Schroeder |
| Chenoweth | Johnson, E.B. | Scott |
| Chrysler | Johnson, Sam | Seastrand |
| Clay | Kanjorski | Serrano |
| Clayton | Kelly | Shuster |
| Clement | Kennedy (MA) | Sisisky |
| Clyburn | Kennedy (RI) | Skaggs |
| Coburn | Kildee | Skelton |
| Coleman | Klink | Slaughter |
| Collins (MI) | Klug | Smith (WA) |
| Combest | LaHood | Souder |
| Condit | Laughlin | Spence |
| Conyers | Levin | Spratt |
| Cooley | Lewis (GA) | Stark |
| Costello | Lincoln | Stearns |
| Cramer | Lipinski | Stenholm |
| Crane | Lofgren | Stockman |
| Crapo | Martinez | Stokes |
| Creameans | Mascara | Studds |
| Cubin | Matsui | Stump |
| Danner | McCarthy | Stupak |
| de la Garza | McDermott | Tanner |
| DeFazio | McHugh | Tate |
| Dellums | McInnis | Tauzin |
| Dicks | McIntosh | Taylor (MS) |
| Dingell | McKinney | Tejeda |
| Dooley | Meehan | Thompson |
| Doolittle | Meek | Thornberry |
| Doyle | Menendez | Thornton |
| Duncan | Metcalf | Thurman |
| Dunn | Miller (CA) | Tiahrt |
| Durbin | Mineta | Torres |
| Edwards | Minge | Towns |
| Emerson | Mink | Traficant |
| Engel | Moakley | Tucker |
| Ensign | Mollohan | Velazquez |
| Evans | Montgomery | Vento |
| Farr | Moorhead | Visclosky |
| Fattah | Murtha | Volkmer |
| Fazio | Myers | Vucanovich |
| Fields (LA) | Nadler | Walsh |
| Fields (TX) | Ney | Waters |
| Filner | Oberstar | Watt (NC) |
| Foglietta | Obey | Waxman |
| Foley | Olver | Whitfield |
| Forbes | Ortiz | Wicker |
| Franks (CT) | Orton | Williams |
| Frisa | Parker | Wilson |
| Funderburk | Pastor | Wise |
| Furse | Payne (NJ) | Woolsey |
| Gejdenson | Payne (VA) | Wynn |
| Gephardt | Pelosi | Young (AK) |

NOES—198

| | | |
|--------------|-------------|--------------|
| Abercrombie | Beilenson | Burr |
| Andrews | Bentsen | Buyer |
| Archer | Bereuter | Calvert |
| Armey | Berman | Canady |
| Bachus | Bilbray | Cardin |
| Baesler | Blute | Castle |
| Baker (CA) | Boehler | Chabot |
| Baker (LA) | Boehner | Chambliss |
| Ballenger | Bonilla | Christensen |
| Barr | Bono | Clinger |
| Barrett (NE) | Brownback | Coble |
| Barton | Bryant (TN) | Collins (GA) |
| Bateman | Bunning | Cox |

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 Torckildsen
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 Ehlery Kennelly
Barr Ehrlich 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
Biley 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
Combest 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 Torckildsen
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)
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”.

Redesignate succeeding subtitles and sections (and any cross references thereto) accordingly.

It was decided in the negative { Yeas 149 Nays 282

¶22.13 [Roll No. 104] AYES—149

- Abercrombie Gordon Obey
Ackerman Gutierrez Oliver
Baldacci Hall (OH) Owens
Barcia Hamilton Pallone
Barrett (WI) Hastings (FL) Pastor
Becerra Hilliard Payne (NJ)
Beilenson Hinchey Pelosi
Berman Hoyer Peterson (FL)
Bishop Jackson-Lee Pomeroy
Bonior Jacobs Rangel
Boucher Jefferson Reed
Brown (CA) Johnson, E. B. Reynolds
Brown (FL) Johnston Richardson
Brown (OH) Kaptur Rivers
Bryant (TX) Kennedy (MA) Roemer
Cardin Kennedy (RI) Roybal-Allard
Clay Kennelly Rush
Clayton Kildee Sabo
Clyburn Kleczka Sanders
Coleman LaFalce Sawyer
Collins (IL) Lantos Schroeder
Conyers Levin Schumer
Costello Lewis (GA) Scott
Coyne Lipinski Serrano
de la Garza Lofgren Skaggs
DeFazio Lowey Slaughter
DeLauro Luther Spratt
Dellums Maloney Stark
Dicks Manton Stokes
Dingell Markey Studds
Dixon Martinez Stupak
Doggett Mascara Thompson
Durbin Matsui Torres
Engel McCarthy Torricelli
Eshoo McDermott Towns
Evans McHale Tucker
Farr McKinney Velazquez
Fattah McNulty Vento
Fazio Meehan Visclosky
Fields (LA) Meek Ward
Filner Menendez Waters
Flake Mfume Watt (NC)
Foglietta Miller (CA) Waxman
Ford Mineta Williams
Frost Mink Wise
Furse Moakley Woolsey
Gejdenson Mollohan Wyden
Gephardt Nadler Wynn
Gibbons Neal Yates
Gonzalez Oberstar

NOES—282

- Allard Camp Edwards
Andrews Canady Ehlers
Archer Castle Ehrlich
Arney Chabot Emerson
Bachus Chambliss English
Baesler Chapman Ensign
Baker (CA) Chenoweth Everett
Baker (LA) Christensen Ewing
Ballenger Chrysler Fawell
Barr Clement Fields (TX)
Barrett (NE) Clinger Flanagan
Bartlett Coble Foley
Barton Coburn Forbes
Bass Collins (GA) Fowler
Bateman Combust Fox
Bentsen Condit Franks (CT)
Bereuter Cooley Franks (NJ)
Bevill Cox Frelinghuysen
Billbray Cramer Frisa
Bilirakis Crane Funderburk
Bliley Crapo Gallegly
Blute Cremeans Ganske
Boehlert Cubin Gekas
Boehner Cunningham Geren
Bonilla Danner Gilchrest
Bono Danner Gillmor
Borski Deal Gilman
Brewster DeLay Goodlatte
Browder Deutsch Goodling
Brownback Diaz-Balart Goss
Bryant (TN) Dickey Graham
Bunn Dooley Green
Bunning Doolittle Greenwood
Burr Dornan Gunderson
Burton Doyle Gutknecht
Buyer Dreier Hall (TX)
Callahan Duncan Hancock
Calvert Dunn Hansen

- Harman McDade Schaefer
Hastert McHugh Schiff
Hastings (WA) McNmis Seastrand
Hayes McIntosh Sensenbrenner
Hayworth McKeon Shadegg
Hefley Metcalf Shaw
Hefner Meyers Shays
Heineman Mica Shuster
Herger Miller (FL) Sisisky
Hillery Minge Skee
Hobson Molinari Skelton
Hoekstra Montgomery Smith (MI)
Hoke Moorhead Smith (NJ)
Holden Moran Smith (TX)
Horn Morella Smith (WA)
Hostettler Murtha Solomon
Houghton Myers Souder
Hunter Myrick Spence
Hutchinson Nethercutt Stearns
Hyde Neumann Stenholm
Inglis Ney Stockman
Istook Norwood Stump
Johnson (CT) Nussle Talent
Johnson (SD) Ortiz Tanner
Johnson (SD) Orton Tate
Jones Oxley Tauzin
Kanjorski Packard Taylor (MS)
Kasich Parker Taylor (NC)
Kelly Paxon Tejada
Kim Payne (VA) Thomas
King Peterson (MN) Thornberry
Kingston Petri Thornton
Klink Pickett Thurman
Klug Pombo Tiahrt
Knollenberg Porter Torkildsen
Kolbe Portman Traficant
LaHood Poshard Upton
Largent Pryce Volkmer
Latham Quillen Vucanovich
LaTourette Quinn Waldholtz
Laughlin Rahall Walker
Lazio Ramstad Walsh
Leach Regula Wamp
Lewis (CA) Riggs Watts (OK)
Lewis (KY) Roberts Weldon (FL)
Lightfoot Rogers Weldon (PA)
Lincoln Rohrabacher Weller
Linder Ros-Lehtinen White
Livingston Rose Whitfield
LoBiondo Roth Wicker
Longley Roukema Wilson
Lucas Royce Wolf
Manzullo Salmon Young (AK)
Martini Sanford Young (FL)
McCollum Saxton Zeliff
McCrery Scarborough Zimmer

NOT VOTING—3

- Collins (MI) Frank (MA) Radanovich

So the amendment was not agreed to. After some further time,

¶22.14 RECORDED VOTE

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

Page 4, line 26, strike the period and insert the following:

“or a substantial showing that credible newly discovered evidence which, had it been presented at trial, would probably have resulted in an acquittal for the offense for which the sentence was imposed or in some sentence other than incarceration.”

Page 4, line 26, Strike the entire sentence beginning with the word “The” and ending with “standard.”

Page 15, line 7, delete the period and insert “; or”

Page 15, after line 7 add:

“(4) the facts underlying the claim consist of credible newly discovered evidence which, had it presented to the trier of fact or sentencing authority at trial, would probably have resulted in an acquittal of the offense for which the death sentence was imposed.”

