

Mr. SOLOMON demanded a recorded vote on agreeing to the Chair's approval of the Journal, 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 237 Nays 158

¶33.7 [Roll No. 105] AYES—237

- Abercrombie, Ackerman, Andrews (ME), Andrews (NJ), Andrews (TX), Barca, Barcia, Barlow, Barrett (WI), Bateman, Becerra, Beilenson, Bevill, Bishop, Blackwell, Bonior, Borski, Boucher, Brewster, Brooks, Browder, Brown (FL), Brown (OH), Byrne, Cantwell, Cardin, Chapman, Clayton, Clement, Clinger, Clyburn, Coleman, Collins (IL), Collins (MI), Combest, Condit, Conyers, Coppersmith, Costello, Coyne, Cramer, Danner, Darden, de la Garza, Deal, DeFazio, DeLauro, Derrick, Deutsch, Dicks, Dingell, Dixon, Dooley, Durbin, Edwards (CA), Engel, English, Eshoo, Evans, Everett, Farr, Fazio, Fields (LA), Filner, Fingerhut, Flake, Foglietta, Ford (MI), Ford (TN), Frank (MA), Frost, Furse, Gejdenson, Gephardt, Geren, Gibbons, Gillmor, Gilman, Glickman, Gonzalez, Gordon, Green, Gutierrez, Hall (OH), Hall (TX), Hamburg, Hamilton, Harman, Hastings, Hayes, Hefner, Hilliard, Hinchey, Hoagland, Holden, Houghton, Hoyer, Hughes, Inglis, Inslee, Jefferson, Johnson (SD), Johnson, E.B., Johnston, Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kildee, Kleczka, Klein, Klink, Kopetski, Kreidler, LaFalce, Lambert, Lancaster, Lantos, LaRocco, Laughlin, Lehman, Levin, Lewis (GA), Lipinski, Livingston, Lloyd, Long, Maloney, Mann, Manton, Margolies-Mezvinsky, Markey, Martinez, Matsui, Thornton, Mazzoli, McCloskey, McCurdy, McDermott, McHale, McKinney, Meehan, Meek, Menendez, Mfume, Miller (CA), Mineta, Minge, Mink, Moakley, Mollohan, Montgomery, Moran, Murtha, Myers, Nadler, Neal (MA), Oberstar, Obey, Olver, Ortiz, Orton, Pallone, Parker, Pastor, Payne (NJ), Payne (VA), Pelosi, Penny, Peterson (FL), Peterson (MN), Pickle, Pombro, Pomeroy, Poshard, Price (NC), Rahall, Reed, Reynolds, Richardson, Roemer, Rose, Rostenkowski, Rowland, Roybal-Allard, Rush, Sabo, Sanders, Sarpaluis, Sawyer, Schenk, Schumer, Scott, Serrano, Shepherd, Sisisky, Skaggs, Skelton, Slattery, Slaughter, Smith (IA), Spratt, Stenholm, Stokes, Strickland, Studds, Long, Stupak, Sweet, Swift, Tanner, Tauzin, Taylor (MS), Tejeda, Thompson, Thurman, Torres, Torricelli, Towns, Traficant, Tucker, Unsoeld, Valentine, Velazquez, Visclosky, Volkmer, Watt, Wheat, Wilson, Wise, Woolsey, Wyden, Wynn, Yates

- Allard, Archer, Arney, Bachus (AL), Baker (CA), Baker (LA), Barrett (NE), Bartlett, Barton, Bentley, Bereuter, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bunning, Burton, Buyer, Callahan, Calvert, Camp, Canady, Castle, Clay, Coble, Collins (GA), Cox, Crane, Crapo, Cunningham, Diaz-Balart, Dickey, Doolittle, Dornan, Dreier, Duncan, Dunn, Ehlers, Emerson, Ewing, Fawell, Fields (TX), Fowler, Franks (CT), Franks (NJ), Gallegly, Gilchrist, Gingrich, Goodlatte, Goodling, Goss, Grams, Gunderson, Hancock, Hansen, Hastert, Hefley, Herger, Hobson, Hoekstra, Hoke, Horn, Huffington, Hunter, Hutchinson, Hyde, Inhofe, Istook, Jacobs, Johnson (CT), Johnson, Sam, Kim, King, Kingston, Klug, Knollenberg, Kolbe, Kyl, Lazio, Leach, Levy, Lewis (CA), Lewis (FL), Lightfoot, Linder, Machtley, Manzullo, McCandless, McCollum, McCrery, McDade, McHugh, McInnis, McKeon, Meyers, Mica, Michel, Miller (FL), Molinari, Moorhead, Morella, Murphy, Nussle, Oxley

