

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
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Walker
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
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

NOES—314

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Army
Bacchus (FL)
Bachus (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
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 (AS)
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
Hoh
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
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Murtha
Rostenkowski
Roth
Rowland
Royce
Sangmeister
Ortiz
Santorum
Sarpalius
Sawyer
Pallone
Saxton
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
Sawyer
Saxton
Schaefer
Pastor
Schiff
Schroeder
Schumer
Sensenbrenner
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Saxton
Smith (MI)
Smith (OR)
Smith (TX)
Snow
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
Pickle
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

criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm, as defined in section 921 of this title, to threaten, intimidate, assault, or injure a person.

“(5) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

“(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

“(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

“(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

Page 51, line 7, strike “, in the case” and all that follows through “the jury” in line 14, and insert “an aggravating factor required to be considered under section 3592 is found to exist, the jury”.

It was decided in the affirmative Yays 340 Nays 87 Answered present 1

33.14 [Roll No. 108] AYES—340

- Abercrombie Buyer Dornan
Ackerman Byrne Dreier
Allard Callahan Duncan
Andrews (NJ) Calvert Dunn
Andrews (TX) Camp Durbin
Applegate Canady Edwards (TX)
Archer Cantwell Ehlers
Armey Cardin Emerson
Bacchus (FL) Carr English
Bachus (AL) Castle Everett
Baesler Chapman Ewing
Baker (CA) Clement Faleomavaega
Baker (LA) Clinger (AS)
Ballenger Coble Fawell
Barcia Coleman Fazio
Barlow Collins (GA) Fields (TX)
Barrett (NE) Combest Fingerhut
Bartlett Condit Ford (TN)
Barton Cooper Fowler
Bateman Coppersmith Franks (CT)
Beilenson Costello Franks (NJ)
Bentley Cox Frost
Bereuter Cramer Gallegly
Berman Crane Gekas
Bevill Crapo Gephardt
Bilbray Cunningham Geren
Bilirakis Danner Gibbons
Bishop Darden Gilchrist
Bliley de la Garza Gillmor
Blute de Lugo (VI) Gilman
Boehlert Deal Gingrich
Boehner DeFazio Glickman
Bonilla DeLauro Goodlatte
Borski DeLay Gordon
Boucher Derrick Goss
Brewster Deutsch Grams
Brooks Diaz-Balart Green
Browder Dickey Greenwood
Brown (FL) Dicks Gunderson
Bryant Dingell Hall (OH)
Bunning Dooley Hall (TX)
Burton Doolittle Hamilton

- Hancock Matsui Rowland
Hansen Mazzoli Royce
Harman McCandless Sangmeister
Hastert McCloskey Santorum
Hayes McCollum Sarpalius
Hefley McCreery Sawyer
Hefner McCurdy Saxton
Herger McDade Schaefer
Hoagland McHale Schenk
Hobson McHugh Schiff
Hochbrueckner McInnis Schroeder
Hoke McKeon Schumer
Holden McMillan Sensenbrenner
Horn Meehan Shaw
Houghton Menendez Shays
Hoyer Meyers Shepherd
Huffington Mica Shuster
Hunter Michel Siskis
Hutchinson Miller (FL) Skaggs
Hutto Minge Skeen
Hyde Moakley Skelton
Inglis Molinari Slattery
Inhofe Mollohan Slaughter
Inslee Montgomery Smith (IA)
Istook Moorhead Smith (MI)
Johnson (CT) Moran Smith (OR)
Johnson (GA) Morella Smith (TX)
Johnson (SD) Murtha
Johnson, E.B. Myers Solomon
Johnson, Sam Neal (MA) Spence
Johnston Neal (NC) Spratt
Kanjorski Nussle Stearns
Kaptur Ortiz Stenholm
Kasich Orton Strickland
Kennedy Oxley Stump
Kennelly Packard Stupak
Kim Pallone Sundquist
King Parker Sweet
Kingston Pastor Swift
Klecicka Paxon Talent
Klein Payne (VA) Tanner
Klink Penny Tauzin
Klug Peterson (FL) Taylor (MS)
Knollenberg Peterson (MN) Taylor (NC)
Kolbe Petri Tejada
Kreidler Pickett Thomas (CA)
Kyl Pickle Thomas (WY)
LaFalce Pombo Thornton
Lambert Pomeroy Thurman
Lancaster Porter
Lantos Portman
LaRocco Poshard
Laughlin Price (NC)
Lazio Pryce (OH)
Leach Quillen
Lehman Quinn
Levin Rahall
Levy Ramstad
Lewis (CA) Ravenel
Lewis (FL) Regula
Lightfoot Reynolds
Linder Richardson
Lipinski Ridge
Livingston Roberts
Lloyd Roemer
Long Rogers
Machtley Rohrabacher
Mann Romero-Barcelo
Manton (PR)
Manzullo Ros-Lehtinen
Margolies-Rose
Mezvinsky Rostenkowski
Martinez Roth

NOES—87

- Andrews (ME) Foglietta Miller (CA)
Barca Frank (MA) Mineta
Barrett (WI) Furse Mink
Becerra Gejdenson Nadler
Blackwell Gonzalez Norton (DC)
Bonior Gutierrez Oberstar
Brown (CA) Obey
Brown (OH) Hastings Olver
Clay Hilliard Owens
Clayton Hinchey Payne (NJ)
Clyburn Hoekstra Pelosi
Collins (IL) Hughes Reed
Collins (MI) Jacobs Roybal-Allard
Conyers Jefferson Rush
Coyne Kildee Sabo
Dellums Kopetski Sanders
Dixon Lewis (GA) Scott
Edwards (CA) Lowey Serrano
Engel Maloney Sharp
Eshoo Markey Smith (NJ)
Evans McDermott Stark
Farr McKinney Stokes
Fields (LA) McNulty Studds
Filner Meek Synar
Flake Mfume Thompson

- Towns Vento Waxman
Tucker Visclosky Woolsey
Underwood (GU) Waters Wynn
Velazquez Watt Yates

ANSWERED “PRESENT”—1

Goodling

NOT VOTING—9

- Fish Grandy Roukema
Ford (MI) Murphy Washington
Gallo Rangel Whitten

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

33.15 RECORDED VOTE

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

Page 48, strike line 1 through line 2.

Page 51, strike line 14 and all that follows through line 3 on page 52 and insert the following:

the jury, or if there is no jury, the court, 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.

Page 53, beginning in line 3, strike “or life imprisonment without possibility of release”.

It was decided in the affirmative Yays 226 Nays 198 Answered present 1

33.16 [Roll No. 109] AYES—226

- Allard Carr Fingerhut
Andrews (NJ) Castle Fowler
Applegate Chapman Franks (CT)
Archer Clement Franks (NJ)
Armey Clinger Frost
Bachus (AL) Coble Gallegly
Baker (CA) Collins (GA) Gekas
Baker (LA) Combest Geren
Ballenger Condit Gilchrist
Barcia Cooper Gillmor
Barrett (NE) Costello Gilman
Bartlett Cox Gingrich
Barton Cramer Goodlatte
Bateman Crane Gordon
Bentley Crapo Goss
Bereuter Cunningham Grams
Bevill Darden Greenwood
Bilbray Deal Gunderson
Bilirakis DeLay Hall (TX)
Bliley Deutsch Hancock
Blute Diaz-Balart Hansen
Boehlert Dickey Hastert
Boehner Dooley Hefley
Bonilla Doolittle Herger
Brewster Dornan Hobson
Browder Dreier Hoke
Bunning Duncan Holden
Burton Dunn Horn
Buyer Edwards (TX) Houghton
Byrne Emerson Huffington
Callahan Everett Hunter
Calvert Ewing Hutchinson
Camp Fawell Hyde
Canady Fields (TX) Inglis