It was decided in the negative { Yeas 151 Nays 280

¶22.15 [Roll No. 105] AYES—151

- Abercrombie Gutierrez Ortiz
Ackerman Hall (OH) Owens
Baldacci Hamilton Pallone
Barrett (WI) Hastings (FL) Pastor
Becerra Hefner Payne (NJ)
Beilenson Hilliard Pelosi
Bentsen Hinchey Pomeroy
Berman Hoyer Rahall
Bishop Jackson-Lee Rangel
Bonior Jacobs Reed
Boucher Jefferson Reynolds
Brown (CA) Johnson, E. B. Rivers
Brown (FL) Johnston Rose
Brown (OH) Kanjorski Roybal-Allard
Bryant (TX) Kaptur Rush
Clay Kennedy (MA) Sabo
Clayton Kennedy (RI) Sanders
Clement Kennelly Sawyer
Clyburn Kildee Schroeder
Coleman Kleczka Schumer
Collins (MI) LaFalce Scott
Conyers Levin Serrano
Coyne Lewis (GA) Skaggs
de la Garza Lofgren Slaughter
DeFazio Lowey Spratt
DeLauro Luther Stark
Dellums Maloney Stokes
Dixon Manton Studds
Doggett Markey Stupak
Durbin Martinez Tanner
Engel Matsui Tejada
Eshoo McCarthy Thompson
Evans McDermott Thornton
Farr McKinney Thurman
Fattah McNulty Torres
Fazio Meehan Towns
Fields (LA) Meek Tucker
Filner Menendez Velazquez
Flake Mfume Vento
Foglietta Miller (CA) Ward
Ford Mineta Waters
Frost Minge Watt (NC)
Furse Mink Waxman
Gejdenson Moakley Williams
Gephardt Mollohan Wise
Gibbons Nadler Woolsey
Gonzalez Neal Wynn
Gordon Oberstar Yates
Green Oliver

NOES—280

- Allard Chabot English
Archer Chambliss Ensign
Arney Chapman Everett
Bachus Chenoweth Ewing
Baesler Christensen Fawell
Baker (CA) Chrysler Fields (TX)
Baker (LA) Clinger Flanagan
Ballenger Coble Foley
Barcia Coburn Forbes
Barr Collins (GA) Fowler
Barrett (NE) Combust Fox
Bartlett Condit Franks (CT)
Barton Cooley Franks (NJ)
Barton Costello Frelinghuysen
Bass Castellon Frisa
Bateman Cox
Bereuter Cramer Funderburk
Bevill Crane Gallegly
Billbray Crapo Ganske
Bilirakis Cremeans Gekas
Bliley Cubin Geren
Blute Cunningham Gilchrest
Boehlert Danner Gillmor
Boehner Davis Gilman
Bonilla Deal Goodlatte
Bono DeLay Goodling
Borski Deutsch Goss
Brewster Diaz-Balart Graham
Browder Dickey Greenwood
Brownback Dicks Gunderson
Bryant (TN) Dingell Gutknecht
Bunn Dooley Hall (TX)
Bunning Doolittle Hancock
Burr Dornan Hansen
Burton Doyle Harman
Buyer Dreier Hastert
Callahan Duncan Hastings (WA)
Calvert Dunn Hayes
Camp Edwards Hayworth
Canady Ehlers Hefley
Cardin Ehrlich Heineman
Castle Emerson Herger

| | | |
|--------------|---------------|---------------|
| Hilleary | McKeon | Schiff |
| Hobson | Metcalf | Seastrand |
| Hoekstra | Meyers | Sensenbrenner |
| Hoke | Mica | Shadegg |
| Holden | Miller (FL) | Shaw |
| Horn | Molinari | Shays |
| Hostettler | Montgomery | Shuster |
| Houghton | Moorhead | Skeen |
| Hunter | Moran | Skelton |
| Hutchinson | Morella | Smith (MI) |
| Hyde | Murtha | Smith (NJ) |
| Inglis | Myers | Smith (TX) |
| Istook | Myrick | Smith (WA) |
| Johnson (CT) | Nethercutt | Solomon |
| Johnson (SD) | Neumann | Souder |
| Johnson, Sam | Ney | Spence |
| Jones | Norwood | Stearns |
| Kasich | Nussle | Stenholm |
| Kelly | Orton | Stockman |
| Kim | Oxley | Stump |
| King | Packard | Tate |
| Kingston | Parker | Tauzin |
| Klink | Paxon | Taylor (MS) |
| Klug | Payne (VA) | Taylor (NC) |
| Knollenberg | Peterson (FL) | Thomas |
| Kolbe | Peterson (MN) | Thornberry |
| LaHood | Petri | Tiahrt |
| Largent | Pickett | Torkildsen |
| Latham | Pombo | Torricelli |
| LaTourette | Porter | Traficant |
| Laughlin | Portman | Upton |
| Lazio | Poshard | Volkmer |
| Leach | Pryce | Vucanovich |
| Lewis (CA) | Quillen | Waldholtz |
| Lewis (KY) | Quinn | Walker |
| Lightfoot | Radanovich | Walsh |
| Lincoln | Ramstad | Wamp |
| Linder | Regula | Watts (OK) |
| Lipinski | Richardson | Weldon (FL) |
| Livingston | Riggs | Weldon (PA) |
| LoBiondo | Roberts | Weller |
| Longley | Roemer | White |
| Lucas | Rogers | Whitfield |
| Manzullo | Rohrabacher | Wicker |
| Martini | Ros-Lehtinen | Wilson |
| Mascara | Roth | Wolf |
| McCollum | Roukema | Wyden |
| McCrery | Royce | Young (AK) |
| McDade | Salmon | Young (FL) |
| McHale | Sanford | Zeliff |
| McHugh | Saxton | Zimmer |
| McInnis | Scarborough | |
| McIntosh | Schaefer | |

NOT VOTING—3

| | | |
|---------|---------|--------|
| Andrews | Sisisky | Talent |
|---------|---------|--------|

So the amendment was not agreed to.

After some further time, The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. LIGHTFOOT, assumed the Chair.

22.16 MESSAGE FROM THE PRESIDENT

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

The Committee resumed its sitting; and after some further time spent therein,

22.17 RECORDED VOTE

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

Strike section 104 and insert the following:
SEC. 104. EFFECT OF PRIOR STATE CONSIDERATION.

(a) EXHAUSTION OF REMEDIES.—Section 2254(b) of title 28, United States Code, is amended to read as follows:

“(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect

the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State. A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless through its counsel it waives the requirement expressly.”.

(b) STANDARD OF DEFERENCE TO STATE JUDICIAL DECISIONS.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(g) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was decided on the merits in State proceedings unless the adjudication of the claim—

“(1) resulted in a decision that was based on an arbitrary or unreasonable interpretation of clearly established Federal law as articulated in the decisions of the Supreme Court of the United States;

“(2) resulted in a decision that was based on an arbitrary or unreasonable application to the facts of clearly established Federal law as articulated in the decisions of the Supreme Court of the United States; or

“(3) resulted in a decision that was based on an arbitrary or unreasonable determination of the facts in light of the evidence presented in the State proceeding.”.

In the proposed new section 2259(b) of title 28, United States Code, added by section 111, strike “section 2254(d)” and insert “subsections (d) and (g) of section 2254”.

It was decided in the } Yeas 291
affirmative } Nays 140

22.18 [Roll No. 106]
AYES—291

| | | |
|--------------|---------------|---------------|
| Allard | Coburn | Ganske |
| Archer | Coleman | Gekas |
| Armedy | Collins (GA) | Geren |
| Bachus | Combest | Gilchrest |
| Baessler | Condit | Gillmor |
| Baker (CA) | Cooley | Gilman |
| Baker (LA) | Costello | Goodlatte |
| Ballenger | Cox | Goodling |
| Barcia | Cramer | Gordon |
| Barr | Crane | Goss |
| Barrett (NE) | Crapo | Graham |
| Bartlett | Crepeans | Green |
| Barton | Cubin | Greenwood |
| Bass | Cunningham | Gunderson |
| Bateman | Danner | Gutknecht |
| Bereuter | Davis | Hall (OH) |
| Bevill | Deal | Hall (TX) |
| Bilbray | DeLay | Hancock |
| Bilirakis | Deutsch | Hansen |
| Bliley | Diaz-Balart | Harman |
| Blute | Dickey | Hastert |
| Boehlert | Dooley | Hastings (WA) |
| Boehner | Doolittle | Hayes |
| Bonilla | Dornan | Hayworth |
| Bono | Doyle | Hefley |
| Borski | Dreier | Heineman |
| Boucher | Duncan | Herger |
| Brewster | Dunn | Hilleary |
| Browder | Edwards | Hobson |
| Brownback | Ehlers | Hoekstra |
| Bryant (TN) | Ehrlich | Hoke |
| Bunn | Emerson | Holden |
| Bunning | English | Horn |
| Burr | Ensign | Hostettler |
| Burton | Everett | Hunter |
| Buyer | Ewing | Hutchinson |
| Callahan | Fawell | Hyde |
| Calvert | Fields (TX) | Inglis |
| Camp | Flanagan | Istook |
| Canady | Foley | Jefferson |
| Castle | Forbes | Johnson (SD) |
| Chabot | Fowler | Johnson, Sam |
| Chambliss | Fox | Jones |
| Chapman | Franks (CT) | Kanjorski |
| Chenoweth | Franks (NJ) | Kaptur |
| Christensen | Frelinghuysen | Kasich |
| Chrysler | Frisa | Kelly |
| Clement | Frost | Kim |
| Clinger | Funderburk | King |
| Coble | Galleghy | Kingston |

| | | |
|-------------|---------------|-------------|
| Klink | Neumann | Skeen |
| Klug | Ney | Skelton |
| Knollenberg | Norwood | Smith (MI) |
| Kolbe | Nussle | Smith (NJ) |
| LaHood | Ortiz | Smith (TX) |
| Lantos | Orton | Smith (WA) |
| Largent | Oxley | Solomon |
| Latham | Packard | Souder |
| LaTourette | Parker | Spence |
| Laughlin | Paxon | Stearns |
| Lazio | Payne (VA) | Stenholm |
| Leach | Peterson (FL) | Stockman |
| Lewis (CA) | Peterson (MN) | Stump |
| Lewis (KY) | Petri | Stupak |
| Lightfoot | Pickett | Talent |
| Lincoln | Pombo | Tanner |
| Linder | Porter | Tate |
| Lipinski | Portman | Tauzin |
| Livingston | Poshard | Taylor (MS) |
| LoBiondo | Pryce | Taylor (NC) |
| Longley | Quillen | Tejeda |
| Manzullo | Quinn | Thomas |
| Martini | Radanovich | Thornberry |
| Mascara | Ramstad | Tiahrt |
| McCollum | Regula | Torkildsen |
| McCrery | Richardson | Torricelli |
| McDade | Riggs | Traficant |
| McHale | Roberts | Upton |
| McHugh | Roemer | Vucanovich |
| McInnis | Rogers | Waldholtz |
| McIntosh | Rohrabacher | Walker |
| McKeon | Ros-Lehtinen | Walsh |
| Menendez | Roth | Wamp |
| Meyers | Roukema | Watts (OK) |
| Mica | Royce | Weldon (FL) |
| Miller (FL) | Salmon | Weldon (PA) |
| Minge | Sanford | Weller |
| Molinari | Saxton | White |
| Montgomery | Scarborough | Whitfield |
| Moorhead | Schaefer | Wicker |
| Moran | Seastrand | Wilson |
| Morella | Sensenbrenner | Wolf |
| Murtha | Shadegg | Wyden |
| Myers | Shaw | Young (AK) |
| Myrick | Shays | Young (FL) |
| Nethercutt | Shuster | Zeliff |
| | Sisisky | Zimmer |

NOES—140

| | | |
|--------------|----------------|---------------|
| Abercrombie | Gutierrez | Pallone |
| Ackerman | Hamilton | Pastor |
| Baldacci | Hastings (FL) | Payne (NJ) |
| Barrett (WI) | Hefner | Pelosi |
| Becerra | Hilliard | Pomeroy |
| Beilenson | Hinchey | Rahall |
| Bentsen | Houghton | Rangel |
| Berman | Hoyer | Reed |
| Bishop | Jackson-Lee | Reynolds |
| Bonior | Jacobs | Rivers |
| Brown (CA) | Johnson (CT) | Rose |
| Brown (FL) | Johnson, E. B. | Roybal-Allard |
| Brown (OH) | Johnston | Rush |
| Bryant (TX) | Kennedy (MA) | Sabo |
| Cardin | Kennedy (RI) | Sanders |
| Clay | Kennelly | Sawyer |
| Clayton | Kildee | Schiff |
| Clyburn | Kleccka | Schroeder |
| Collins (IL) | LaFalce | Schumer |
| Conyers | Levin | Scott |
| Coyne | Lewis (GA) | Serrano |
| de la Garza | Lofgren | Skaggs |
| DeFazio | Lowe | Slaughter |
| DeLauro | Luther | Spratt |
| Dellums | Maloney | Stark |
| Dicks | Manton | Stokes |
| Dingell | Markey | Studds |
| Dixon | Martinez | Thompson |
| Doggett | Matsui | Thornton |
| Durbin | McCarthy | Thurman |
| Engel | McDermott | Torres |
| Eshoo | McKinney | Towns |
| Evrans | McNulty | Tucker |
| Farr | Meehan | Velazquez |
| Fattah | Meek | Vento |
| Fazio | Mfume | Visclosky |
| Fields (LA) | Miller (CA) | Volkmer |
| Filner | Mineta | Ward |
| Flake | Mink | Waters |
| Foglietta | Moakley | Watt (NC) |
| Ford | Mollohan | Waxman |
| Frank (MA) | Nadler | Williams |
| Furse | Neal | Wise |
| Gejdenson | Oberstar | Woolsey |
| Gephardt | Obey | Wynn |
| Gibbons | Olver | Yates |
| Gonzalez | Owens | |

NOT VOTING—3

| | | |
|---------|--------------|---------|
| Andrews | Collins (MI) | Metcalf |
|---------|--------------|---------|

So the amendment was agreed to.

After some further time,

22.19 RECORDED VOTE

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

In the matter proposed to be inserted in section 3593(e) of title 18, United States Code, by section 201, insert "or a sentence of life imprisonment without the possibility of release" after "shall recommend a sentence of death".

Strike subsection (b) of section 201 and eliminate the subsection designation and heading of subsection (a).

It was decided in the negative

Yeas 139
Nays 291

22.20 [Roll No. 107]
AYES—139

Table listing names of members voting AYES for section 22.20, including Abercrombie, Ackerman, Barrett (WI), Becerra, Beilenson, Bentsen, Berman, Bishop, Bonior, Boucher, Brewster, Brown (CA), Brown (FL), Brown (OH), Chapman, Clay, Clayton, Clyburn, Collins (IL), Conyers, Coyne, de la Garza, DeFazio, Dellums, Dingell, Dixon, Doggett, Duncan, Durbin, Edwards, Engel, Eshoo, Evans, Farr, Fattah, Fazio, Fields (LA), Filner, Flake, Foglietta, Ford, Frank (MA), Furse, Gjdenson, Gonzalez, Green, Gutierrez, etc.

NOES—291

Table listing names of members voting NOES for section 22.20, including Allard, Archer, Arme, Bachus, Baesler, Baker (CA), Baker (LA), Baldacci, Ballenger, Barcia, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bevill, Bilbray, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Borski, Browder, Brownback, Bryant (TN), Bryant (TX), Bunn, Bunning, Burca, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cardin, Castle, Chabot, Chambliss, Chenoweth, Christensen, Chrysler, Clement, Clinger, Coble, Coburn, Coleman, Collins (GA), Combest, Condit, Cooley, Costello, Cox, Cramer, Crane, Crapo, Cremeans, Cubin, Cunningham, Danner, Davis, Deal, DeLauro, DeLay, Deutsch, Diaz-Balart, Dickey, etc.

Table listing names of members who did not vote, including Dicks, Dooley, Doolittle, Dornan, Doyle, Dreier, Dunn, Ehlers, Ehrlich, Emerson, English, Ensign, Everrett, Ewing, Fawell, Fields (TX), Flanagan, Foley, Forbes, Fowler, Fox, Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Frost, Funderburk, Gallegly, Ganske, Gekas, Gephardt, Geren, Gibbons, Gilchrist, Gillmor, Gilman, Goodlatte, Goodling, Gordon, Goss, Graham, Greenwood, Gunderson, Hall (OH), Hall (TX), Hancock, Hansen, Harman, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Holden, Horn, Hostettler, Houghton, Hunter, Hutchinson, Hyde, Inglis, Istook, Jackson-Lee, Johnson (CT), Johnson (SD), Johnson, Sam, Jones, Kanjorski, Kaptur, Kasich, Kelly, Kennedy (RI), Kim, King, Kingston, Klink, Klug, Knollenberg, Kolbe, LaHood, Lantos, Largent, Latham, Lazio, Leach, Lewis (CA), Lewis (KY), Lightfoot, Lincoln, Linder, Lipinski, Livingston, LoBiondo, Longley, Lucas, Manton, Manzullo, Martini, Mascara, McCollum, McCreery, McDade, McHale, McHugh, McInnis, McIntosh, McKeon, Meehan, Menendez, Meyers, Mica, Miller (FL), Molinari, Montgomery, Moorhead, Moran, Morella, Murtha, Myers, Myrick, Nethercutt, Neumann, Ney, Norwood, Nussle, Ortiz, Orton, Oxley, Packard, Parker, Paxon, Payne (VA), Peterson (FL), Peterson (MN), Petri, Pickett, Pombo, Porter, Portman, Poshard, Pryce, Quillen, Quinn, Radanovich, Ramstad, Reed, Regula, Richardson, Riggs, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Schumer, Seastrand, Sensenbrenner, Shadegg, Shaw, Shuster, Sisisky, Skeen, Skelton, Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Stearns, Stenholm, Stockman, Stump, Stupak, Talent, Tanner, Tate, Tauzin, Taylor (MS), Taylor (NC), Tejada, Thomas, Thornberry, Tiahrt, Torricelli, Traficant, Upton, Volkmer, Vucanovich, Waldholtz, Walker, Walsh, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wolf, Wyden, Young (AK), Young (FL), Zeliff, Zimmer, etc.

NOT VOTING—4

Table listing names of members who did not vote, including Andrews, Collins (MI), Metcalf, Wilson.

So the amendment was not agreed to. After some further time,

22.21 RECORDED VOTE

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

Proposed section 2257 of title 28, United States Code, in section 111 of H.R. 729, is amended—

- (1) in subsection (b)—
(A) by striking " or fails to make a timely application for court of appeals review following the denial of such a petition by a district court" in paragraph (1);
(B) by striking paragraph (2);
(C) by redesignating paragraph (3) as paragraph (2);

(D) by striking the period at the end of paragraph (2) as so designated and inserting " or " ; and

(E) by adding a new paragraph (3) as follows:

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required in section 2258 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review." ; and

(2) in subsection (c), by striking "If one of the conditions in subsection (b) has occurred, no Federal court thereafter" and inserting "On a second or later habeas corpus petition under section 2254, no Federal court".