NOT VOTING—37

- Applegate, Bacchus (FL), Baesler, Ballenger, Berman, Bilbray, Brown (CA), Bryant, Carr, DeLay, Dellums, Edwards (TX), Fish, Gallo, Gekas, Grandy, Greenwood, Hochbrueckner, Hutto, Johnson (GA), Lowey, McMillan, Neal (NC), Owens, Pickett, Portman, Rangel, Roukema, Sangmeister, Stark, Synar, Vento, Washington, Waters, Waxman, Whitten, Williams

So the Journal was approved.

¶33.8 CRIME CONTROL

The SPEAKER pro tempore, Mr. CLYBURN, pursuant to House Resolution 401 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. 4092) to control and prevent crime.

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

¶33.9 RECORDED VOTE

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

Page 36, line 11, insert "or" after the semicolon.

NOES—158

- Packard, Paxon, Petri, Porter, Pryce (OH), Quillen, Quinn, Ramstad, Ravenel, Regula, Ridge, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Royce, Santorum, Saxton, Schaefer, Schiff, Schroeder, Sensenbrenner, Shaw, Shays, Shuster, Skeen, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snowe, Solomon, Spence, Stearns, Stump, Sundquist, Talent, Taylor (NC), Thomas (CA), Thomas (WY), Torkildsen, Upton, Vucanovich, Walker, Walsh, Waldon, Wolf, Young (AK), Young (FL), Zeliff, Zimmer

Page 37, strike line 12 and all that follows through line 7 on page 38.

It was decided in the negative { Yeas 108 Nays 316 Answered present 1

¶33.10 [Roll No. 106] AYES—108

- Andrews (ME), Barca, Barrett (WI), Becerra, Berman, Blackwell, Bonior, Boucher, Brooks, Brown (CA), Brown (OH), Clay, Clayton, Clyburn, Collins (IL), Collins (MI), Conyers, Coyne, DeFazio, Dellums, Dixon, Edwards (CA), Ehlers, Engel, Eshoo, Evans, Farr, Fazio, Fields (LA), Filner, Flake, Ford (MI), Frank (MA), Furse, Gonzalez, Hamburg, Hastings, Hilliard, Hinchey, Hoekstra, Hoyer, Hughes, Inslee, Jacobs, Jefferson, Johnson, E. B., Johnston, Kildee, Kleczka, Klug, Kopetski, LaFalce, Levin, Lewis (GA), Lowey, Maloney, Mann, Markey, Mazzoli, McDermott, McKinney, McNulty, Meek, Mfume, Miller (CA), Mineta, Mink, Mollohan, Nadler, Norton (DC), Oberstar, Obey, Geren, Gibbons, Gilchrist, Gillmor, Gilman, Gingrich, Glickman, Goodlatte, Goodling, Gordon, Goss, Grams, Green, Greenwood, Gunderson, Hall (OH), Hall (TX), Hamilton, Hancock, Hansen, Harman, Hastert, Hayes, Hefley, Hefner, Herger, Hoagland, Hobson, Hochbrueckner, Hoke, Holden, Horn, Houghton, Huffington, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Istook, Johnson (CT), Johnson (GA), Johnson (SD), Johnson, Sam, Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kim