Proposed section 2260 of title 28, United States Code, in section 111 of H.R. 729, is amended to read as follows:

2260. Certificate of probable cause

"An appeal may not be taken to the court of appeals from the final order of a district court denying relief in a habeas corpus proceeding that is subject to the provisions of this chapter unless a circuit justice or judge issues a certificate of probable cause. A certificate of probable cause may only issue if the petitioner has made a substantial showing of the denial of a Federal right. The certificate of probable cause must indicate which specific issue or issues satisfy this standard."

In the table of sections for proposed chapter 154 of title 28, United States Code, in section 111 of H.R. 729, the item relating to proposed section 2260 of title 28, United States Code, is amended by striking "inapplicable".

It was decided in the affirmative

Yeas 241
Nays 189

22.22 [Roll No. 108]
AYES—241

Table listing names of members voting AYES for section 22.22, including Allard, Archer, Arme, Bachus, Baesler, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bilbray, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Brewster, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Castle, Chabot, Chambliss, Chenoweth, Christensen, Chrysler, Coble, Coburn, Collins (GA), Combest, Condit, Cooley, Crapo, Cremeans, Cubin, Cunningham, Danner, Davis, Deal, DeLauro, DeLay, Deutsch, Diaz-Balart, Dickey, etc.

| | | |
|---------------|---------------|-------------|
| Metcalf | Roberts | Talent |
| Mica | Roemer | Tate |
| Miller (FL) | Rogers | Tauzin |
| Molinari | Rohrabacher | Taylor (MS) |
| Montgomery | Ros-Lehtinen | Taylor (NC) |
| Moorhead | Roth | Tejeda |
| Myers | Roukema | Thomas |
| Myrick | Royce | Thornberry |
| Nethercutt | Salmon | Tiahrt |
| Neumann | Sanford | Traficant |
| Ney | Saxton | Upton |
| Norwood | Scarborough | Vucanovich |
| Nussle | Schaefer | Waldholtz |
| Ortiz | Schiff | Walker |
| Oxley | Seastrand | Walsh |
| Packard | Sensenbrenner | Wamp |
| Parker | Shadegg | Watts (OK) |
| Paxon | Shaw | Weldon (FL) |
| Peterson (MN) | Shays | Weldon (PA) |
| Petri | Shuster | Weller |
| Pombo | Skeen | White |
| Porter | Smith (MI) | Whitfield |
| Portman | Smith (TX) | Wicker |
| Pryce | Smith (WA) | Wolf |
| Quillen | Solomon | Wyden |
| Quinn | Souder | Young (AK) |
| Radanovich | Spence | Young (FL) |
| Ramstad | Stearns | Zeliff |
| Regula | Stenholm | Zimmer |
| Richardson | Stockman | |
| Riggs | Stump | |

NOES—189

| | | |
|--------------|----------------|---------------|
| Abercrombie | Gonzalez | Nadler |
| Ackerman | Gordon | Neal |
| Baldacci | Gunderson | Oberstar |
| Barcia | Gutierrez | Obey |
| Barrett (WI) | Hall (OH) | Olver |
| Becerra | Hamilton | Orton |
| Beilenson | Harman | Owens |
| Bentsen | Hastings (FL) | Pallone |
| Berman | Hayes | Pastor |
| Bevill | Hefner | Payne (NJ) |
| Bishop | Hilliard | Payne (VA) |
| Bonior | Hinchey | Pelosi |
| Borski | Houghton | Peterson (FL) |
| Boucher | Hoyer | Pickett |
| Browder | Jackson-Lee | Pomeroy |
| Brown (CA) | Jacobs | Poshard |
| Brown (FL) | Jefferson | Rahall |
| Brown (OH) | Johnson (SD) | Rangel |
| Bryant (TX) | Johnson, E. B. | Reed |
| Cardin | Johnston | Reynolds |
| Chapman | Kanjorski | Rivers |
| Clay | Kaptur | Rose |
| Clayton | Kennedy (MA) | Roybal-Allard |
| Clement | Kennedy (RI) | Rush |
| Clinger | Kennelly | Sabo |
| Clyburn | Kildee | Sanders |
| Coleman | Kleccka | Sawyer |
| Collins (IL) | LaFalce | Schroeder |
| Conyers | Lantos | Schumer |
| Costello | Laughlin | Scott |
| Coyne | Levin | Serrano |
| Cramer | Lewis (GA) | Sisisky |
| Danner | Lincoln | Skaggs |
| de la Garza | Lipinski | Skelton |
| DeFazio | Lofgren | Slaughter |
| DeLauro | Lowe | Smith (NJ) |
| Dellums | Luther | Spratt |
| Deutsch | Maloney | Stark |
| Dicks | Manton | Stokes |
| Dingell | Manzullo | Studds |
| Dixon | Markey | Stupak |
| Doggett | Martinez | Tanner |
| Dooley | Mascara | Thompson |
| Durbin | Matsui | Thornton |
| Edwards | McCarthy | Thurman |
| Ehlers | McDermott | Torkildsen |
| Engel | McHale | Torres |
| Eshoo | McKinney | Torricelli |
| Evans | McNulty | Towns |
| Farr | Meehan | Tucker |
| Fattah | Meeke | Velazquez |
| Fazio | Menendez | Vento |
| Fields (LA) | Meyers | Visclosky |
| Filner | Mfume | Volkmer |
| Flake | Miller (CA) | Ward |
| Foglietta | Mineta | Waters |
| Ford | Minge | Watt (NC) |
| Frost | Mink | Waxman |
| Furse | Moakley | Williams |
| Gejdenson | Mollohan | Wilson |
| Gephardt | Moran | Wise |
| Gibbons | Morella | Woolsey |
| Gilman | Murtha | Wynn |

NOT VOTING—4

| | |
|--------------|------------|
| Andrews | Frank (MA) |
| Collins (MI) | Yates |

So the amendment was agreed to.
The SPEAKER pro tempore, Mr. QUINN, assumed the Chair.

When Mr. DREIER, Chairman, pursuant to order of the House of February 7, 1995, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by the order of the House of February 7, 1995.

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

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Effective Death Penalty Act of 1995”.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EFFECTIVE DEATH PENALTY**SUBTITLE A—POST CONVICTION PETITIONS: GENERAL HABEAS CORPUS REFORM**

Sec. 101. Period of limitation for filing writ of habeas corpus following final judgment of a State court.

Sec. 102. Authority of appellate judges to issue certificates of probable cause for appeal in habeas corpus and Federal collateral relief proceedings.

Sec. 103. Conforming amendment to the rules of appellate procedure.

Sec. 104. Effect of prior State consideration.

Sec. 105. Period of limitation for Federal prisoners filing for collateral remedy.

SUBTITLE B—SPECIAL PROCEDURES FOR COLLATERAL PROCEEDINGS IN CAPITAL CASES

Sec. 111. Death penalty litigation procedures.

SUBTITLE C—FUNDING FOR LITIGATION OF FEDERAL HABEAS CORPUS PETITIONS IN CAPITAL CASES

Sec. 121. Funding for death penalty prosecutions.

TITLE II—FEDERAL DEATH PENALTY PROCEDURES REFORM

Sec. 201. Federal death penalty procedures reform.

TITLE I—EFFECTIVE DEATH PENALTY Subtitle A—Post Conviction Petitions: General Habeas Corpus Reform**SEC. 101. PERIOD OF LIMITATION FOR FILING WRIT OF HABEAS CORPUS FOLLOWING FINAL JUDGMENT OF A STATE COURT.**

Section 2244 of title 28, United States Code, is amended by adding at the end the following:

“(d)(1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

“(A) The time at which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review.

“(B) The time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action.

“(C) The time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable.

“(D) The time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.

“(2) Time that passes during the pendency of a properly filed application for State review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.”.

SEC. 102. AUTHORITY OF APPELLATE JUDGES TO ISSUE CERTIFICATES OF PROBABLE CAUSE FOR APPEAL IN HABEAS CORPUS AND FEDERAL COLLATERAL RELIEF PROCEEDINGS.

Section 2253 of title 28, United States Code, is amended to read as follows:

“§2253. Appeal

“(a) In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

“(b) There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

“(c) An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause. A certificate of probable cause may only issue if the petitioner has made a substantial showing of the denial of a Federal right. The certificate of probable cause must indicate which specific issue or issues satisfy this standard.”.

SEC. 103. CONFORMING AMENDMENT TO THE RULES OF APPELLATE PROCEDURE.

Federal Rule of Appellate Procedure 22 is amended to read as follows:

“RULE 22**“HABEAS CORPUS AND SECTION 2255 PROCEEDINGS**

“(a) APPLICATION FOR AN ORIGINAL WRIT OF HABEAS CORPUS.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

“(b) NECESSITY OF CERTIFICATE OF PROBABLE CAUSE FOR APPEAL.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate of probable cause is not required.”.

SEC. 104. EFFECT OF PRIOR STATE CONSIDERATION.

(a) EXHAUSTION OF REMEDIES.—Section 2254(b) of title 28, United States Code, is amended to read as follows:

“(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State. A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless through its counsel it waives the requirement expressly.”.

(b) STANDARD OF DEFERENCE TO STATE JUDICIAL DECISIONS.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(g) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was decided on the merits in State proceedings unless the adjudication of the claim—

“(1) resulted in a decision that was based on an arbitrary or unreasonable interpretation of clearly established Federal law as articulated in the decisions of the Supreme Court of the United States;

“(2) resulted in a decision that was based on an arbitrary or unreasonable application to the facts of clearly established Federal law as articulated in the decisions of the Supreme Court of the United States; or

“(3) resulted in a decision that was based on an arbitrary or unreasonable determination of the facts in light of the evidence presented in the State proceeding.”.

SEC. 105. PERIOD OF LIMITATION FOR FEDERAL PRISONERS FILING FOR COLLATERAL REMEDY.

Section 2255 of title 28, United States Code, is amended by striking the second paragraph and the penultimate paragraph thereof, and by adding at the end the following new paragraphs:

“A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

“(1) The time at which the judgment of conviction becomes final.

“(2) The time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action.

“(3) The time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable.

“(4) The time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.”.

Subtitle B—Special Procedures for Collateral Proceedings in Capital Cases

SEC. 111. DEATH PENALTY LITIGATION PROCEDURES.

(a) IN GENERAL.—Title 28, United States Code, is amended by inserting the following new chapter after chapter 153:

“CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

“Sec.

“2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

“2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

“2258. Filing of habeas corpus petition; time requirements; tolling rules.

“2259. Scope of Federal review; district court adjudications.

“2260. Certificate of probable cause.

“2261. Application to State unitary review procedure.

“2262. Limitation periods for determining petitions.

“2263. Rule of construction.

“§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

“(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

“(b) This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

“(c) Any mechanism for the appointment, compensation and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record: (1) appointing one or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer; (2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or (3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

“(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

“(e) The ineffectiveness or incompetence of counsel during State or Federal collateral postconviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254 of this chapter. This limitation shall not preclude the appointment of different counsel, on the court’s own motion or at the request of the prisoner, at any phase of State or Federal postconviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

“§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

“(a) Upon the entry in the appropriate State court of record of an order under section 2256(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application must recite that the State has invoked the postconviction review procedures of this chapter and that the scheduled execution is subject to stay.

“(b) A stay of execution granted pursuant to subsection (a) shall expire if—

“(1) a State prisoner fails to file a habeas corpus petition under section 2254 within the time required in section 2258;

“(2) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

“(3) a State prisoner files a habeas corpus petition under section 2254 within the time required in section 2258 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

“(c) On a second or later habeas corpus petition under section 2254, no Federal court shall have the authority to enter a stay of execution or grant relief in a capital case unless—

“(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

“(2) the failure to raise the claim is (A) the result of State action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal postconviction review; and

“(3) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable fact finder would have found the petitioner guilty of the underlying offense.

“(d) Notwithstanding any other provision of law, no Federal district court or appellate judge shall have the authority to enter a stay of execution, issue injunctive relief, or grant any equitable or other relief in a capital case on any successive habeas petition unless the court first determines the petition or other action does not constitute an abuse of the writ. This determination shall be made only by the district judge or appellate panel who adjudicated the merits of the original habeas petition (or to the district judge or appellate panel to which the case may have been subsequently assigned as a result of the unavailability of the original court or judges). In the Federal courts of appeal, a stay may issue pursuant to the terms of this provision only when a majority of the original panel or majority of the active judges determines the petition does not constitute an abuse of the writ.

“§ 2258. Filing of habeas corpus petition; time requirements; tolling rules

“Any petition for habeas corpus relief under section 2254 must be filed in the appropriate district court within one hundred and eighty days from the filing in the appropriate State court of record of an order under section 2256(c). The time requirements established by this section shall be tolled—

“(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

“(2) during any period in which a State prisoner under capital sentence has a properly filed request for postconviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for postconviction review until final disposition of the case by the highest court of the State, but the time re-

quirements established by this section are not tolled during the pendency of a petition for certiorari before the Supreme Court except as provided in paragraph (1); and

“(3) during an additional period not to exceed sixty days, if (A) a motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254; and (B) a showing of good cause is made for the failure to file the habeas corpus petition within the time period established by this section.

“§2259. Scope of Federal review; district court adjudications

“(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

“(1) the result of State action in violation of the Constitution or laws of the United States;

“(2) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

“(3) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal postconviction review.

“(b) Following review subject to the constraints set forth in subsection (a) and subsections (d) and (g) of section 2254 of this title, the court shall rule on the claims properly before it.

“§2260. Certificate of probable cause

“An appeal may not be taken to the court of appeals from the final order of a district court denying relief in a habeas corpus proceeding that is subject to the provisions of this chapter unless a circuit justice or judge issues a certificate of probable cause. A certificate of probable cause may only be issued if the petitioner has made a substantial showing of the denial of a Federal right. The certificate of probable cause must indicate which specific issue or issues satisfy this standard.

“§2261. Application to State unitary review procedure

“(a) For purposes of this section, a ‘unitary review’ procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. The provisions of this chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

“(b) A unitary review procedure, to qualify under this section, must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2256(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

“(c) Sections 2257, 2258, 2259, 2260, and 2262 shall apply in relation to cases involving a

sentence of death from any State having a unitary review procedure that qualifies under this section. References to State ‘post-conviction review’ and ‘direct review’ in those sections shall be understood as referring to unitary review under the State procedure. The references in sections 2257(a) and 2258 to ‘an order under section 2256(c)’ shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the one hundred and eighty day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or his counsel.

“§2262. Limitation periods for determining petitions

“(a)(1) A Federal district court shall determine such a petition or motion within 60 days of any argument heard on an evidentiary hearing, or where no evidentiary hearing is held, within 60 days of any final argument heard in the case.

“(2)(A) The court of appeals shall determine any appeal relating to such a petition or motion within 90 days after the filing of any reply brief or within 90 days after such reply brief would be due. For purposes of this provision, any reply brief shall be due within 14 days of the opposition brief.

“(B) The court of appeals shall decide any petition for rehearing and or request by an appropriate judge for rehearing en banc within 20 days of the filing of such a petition or request unless a responsive pleading is required in which case the court of appeals shall decide the application within 20 days of the filing of the responsive pleading. If en banc consideration is granted, the en banc court shall determine the appeal within 90 days of the decision to grant such consideration.

“(3) The time limitations contained in paragraphs (1) and (2) may be extended only once for 20 days, upon an express good cause finding by the court that the interests of justice warrant such a one-time extension. The specific grounds for the good cause finding shall be set forth in writing in any extension order of the court.

“(b) The time limitations under subsection (a) shall apply to an initial petition or motion, and to any second or successive petition or motion. The same limitations shall also apply to the re-determination of a petition or motion or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings, and in such a case the limitation period shall run from the date of the remand.

“(c) The time limitations under this section shall not be construed to entitle a petitioner or movant to a stay of execution, to which the petitioner or movant would otherwise not be entitled, for the purpose of litigating any petition, motion, or appeal.

“(d) The failure of a court to meet or comply with the time limitations under this section shall not be a ground for granting relief from a judgment of conviction or sentence. The State or Government may enforce the time limitations under this section by applying to the court of appeals or the Supreme Court for a writ of mandamus.

“(e) The Administrative Office of United States Courts shall report annually to Congress on the compliance by the courts with the time limits established in this section.

“(f) The adjudication of any petition under section 2254 of this title that is subject to this chapter, and the adjudication of any motion under section 2255 of this title by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

“§2263. Rule of construction

“This chapter shall be construed to promote the expeditious conduct and conclusion of State and Federal court review in capital cases.”.

(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 chapter 153 the following new item:

“154. Special habeas corpus procedures in capital cases 2256”.
Subtitle C—Funding for Litigation of Federal Habeas Corpus Petitions in Capital Cases

SEC. 121. FUNDING FOR DEATH PENALTY PROCEEDINGS.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new section:

“FUNDING FOR LITIGATION OF FEDERAL HABEAS CORPUS PETITIONS IN CAPITAL CASES

“SEC. 523. Notwithstanding any other provision of this subpart, the Director is authorized to provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after the item relating to section 522 the following new item:

“Sec. 523. Funding for litigation of Federal habeas corpus petitions in capital cases.”.

TITLE II—FEDERAL DEATH PENALTY PROCEDURES REFORM

SEC. 201. FEDERAL DEATH PENALTY PROCEDURES REFORM.

(a) IN GENERAL.—Subsection (e) of section 3593 of title 18, United States Code, is amended by striking “shall consider” and all that follows through the end of such subsection and inserting the following: “shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants. The jury shall be instructed that its recommendation concerning a sentence of death is to be based on the aggravating factor or factors and any mitigating factors which have been found, but that the final decision concerning the balance of aggravating and mitigating factors is a matter for the jury’s judgment.”.

(b) CONFORMING AMENDMENT.—Section 3594 of title 18, United States Code, is amended by striking “or life imprisonment without possibility of release”.

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. QUINN, 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 297
Nays 132

¶22.23 [Roll No. 109]
AYES—297

- | | | |
|--------------|---------------|---------------|
| Allard | English | LoBiondo |
| Archer | Ensign | Longley |
| Army | Everett | Lucas |
| Bachus | Ewing | Manton |
| Baesler | Fawell | Manzullo |
| Baker (CA) | Fields (TX) | Martini |
| Baker (LA) | Flanagan | Mascara |
| Ballengier | Foley | McCollum |
| Barcia | Forbes | McCrery |
| Barr | Fowler | McDade |
| Barrett (NE) | Fox | McHale |
| Bartlett | Franks (CT) | McHugh |
| Barton | Franks (NJ) | McInnis |
| Bass | Frelinghuysen | McIntosh |
| Bateman | Frisa | McKeon |
| Bentsen | Frost | Menendez |
| Bereuter | Funderburk | Metcalf |
| Bevill | Galleghy | Meyers |
| Bilbray | Ganske | Mica |
| Bilirakis | Geren | Miller (FL) |
| Bliley | Geren | Molinari |
| Blute | Gilchrest | Montgomery |
| Boehler | Gillmor | Moorhead |
| Boehner | Gilman | Moran |
| Bonilla | Goodlatte | Morella |
| Bono | Goodling | Murtha |
| Borski | Gordon | Myers |
| Boucher | Goss | Myrick |
| Brewster | Graham | Nethercutt |
| Browder | Green | Neumann |
| Brownback | Greenwood | Ney |
| Bryant (TN) | Gunderson | Norwood |
| Bunn | Gutknecht | Nussle |
| Bunning | Hall (TX) | Ortiz |
| Burr | Hamilton | Orton |
| Burton | Hancock | Oxley |
| Buyer | Hansen | Packard |
| Callahan | Harman | Parker |
| Calvert | Hastert | Paxon |
| Camp | Hastings (WA) | Payne (VA) |
| Canady | Hayes | Peterson (FL) |
| Cardin | Hayworth | Peterson (MN) |
| Castle | Hefley | Petri |
| Chabot | Heineman | Pickett |
| Chambless | Henger | Pombo |
| Chapman | Hilleary | Porter |
| Chenoweth | Hobson | Portman |
| Christensen | Hoekstra | Poshard |
| Chrysler | Hoke | Pryce |
| Clement | Holden | Quillen |
| Coble | Horn | Quinn |
| Coburn | Hostettler | Radanovich |
| Coleman | Hunter | Ramstad |
| Collins (GA) | Hutchinson | Regula |
| Combest | Hyde | Richardson |
| Condit | Inglis | Riggs |
| Cooley | Istook | Roberts |
| Costello | Johnson (CT) | Roemer |
| Cox | Johnson (SD) | Rogers |
| Cramer | Johnson, Sam | Rohrabacher |
| Crane | Jones | Ros-Lehtinen |
| Crapo | Kanjorski | Roth |
| Creameans | Kasich | Roukema |
| Cubin | Kelly | Royce |
| Cunningham | Kim | Salmon |
| Danner | King | Sanford |
| Davis | Kingston | Saxton |
| de la Garza | Klink | Scarborough |
| Deal | Klug | Schaefer |
| DeLay | Knollenberg | Schiff |
| Deutsch | Kolbe | Schumer |
| Diaz-Balart | LaHood | Seastrand |
| Dickey | Largent | Sensenbrenner |
| Dicks | Latham | Shadegg |
| Dingell | LaTourette | Shaw |
| Dooley | Laughlin | Shays |
| Doolittle | Lazio | Shuster |
| Dornan | Leach | Sisisky |
| Doyle | Lewis (CA) | Skeon |
| Dreier | Lewis (KY) | Skelton |
| Duncan | Lightfoot | Smith (MI) |
| Dunn | Lincoln | Smith (NJ) |
| Edwards | Linder | Smith (TX) |
| Ehrlich | Lipinski | Smith (WA) |
| Emerson | Livingston | Solomon |

- | | |
|-------------|------------|
| Souder | Tejeda |
| Spence | Thomas |
| Spratt | Thornberry |
| Stearns | Tiaht |
| Stenholm | Torkildsen |
| Stockman | Torricelli |
| Stump | Traficant |
| Stupak | Upton |
| Talent | Volkmer |
| Tanner | Vucanovich |
| Tate | Waldholtz |
| Tauzin | Walker |
| Taylor (MS) | Walsh |
| Taylor (NC) | Wamp |

- | | |
|-------------|-------------|
| Watts (OK) | Weldon (FL) |
| Weldon (PA) | Weldon (PA) |
| Weller | Wicker |
| White | Wilson |
| Whitfield | Wolf |
| Wicker | Wyden |
| Wilson | Young (AK) |
| Wolf | Young (FL) |
| Wyden | Zeliff |
| Young (AK) | Zimmer |
| Young (FL) | |
| Zeliff | |
| Zimmer | |

NOES—132

- | | | |
|--------------|----------------|---------------|
| Abercrombie | Hall (OH) | Obey |
| Ackerman | Hastings (FL) | Olver |
| Baldacci | Hefner | Owens |
| Barrett (WI) | Hilliard | Pallone |
| Becerra | Hinchev | Pastor |
| Beilenson | Hoyer | Payne (NJ) |
| Berman | Jackson-Lee | Pelosi |
| Bishop | Jacobs | Pomeroy |
| Boniior | Jefferson | Rahall |
| Brown (CA) | Johnson, E. B. | Rangel |
| Brown (FL) | Johnston | Reed |
| Brown (OH) | Kaptur | Reynolds |
| Bryant (TX) | Kennedy (MA) | Rivers |
| Clay | Kennedy (RI) | Rose |
| Clayton | Kennelly | Roybal-Allard |
| Clyburn | Kildee | Rush |
| Collins (IL) | Klecicka | Sabo |
| Conyers | LaFalce | Sanders |
| Coyne | Lantos | Sawyer |
| DeFazio | Levin | Schroeder |
| DeLauro | Lewis (GA) | Scott |
| Dellums | Lofgren | Serrano |
| Dixon | Lowe | Skaggs |
| Doggett | Luther | Slaughter |
| Durbin | Maloney | Stark |
| Ehlers | Markey | Stokes |
| Engel | Martinez | Studds |
| Eshoo | Matsui | Thompson |
| Evans | McCarthy | Thornton |
| Farr | McDermott | Thurman |
| Fattah | McKinney | Torres |
| Fazio | McNulty | Towns |
| Fields (LA) | Meehan | Tucker |
| Filner | Meek | Velazquez |
| Flake | Mfume | Vento |
| Foglietta | Miller (CA) | Visclosky |
| Ford | Mineta | Ward |
| Frank (MA) | Minge | Waters |
| Furse | Mink | Watt (NC) |
| Gejdenson | Moakley | Waxman |
| Gephardt | Mollohan | Williams |
| Gibbons | Nadler | Wise |
| Gonzalez | Neal | Woolsey |
| Gutierrez | Oberstar | Wynn |

NOT VOTING—5

- | | | |
|---------|--------------|-------|
| Andrews | Collins (MI) | Yates |
| Clinger | Houghton | |

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.

¶22.24 CLERK TO CORRECT
ENGIROSSMENTS

On motion of Mr. MCCOLLUM, by unanimous consent,

Ordered, That in the engrossments of the bill (H.R. 665) to control crime by mandatory victim restitution, (H.R. 666) to control crime by exclusionary rule reform, and of the bill (H.R. 729) to control crime by a more effective death penalty, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

¶22.25 PROVIDING FOR THE
CONSIDERATION OF H.R. 667

Mr. SOLOMON, by direction of the Committee on Rules, reported (Rept. No. 104-25) the resolution (H. Res. 63) providing for the consideration of the

bill (H.R. 667) entitled the "Violent Criminal Incarceration Act".

When said resolution and report were referred to the House Calendar and ordered printed.

¶22.26 MESSAGE FROM THE PRESIDENT—
NATIONAL EMERGENCY WITH RESPECT
TO IRAQ

The SPEAKER pro tempore, Mr. QUINN, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of August 2, 1994, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

Executive Order No. 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq), then or thereafter located in the United States or within the possession or control of a United States person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. United States persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order No. 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution 661 of August 6, 1990.

Executive Order No. 12817 was issued on October 21, 1992, to implement in the United States measures adopted in United Nations Security Council Resolution 778 of October 2, 1992. Resolution No. 778 requires U.N. Member States temporarily to transfer to a U.N. escrow account up to \$200 million apiece in Iraqi oil sale proceeds paid by purchasers after the imposition of U.N. sanctions in Iraq, to finance Iraqi's obligations for U.N. activities with respect to Iraq, such as expenses to verify Iraqi weapons destruction, and to provide humanitarian assistance in Iraq on a nonpartisan basis. A portion of the escrowed funds will also fund the activities of the U.N. Compensation Commission in Geneva, which will handle claims from victims of the Iraqi invasion of Kuwait. Member States also may make voluntary contributions to the account. The funds placed in the

escrow account are to be returned, with interest, to the Member States that transferred them to the United Nations, as funds are received from future sales of Iraqi oil authorized by the U.N. Security Council. No Member State is required to fund more than half of the total transfers or contributions to the escrow account.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 and matters relating to Executive Orders Nos. 12724 and 12817 (the "Executive orders"). The report covers events from August 2, 1994, through February 1, 1995.

1. There has been one action affecting the Iraqi Sanctions Regulations, 31 C.F.R. Part 575 (the "Regulations"), administered by the Office of Foreign Assets Control (FAC) of the Department of the Treasury, since my last report on August 2, 1994. On February 1, 1995 (60 Fed. Reg. 6376), FAC amended the Regulations by adding to the list of Specially Designated Nationals (SDNs) of Iraq set forth in Appendices A ("entities and individuals") and B ("merchant vessels"), the names of 24 cabinet ministers and 6 other senior officials of the Iraqi government, as well as 4 Iraqi state-owned banks, not previously identified as SDNs. Also added to the Appendices were the names of 15 entities, 11 individuals, and 1 vessel that were newly identified as Iraqi SDNs in the comprehensive list of SDNs for all sanctions programs administered by FAC that was published in the *Federal Register* (59 Fed. Reg. 59460) on November 17, 1994. In the same document, FAC also provided additional addresses and aliases for 6 previously identified Iraqi SDNs. This *Federal Register* publication brings the total number of listed Iraqi SDNs to 66 entities, 82 individuals, and 161 vessels.

Pursuant to section 575.306 of the Regulations, FAC has determined that these entities and individuals designated as SDNs are owned or controlled by, or are acting or purporting to act directly or indirectly on behalf of, the Government of Iraq, or are agencies, instrumentalities or entities of that government. By virtue of this determination, all property and interests in property of these entities or persons that are in the United States or in the possession or control of United States persons are blocked. Further, United States persons are prohibited from engaging in transactions with these individuals or entities unless the transactions are licensed by FAC. The designations were made in consultation with the Department of State. A copy of the amendment is attached to this report.

2. Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. The FAC continues its involvement in lawsuits, seeking to prevent the unauthorized transfer of blocked Iraqi assets. There are currently 38 enforcement actions

pending, including nine cases referred by FAC to the U.S. Customs Service for joint investigation. Additional FAC civil penalty notices were prepared during the reporting period for violations of the International Emergency Economic Powers Act and the Regulations with respect to transactions involving Iraq. Four penalties totaling \$26,043 were collected from two banks, one company, and one individual for violations of the prohibitions against transactions involving Iraq.

3. Investigation also continues into the roles played by various individuals and firms outside Iraq in the Iraqi government procurement network. These investigations may lead to additions to FAC's listing of individuals and organizations determined to be SDNs of the Government of Iraq.

4. Pursuant to Executive Order No. 12817 implementing United Nations Security Council Resolution No. 778, on October 26, 1992, FAC directed the Federal Reserve Bank of New York to establish a blocked account for receipt of certain post August 6, 1990, Iraqi oil sales proceeds, and to hold, invest, and transfer these funds as required by the order. On October 5, 1994, following payments by the Governments of Canada (\$677,756.99), the United Kingdom (\$1,740,152.44), and the European Community (\$697,055.93), respectively, to the special United Nations-controlled account, entitled "United Nations Security Council Resolution 778 Escrow Account," the Federal Reserve Bank of New York was directed to transfer a corresponding amount of \$3,114,965.36 from the blocked account it holds to the United Nations-controlled account. Similarly, on December 16, 1994, following the payment of \$721,217.97 by the Government of the Netherlands, \$3,000,891.06 by the European Community, \$4,936,808.84 by the Government of the United Kingdom, \$190,476.19 by the Government of France, and \$5,565,913.29 by the Government of Sweden, the Federal Reserve Bank of New York was directed to transfer a corresponding amount of \$14,415,307.35 to the United Nations-controlled account. Again, on December 28, 1994, following the payment of \$853,372.95 by the Government of Denmark, \$1,049,719.82 by the European Community, \$70,716.52 by the Government of France, \$625,390.86 by the Government of Germany, \$1,151,742.01 by the Government of the Netherlands, and \$1,062,500.00 by the Government of the United Kingdom, the Federal Reserve Bank of New York was directed to transfer a corresponding amount of \$4,813,442.16 to the United Nations-controlled account. Finally, on January 13, 1995, following the payment of \$796,167.00 by the Government of the Netherlands, \$810,949.24 by the Government of Denmark, \$613,030.61 by the Government of Finland, and \$2,049,600.12 by the European Community, the Federal Reserve Bank of New York was directed to transfer a corresponding amount of \$4,269,746.97 to the United Nations-controlled account. Cumulative transfers from the blocked

Federal Reserve Bank of New York account since issuance of Executive Order No. 12817 have amounted to \$157,542,187.88 of the up to \$200 million that the United States is obligated to match from blocked Iraqi oil payments, pursuant to United Nations Security Council Resolution 778.

5. The Office of Foreign Assets Control has issued a total of 533 specific licenses regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Since my last report, 37 specific licenses have been issued. Licenses were issued for transactions such as the filing of legal actions against Iraqi governmental entities, legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, food intended for humanitarian relief purposes, the execution of powers of attorney relating to the administration of personal assets and decedents' estates in Iraq, and the protection of preexistent intellectual property rights in Iraq.

6. The expenses incurred by the Federal Government in the 6-month period from August 2, 1994, through February 1, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are reported to be about \$2.25 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near East Affairs, the Bureau of Organization Affairs, and the Office of the Legal Adviser), and the Department of Transportation (particularly the U.S. Coast Guard).

7. The United States imposed economic sanctions on Iraq in response to Iraq's illegal invasion and occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with United Nations Security Council resolutions. Security Council resolutions on Iraq call for the elimination of Iraqi weapons of mass destruction, the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third-country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction capabilities, the return of Kuwaiti assets stolen during Iraq's illegal occupation of Kuwait, renunciation of terrorism, an end to internal Iraqi repression of its own civilian population, and the facilitation of access of international relief organizations to all those in need in all parts of Iraq. More than 4 years after the invasion, a pattern of defiance persists: a refusal to account for missing Kuwaiti detainees; failure to

return Kuwaiti property worth millions of dollars, including weapons used by Iraq in its movement of troops to the Kuwaiti border in October 1994; sponsorship of assassinations in Lebanon and in northern Iraq; incomplete declarations to weapons inspectors; and ongoing widespread human rights violations. As a result, the U.N. sanctions remain in place; the United States will continue to enforce those sanctions under domestic authority.

The Baghdad government continues to violate basic human rights of its own citizens through systematic repression of minorities and denial of humanitarian assistance. The Government of Iraq has repeatedly said it will not be bound by United Nations Security Council Resolution 688. For more than 3 years, Baghdad has maintained a blockade of food, medicine, and other humanitarian supplies against northern Iraq. The Iraqi military routinely harasses residents of the north, and has attempted to "Abrabize" the Kurdish, Turcomen, and Assyrian areas in the north. Iraq has not relented in its artillery attacks against civilian population centers in the south, or in its burning and draining operations in the southern marshes, which have forced thousands to flee to neighboring States.

In 1991, the United Nations Security Council adopted Resolutions 706 and 712, which would permit Iraq to sell up to \$1.6 billion of oil under U.N. auspices to fund the provision of food, medicine, and other humanitarian supplies to the people of Iraq. The resolutions also provide for the payment of compensation to victims of Iraqi aggression and other U.N. activities with respect to Iraq. The equitable distribution within Iraq of this humanitarian assistance would be supervised and monitored by the United Nations. The Iraqi regime so far has refused to accept these resolutions and has thereby chosen to perpetuate the suffering of its civilian population. More than a year ago, the Iraqi government informed the United Nations that it would not implement Resolutions 706 and 712.

The policies and actions to the Saddam Hussein regime continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. The U.N. resolutions require that the Security Council be assured of Iraq's peaceful intentions in judging its compliance with sanctions. Because of Iraq's failure to comply fully with these resolutions, the United States will continue to apply economic sanctions to deter it from threatening peace and stability in the region.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 8, 1995.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 104-29).

¶22.27 MESSAGE FROM THE PRESIDENT—
ANDEAN TRADE

The SPEAKER pro tempore, Mr. QUINN, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I hereby submit the first report on the Operation of the Andean Trade Preference Act. This report is prepared pursuant to the requirements of section 203 of the Andean Trade Preference Act of 1991.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 8, 1995.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means.

¶22.28 MESSAGE FROM THE PRESIDENT—
MAJOR LEAGUE BASEBALL

The SPEAKER pro tempore, Mr. QUINN, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Major League Baseball Restoration Act." This legislation would provide for a fair and prompt settlement of the ongoing labor-management dispute affecting Major League Baseball.

Major League Baseball has historically occupied a unique place in American life. The parties to the current contentious dispute have been unable to resolve their differences, despite many months of negotiations and the assistance of one of this country's most skilled mediators. If the dispute is permitted to continue, there is likely to be substantial economic damage to the cities and communities in which major league franchises are located and to the communities that host spring training. The ongoing dispute also threatens further serious harm to an important national institution.

The bill I am transmitting today is a simple one. It would authorize the President to appoint a 3-member National Baseball Dispute Resolution Panel. This Panel of impartial and skilled arbitrators would be empowered to gather information from all sides and impose a binding agreement on the parties. The Panel would be urged to act as quickly as possible. Its decision would not be subject to judicial review.

In arriving at a fair settlement, the Panel would consider a number of factors affecting the parties, but it could also take into account the effect on the public and the best interests of the game.

The Panel would be given sufficient tools to do its job, without the need for further appropriations. Primary support for its activities would come from the Federal Mediation and Conciliation Service, but other agencies would also be authorized to provide needed support.

The dispute now affecting Major League Baseball has been a protracted

one, and I believe that the time has come to take action. I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 8, 1995.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Economic and Educational Opportunities and ordered to be printed (H. Doc. 104-30).

¶22.29 COMMITTEES AND SUBCOMMITTEES
TO SIT

On motion of Mr. FOX, by unanimous consent, the following committees and their subcommittees were granted permission to sit during the 5-minute rule on Thursday, February 9, 1995: the Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on International Relations, the Committee on Resources, the Committee on Transportation and Infrastructure, and the Committee on Veterans' Affairs.

¶22.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Miss COLLINS of Michigan, for today after 6:00 p.m. and the balance of the week.

And then,

¶22.31 ADJOURNMENT

On motion of Mr. BURTON, at 11 o'clock and 41 minutes p.m., the House adjourned.

¶22.32 REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 729. A bill to control crime by a more effective death penalty; with an amendment (Rept. No. 104-23). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 728. A bill to control crime by providing law enforcement block grants; with an amendment (Rept. No. 104-24). Referred to the Committee of the Whole House on the State of the Union.

Mr. QUILLEN: Committee on Rules. House Resolution 63. A resolution providing for the consideration of H.R. 667, The Violent Criminal Incarceration Act (Rept. No. 104-25). Referred to the House Calendar.

¶22.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. CONDIT, Mr. MOORHEAD, and Mr. OXLEY):

H.R. 857. A bill to require the disclosure of service and other charges on tickets, and for other purposes; to the Committee on Commerce.

By Mr. HOYER (for himself, Mrs. MORELLA, Mr. BOEHLERT, Mr. FILNER, Mr. MORAN, Mr. WYNN, Mr. FAZIO of

California, Mr. GILMAN, Mr. CUNNINGHAM, Mr. HUNTER, Mr. LANTOS, and Mr. LEWIS of California):

H.R. 858. A bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. GUNDERSON:

H.R. 859. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of emergency care and related services furnished by rural emergency access care hospitals; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DORNAN:

H.R. 860. A bill to terminate the Office of the Surgeon General of the Public Health Service; to the Committee on Commerce.

By Mr. CUNNINGHAM (for himself and Mr. HUNTER):

H.R. 861. A bill to amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under medicare; to the Committee on National Security, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DORNAN (for himself, Mr. DOOLITTLE, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, and Mr. MANZULLO):

H.R. 862. A bill to prohibit the use of Federal funds to promote homosexuality; to the Committee on Government Reform and Oversight.

By Mr. HAMILTON:

H.R. 863. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessities to impoverished families and individuals; to the Committee on Reform and Oversight.

By Mr. HOUGHTON (for himself, Mr. PAYNE of Virginia, Mrs. JOHNSON of Connecticut, Mr. MCCREERY, Mr. COYNE, Mr. BREWSTER, Mr. WELDON of Pennsylvania, and Mr. ENGLISH of Pennsylvania):

H.R. 864. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules; to the Committee on Ways and Means.

By Mr. ORTON:

H.R. 865. A bill to amend part A of title IV of the Social Security Act to offer States the option of replacing the Job Opportunities and Basic Skills Training [JOBS] Program with a program that would assist all recipients of aid to families with dependent children in achieving self-sufficiency, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Commerce, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL:

H.R. 866. A bill to make a technical correction to section 601 of the Federal Aviation

Administration Act; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself, Ms. KAPTUR, Mr. DEFAZIO, Ms. DANNER, Mr. TAYLOR of Mississippi, Mr. KLINK, Mr. TRAFICANT, Mr. ROHRABACHER, and Mr. EVANS):

H.R. 867. A bill to amend title 31, United States Code, to provide that certain budget authority and credit authority provided to the exchange stabilization fund shall be effective only to the extent provided in appropriation acts; to the Committee on Banking and Financial Services.

By Mrs. THURMAN:

H.R. 868. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from that act for inmates of penal or other correctional institutions who participate in certain programs; to the Committee on Economic and Educational Opportunities.

By Mr. TRAFICANT:

H.R. 869. A bill to designate the Federal building and U.S. courthouse located at 125 Market Street in Youngstown, OH, as the "Thomas D. Lambros Federal Building and U.S. Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. WILLIAMS (for himself and Mr. BONIOR):

H.R. 870. A bill to resolve the current dispute involving major league baseball, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. FRANK of Massachusetts:

H.J. Res. 68. Joint resolution proposed an amendment to the Constitution of the United States to repeal the 22d amendment relating to Presidential term limitations; to the Committee on the Judiciary.

By Mr. COMBEST (for himself and Mr. DICKS):

H. Res. 64. Resolution providing amounts for the expenses of the Permanent Select Committee on Intelligence in the 104th Congress; to the Committee on House Oversight.

By Mr. GINGRICH:

H. Res. 65. Resolution naming certain rooms in the House of Representatives wing of the Capitol in honor of former Representative Robert H. Michel; to the Committee on House Oversight.

By Mrs. SMITH of Washington (for herself, Mr. BROWNBACK, Mr. FOX, Mr. CHRYSLER, Mr. WELDON of Florida, Mr. HOSTETTLER, and Mr. METCALF):

H. Res. 66. Resolution to amend the Rules of the House of Representatives to ban gifts, and for other purposes; to the Committee on Standards of Official Conduct, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶22.34 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROTH introduced a bill (H.R. 871) for the relief of Eugene Hasenfus; which was referred to the Committee on the Judiciary.

¶22.35 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. SOUDER.

H.R. 26: Mr. WELDON of Pennsylvania, Mr. BARTON of Texas, Mr. HOSTETTLER, Mr. HANSEN, Mr. CHRYSLER, Mr. HEFNER, Mr. CLEMENT, and Mr. PAXON.

H.R. 28: Mr. CALVERT.

H.R. 47: Mr. CALVERT and Mr. KIM.

H.R. 70: Mr. BOEHNER, Mrs. SEASTRAND, Mr. KLUG, and Mr. ROYCE.

H.R. 76: Ms. SLAUGHTER.

H.R. 95: Ms. LOFGREN, Mr. MARTINEZ, Mr. MARKEY, Mr. ACKERMAN, Mr. HOYER, Ms. JACKSON-LEE, and Mr. FOGLIETTA.

H.R. 104: Mr. BALLENGER and Mr. NETHERCUTT.

H.R. 112: Mr. COOLEY, Mr. ACKERMAN, Mr. NEY, and Ms. SLAUGHTER.

H.R. 159: Mr. RAHALL, Mr. ROHRABACHER, Mr. STUMP, Mr. KING, Mr. BLUTE, Mr. SENBRENNER, and Mr. ACKERMAN.

H.R. 201: Mr. FOX, Mr. SMITH of New Jersey, Mr. GENE GREEN of Texas, Mr. PETRI, Mr. HUNTER, Mr. BEREUTER, and Ms. PRYCE.

H.R. 281: Mr. WALSH.

H.R. 259: Mr. HASTINGS of Washington.

H.R. 325: Mr. LIPINSKI, Mr. SCHAEFER, Mr. EVERETT, Mr. ACKERMAN, and Mr. GOODLATTE.

H.R. 328: Ms. MOLINARI.

H.R. 357: Mr. HILLIARD, Mr. YATES, Mr. MEEHAN, Mr. FATTAH, Mr. GUTIERREZ, Mr. KENNEDY of Rhode Island, Mr. BEILSON, Mr. WAXMAN, Mr. FRANK of Massachusetts, Ms. SLAUGHTER, Mr. MARKEY, Mr. HORN, and Mr. SCHUMER.

H.R. 367: Mr. FRAZER, Mr. LAFALCE, Mr. MARTINEZ, Mr. MINETA, Mr. NADLER, Mr. SANDERS, Mrs. SCHROEDER, Ms. VELAZQUEZ, Mr. VENTO, and Ms. WOOLSEY.

H.R. 394: Mr. MCDERMOTT and Mr. EMERSON.

H.R. 404: Mr. CALVERT.

H.R. 436: Mr. HASTERT, Mr. HOSTETTLER, Mr. POSHARD, Mr. LATHAM, Mr. FLANAGAN, and Mr. ZELIFF.

H.R. 450: Mr. PARKER and Mr. MONTGOMERY.

H.R. 452: Mr. SANDERS.

H.R. 463: Mr. TANNER.

H.R. 488: Mr. ENGEL.

H.R. 520: Mr. BARRETT of Nebraska.

H.R. 556: Mr. FROST, Mr. BRYANT of Texas, Mr. TORRES, Mrs. SCHROEDER, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CHAPMAN.

H.R. 557: Mr. FROST, Mr. BRYANT of Texas, Mr. TORRES, Mrs. SCHROEDER, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CHAPMAN.

H.R. 558: Mr. STENHOLM.

H.R. 571: Mr. THOMAS, Mr. HAYES, Mr. UNDERWOOD, Mr. CONDIT, Mr. ORTON, Mrs. SEASTRAND, Mr. CHRYSLER, Mr. TORRICELLI, Mr. EMERSON, Mr. DOOLEY, Mr. COBURN, Mr. BACHUS, Mr. RADANOVICH, Mr. LUCAS, Mr. RIGGS, Mrs. VUCANOVICH, and Mr. CHRISTENSEN.

H.R. 579: Mr. ROHRABACHER.

H.R. 612: Mr. BARRETT of Wisconsin, Mr. FOGLIETTA, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GENE GREEN of Texas.

H.R. 645: Mr. FLAKE, Mr. GENE GREEN of Texas, Mr. PETE GEREN of Texas, Mr. TORRES, and Mr. WARD.

H.R. 662: Mr. COLLINS of Georgia.

H.R. 663: Mr. BARR and Mr. HASTINGS of Washington.

H.R. 697: Mr. HASTINGS of Washington, Mr. SOLOMON, Mr. ROYCE, Mr. BUYER, Mr. THORBERRY, Mr. WALSH, Mr. SMITH of Texas, Mr. NETHERCUTT, Mr. LIVINGSTON, and Mr. SHAD-EGG.

H.R. 707: Mr. CALVERT and Mr. FIELDS of Texas.

H.R. 739: Mr. SAM JOHNSON.

H.R. 810: Mrs. MEYERS of Kansas.

H.J. Res. 3: Mrs. MYRICK.

H.J. Res. 24: Mr. GOODLATTE.

H. Con. Res. 12: Mr. SMITH of New Jersey. H. Res. 40: Mr. VENTO, Mr. NADLER, Ms. HARMAN, and Mr. POSHARD.

H. Res. 54: Ms. DANNER and Mrs. THURMAN.

H. Res. 57: Mr. ROHRABACHER and Mr. BURTON of Indiana.

THURSDAY, FEBRUARY 9, 1995 (23)

The House was called to order by the SPEAKER.