NOES—316

- Abercrombie, Allard, Andrews (NJ), Andrews (TX), Applegate, Archer, Arney, Bacchus (FL), Bacchus (AL), Baesler, Baker (CA), Baker (LA), Ballenger, Barcia, Barlow, Barrett (NE), Bartlett, Barton, Bateman, Beilenson, Bentley, Bereuter, Bevill, Bilbray, Bilirakis, Bishop, Bliley, Blute, Boehlert, Boehner, Bonilla, Borski, Brewster, Browder, Brown (FL), Bryant, Bunning, Burton, Buyer, Byrne, Callahan, Calvert, Camp, Canady, Cantwell, Cardin, Carr, Castle, Chapman, Clement, Clinger, Coble, Coleman, Collins (GA), Combust, Condit, Cooper, Coppersmith, Costello, Cox, Cramer, Crane, Crapo, Cunningham, Danner, Darden, de la Garza, de Lugo (VI), Deal, DeLauro, DeLay, Derrick, Deutsch, Diaz-Balart, Dickey, Dicks, Dingell, Dooley, Doolittle, Dreier, Duncan, Dunn, Durbin, Edwards (TX), Emerson, English, Everett, Faleomavaega (AS), Fawell, Fields (TX), Fingerhut, Foglietta, Ford (TN), Fowler, Franks (CT), Franks (NJ), Gallegly, Gejdenson, Gekas, Gephardt, Geren, Gibbons, Gilchrist, Gillmor, Gilman, Gingrich, Glickman, Goodlatte, Goodling, Gordon, Goss, Grams, Green, Greenwood, Gunderson, Hall (OH), Hall (TX), Hamilton, Hancock, Hansen, Harman, Hastert, Hayes, Hefley, Hefner, Herger, Hoagland, Hobson, Hochbrueckner, Hoke, Holden, Horn, Houghton, Huffington, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Istook, Johnson (CT), Johnson (GA), Johnson (SD), Johnson, Sam, Kanjorski, Kaptur, Kasich, Kennedy, Kennelly, Kim

King
Kingston
Klein
Klink
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Manton
Manzullo
Margolies-
Mezvinsky
Martinez
Matsui
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella

ANSWERED "PRESENT"—1

Owens

NOT VOTING—12

Ackerman
Dornan
Ewing
Fish
Gallo
Grandy
Gutierrez
Rangel
Roth
Roukema
Washington
Waxman

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

33.11 RECORDED VOTE

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

At the end of title VII, insert the following:

SEC. . SUBSTITUTION OF PENALTY OF LIFE IMPRISONMENT FOR DEATH PENALTY.

Notwithstanding any other provision of law, wherever a Federal law provides for the imposition of the penalty of death, the court shall instead impose the penalty of imprisonment for life.

It was decided in the negative { Yeas 111 Nays 314

33.12 [Roll No. 107]
AYES—111

Abercrombie
Ackerman
Andrews (ME)
Barca
Barrett (WI)
Becerra
Berman
Blackwell
Bonior
Brown (CA)
Brown (OH)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dixon
Edwards (CA)

Ehlers
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gonzalez
Goodling
Gutierrez
Hamburg
Hamilton
Hastings
Hilliard
Hinchev
Hoekstra
Jacks
Jefferson
Johnson, E. B.
Kildee
Klezcka
Klug
Kopetski
LaFalce

NOES—314

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armye
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Emerson
English
Everett
Ewing
Faleomavaega
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English
Everett
Ewing
Faleomavaega
Fawell
Fields (TX)
Fingerhut
Foglietta
Fowler
Frank (CT)
Franks (NJ)
Frost
Gallegly
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hoch
Hochbrueckner
Hohmann
Holden
Horn
Houghton

Menendez
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Pastor
Schiff
Schroeder
Schumer
Sensenbrenner
Peterson (MN)
Petri
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Sweet
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Fish
Gallo
Grandy
Green
Johnson (CT)
Murphy
Pickles
Rangel
Roukema
Synar
Washington
Whitten

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

33.13 RECORDED VOTE

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

Page 46, after line 21, insert the following:

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether to recommend a sentence of death for an offense described in paragraph (3), (4), or (5) of section 3591, the jury, or if there is no jury, the court, shall consider any aggravating factor for which notice has been provided under section 3593 of this title, including the following factors:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing