

Miller (CA)	Regula	Stearns
Miller (FL)	Reynolds	Stenholm
Mineta	Richardson	Strickland
Minge	Roberts	Studds
Mink	Roemer	Stump
Moakley	Rogers	Stupak
Molinari	Rohrabacher	Sundquist
Mollohan	Romero-Barcelo	Sweet
Montgomery	(PR)	Swift
Moorhead	Ros-Lehtinen	Synar
Moran	Rose	Talent
Morella	Rostenkowski	Tanner
Murphy	Roth	Tauzin
Murtha	Roukema	Taylor (MS)
Myers	Rowland	Taylor (NC)
Nadler	Roybal-Allard	Tejeda
Neal (MA)	Royce	Thomas (CA)
Neal (NC)	Sanders	Thomas (WY)
Norton (DC)	Sangmeister	Thornton
Nussle	Santorum	Thurman
Oberstar	Sarpalius	Torkildsen
Obey	Sawyer	Torres
Olver	Saxton	Torricelli
Ortiz	Schaefer	Towns
Orton	Schenk	Trafficant
Oxley	Schiff	Tucker
Packard	Schroeder	Underwood (GU)
Pallone	Schumer	Unsoeld
Parker	Scott	Upton
Pastor	Sensenbrenner	Valentine
Paxon	Serrano	Velazquez
Pelosi	Sharp	Vento
Penny	Shaw	Visclosky
Peterson (FL)	Shays	Volkmer
Peterson (MN)	Shepherd	Vucanovich
Petri	Shuster	Walker
Pickett	Sisisky	Walsh
Pickle	Skaggs	Waters
Pombo	Skeen	Waxman
Pomeroy	Skelton	Weldon
Porter	Slattery	Wheat
Portman	Slaughter	Whitten
Poshard	Smith (IA)	Williams
Price (NC)	Smith (MI)	Wilson
Pryce (OH)	Smith (NJ)	Wise
Quillen	Smith (OR)	Wolf
Quinn	Smith (TX)	Woolsey
Rahall	Snowe	Wyden
Ramstad	Solomon	Wynn
Rangel	Spence	Young (AK)
Ravenel	Spratt	Young (FL)
Reed	Stark	Zimmer

NOES—22

Blackwell	Frank (MA)	Sabo
Clay	Hastings	Stokes
Clayton	Hilliard	Thompson
Collins (IL)	Kopetski	Watt
Collins (MI)	McKinney	Yates
Conyers	Meek	Zeliff
Dellums	Owens	
Foglietta	Payne (NJ)	

NOT VOTING—13

Bacchus (FL)	Houghton	Ridge
de Lugo (VI)	Laughlin	Rush
Fish	McDade	Washington
Gallo	McNulty	
Grandy	Payne (VA)	

So the amendments en bloc were agreed to.

After some further time,

¶36.11 RECORDED VOTE

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

TITLE IX—EQUAL JUSTICE ACT

SEC. 901. SHORT TITLE.

This Act may be cited as the "Equal Justice Act".

SEC. 902. PROHIBITION OF RACIALLY DISCRIMINATORY POLICIES CONCERNING CAPITAL PUNISHMENT OR OTHER PENALTIES.

(a) GENERAL RULE.—The penalty of death and all other penalties shall be administered by the United States and by every State without regard to the race or color of the defendant or victim. Neither the United States nor any State shall prescribe any racial quota or statistical test for the imposition or execution of the death penalty or any other penalty.

(b) DEFINITIONS.—For purposes of this Act—

(1) the action of the United States or of a State includes the action of any legislative, judicial, executive, administrative, or other agency or instrumentality of the United States or a State, or of any political subdivision of the United States or a State;

(2) the term "State" has the meaning given in section 541 of title 18, United States Code; and

(3) the term "racial quota or statistical test" includes any law, rule, presumption, goal, standard for establishing a prima facie case, or mandatory or permissive inference that—

(A) requires or authorizes the imposition or execution of the death penalty or another penalty so as to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims; or

(B) requires or authorizes the invalidation of, or bars the execution of, sentences of death or other penalties based on the failure of a jurisdiction to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims in the imposition or execution of such sentences or penalties.

SEC. 903. GENERAL SAFEGUARDS AGAINST RACIAL PREJUDICE OR BIAS IN THE TRIBUNAL.

In a criminal trial in a court of the United States, or of any State—

(1) on motion of the defense attorney or prosecutor, the risk of racial prejudice or bias shall be examined on voir dire if there is a substantial likelihood in the circumstances of the case that such prejudice or bias will affect the jury either against or in favor of the defendant;

(2) on motion of the defense attorney or prosecutor, change of venue shall be granted if an impartial jury cannot be obtained in the original venue because of racial prejudice or bias; and

(3) neither the prosecutor nor the defense attorney shall make any appeal to racial prejudice or bias in statements before the jury.

SEC. 904. FEDERAL CAPITAL CASES.

(a) JURY INSTRUCTIONS AND CERTIFICATION.—In a prosecution for an offense against the United States in which a sentence of death is sought, and in which the capital sentencing determination is to be made by a jury, the judge shall instruct the jury that it is not to be influenced by prejudice or bias relating to the race or color of the defendant or victim in considering whether a sentence of death is justified, and that the jury is not to recommend the imposition of a sentence of death unless it has concluded that it would recommend the same sentence for such a crime regardless of the race or color of the defendant or victim. Upon the return of a recommendation of a sentence of death, the jury shall also return a certificate, signed by each juror, that the juror's individual decision was not affected by prejudice or bias relating to the race or color of the defendant or victim, and that the individual juror would have made the same recommendation regardless of the race or color of the defendant or victim.

(b) RACIALLY MOTIVATED KILLINGS.—In a prosecution for an offense against the United States for which a sentence of death is authorized, the fact that the killing of the victim was motivated by racial prejudice or bias shall be deemed an aggravating factor whose existence permits consideration of the death penalty, in addition to any other aggravating factors that may be specified by law as permitting consideration of the death penalty.

(c) KILLINGS IN VIOLATION OF CIVIL RIGHTS STATUTES.—Sections 241, 242, and 245(b) of

title 18, United States Code, are each amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

SEC. 905. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) SECTION 241 AMENDMENTS.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) SECTION 242 AMENDMENT.—Section 242 of title 18, United States Code, is amended by striking "inhabitant of" and inserting in lieu thereof "person in", and by striking "such inhabitant" and inserting "such person".

It was decided in the { Yeas 212 negative Nays 217

¶36.12

[Roll No. 131]

AYES—212

Allard	Gingrich	Miller (FL)
Archer	Goodlatte	Molinari
Armey	Goodling	Montgomery
Bacchus (AL)	Goss	Moorhead
Baessler	Grams	Moran
Baker (CA)	Greenwood	Murphy
Baker (LA)	Gunderson	Myers
Ballenger	Hall (TX)	Nussle
Barrett (NE)	Hancock	Orton
Bartlett	Hansen	Oxley
Barton	Hastert	Packard
Bateman	Hayes	Paxon
Bentley	Hefley	Payne (VA)
Bereuter	Herger	Peterson (FL)
Bevill	Hobson	Peterson (MN)
Billbray	Hoekstra	Petri
Billrakis	Hoke	Pickett
Biley	Holden	Pombo
Blute	Horn	Porter
Boehner	Huffington	Portman
Bonilla	Hunter	Pryce (OH)
Borski	Hutchinson	Quillen
Brewster	Hutto	Ramstad
Browder	Hyde	Ravenel
Bunning	Inglis	Regula
Burton	Inhofe	Roberts
Buyer	Istook	Rogers
Callahan	Johnson (CT)	Rohrabacher
Calvert	Johnson (GA)	Ros-Lehtinen
Camp	Johnson (SD)	Roth
Canady	Johnson, Sam	Roukema
Castle	Kanjorski	Rowland
Clement	Kasich	Royce
Clinger	Kim	Santorum
Coble	King	Sarpalius
Collins (GA)	Kingston	Saxton
Combest	Klink	Schaefer
Condit	Klug	Schiff
Cox	Knollenberg	Sensenbrenner
Cramer	Kolbe	Shaw
Crane	Kyl	Shuster
Crapo	Lancaster	Sisisky
Cunningham	Laughlin	Skeen
Darden	Lazio	Skelton
Deal	Leach	Smith (MI)
DeLay	Lehman	Smith (NJ)
Deutsch	Levy	Smith (OR)
Diaz-Balart	Lewis (CA)	Smith (TX)
Dickey	Lewis (FL)	Snowe
Dooley	Lightfoot	Solomon
Doolittle	Linder	Spence
Dornan	Lipinski	Stearns
Dreier	Livingston	Stenholm
Duncan	Lloyd	Stump
Dunn	Machtley	Sundquist
Edwards (TX)	Manzullo	Talent
Ehlers	Margolies-	Tanner
Emerson	Mezvinsky	Tauzin
Everett	Mazzoli	Taylor (MS)
Ewing	McCandless	Taylor (NC)
Fawell	McCollum	Thomas (CA)
Fields (TX)	McCrery	Thomas (VA)
Fowler	McCurdy	Torkildsen
Franks (CT)	McHale	Upton
Franks (NJ)	McHugh	Vucanovich
Gallegly	McInnis	Walker
Gekas	McKeon	Weldon
Geren	McMillan	Wolf
Gilchrist	Meyers	Young (FL)
Gillmor	Mica	Zeliff
Gilman	Michel	Zimmer

NOES—217

Abercrombie	Glickman	Penny
Ackerman	Gonzalez	Pickle
Andrews (ME)	Gordon	Pomeroy
Andrews (NJ)	Green	Poshard
Andrews (TX)	Gutierrez	Price (NC)
Applegate	Hall (OH)	Quinn
Barca	Hamburg	Rahall
Barcia	Hamilton	Rangel
Barlow	Harman	Reed
Barrett (WI)	Hastings	Reynolds
Becerra	Hefner	Richardson
Beilenson	Hilliard	Roemer
Berman	Hinchey	Romero-Barcelo (PR)
Bishop	Hoagland	Rose
Blackwell	Hochbrueckner	Rostenkowski
Boehlert	Hoyer	Roybal-Allard
Bonior	Hughes	Rush
Boucher	Inslee	Sabo
Brooks	Jacobs	Sanders
Brown (CA)	Jefferson	Sangmeister
Brown (FL)	Johnson, E. B.	Sawyer
Brown (OH)	Johnston	Schenk
Bryant	Kaptur	Schroeder
Byrne	Kennedy	Schumer
Cantwell	Kennelly	Scott
Cardin	Kildee	Serrano
Carr	Klecza	Sharp
Chapman	Klein	Shays
Clay	Kopetski	Shepherd
Clayton	Kreidler	Skaggs
Clyburn	LaFalce	Slattery
Coleman	Lambert	Slaughter
Collins (IL)	Lantos	Smith (IA)
Collins (MI)	LaRocco	Spratt
Conyers	Levin	Stark
Cooper	Lewis (GA)	Stokes
Coppersmith	Long	Strickland
Costello	Lowe	Studds
Coyne	Maloney	Stupak
Danner	Mann	Swett
de la Garza	Manton	Swift
de Lugo (VI)	Markey	Synar
DeFazio	Martinez	Tejeda
DeLauro	Matsui	Thompson
Dellums	McCloskey	Thornton
Derrick	McDermott	Thurman
Dicks	McKinney	Torres
Dingell	Meehan	Torricelli
Dixon	Meek	Towns
Durbin	Menendez	Trafficant
Edwards (CA)	Mfume	Tucker
Engel	Miller (CA)	Underwood (GU)
English	Mineta	Unsoeld
Eshoo	Minge	Valentine
Evans	Mink	Velazquez
Faleomavaega (AS)	Moakley	Vento
Farr	Mollohan	Visclosky
Fazio	Morella	Volkmer
Fields (LA)	Murtha	Walsh
Filner	Nadler	Washington
Fingerhut	Neal (MA)	Waters
Flake	Neal (NC)	Watt
Foglietta	Norton (DC)	Waxman
Foley	Oberstar	Whitten
Ford (MI)	Obey	Williams
Ford (TN)	Olver	Wilson
Frank (MA)	Ortiz	Wise
Frost	Owens	Woolsey
Furse	Pallone	Wyden
Gejdenson	Parker	Wynn
Gephardt	Pastor	Yates
Gibbons	Payne (NJ)	
	Pelosi	

NOT VOTING—9

Bacchus (FL)	Grandy	McNulty
Fish	Houghton	Ridge
Gallo	McDade	Young (AK)

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

36.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the preferential motion submitted by Mr. MCCOLLUM that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

It was decided in the negative { Yeas 179
Nays 250

36.14 [Roll No. 132] AYES—179

Allard	Goss	Nussle
Archer	Grams	Oxley
Armey	Greenwood	Packard
Bachus (AL)	Gunderson	Paxon
Baker (CA)	Hall (TX)	Petri
Baker (LA)	Hancock	Pombo
Ballenger	Hansen	Porter
Barrett (NE)	Hastert	Portman
Bartlett	Hayes	Pryce (OH)
Barton	Hefley	Quillen
Bateman	Herger	Quinn
Bentley	Hobson	Ramstad
Bereuter	Hoekstra	Ravenel
Bilirakis	Hoke	Regula
Bliley	Horn	Ridge
Blute	Houghton	Roberts
Boehlert	Huffington	Rogers
Boehner	Hunter	Rohrabacher
Bonilla	Hutchinson	Ros-Lehtinen
Bunning	Hyde	Roth
Burton	Inglis	Roukema
Buyer	Inhofe	Royce
Callahan	Istook	Santorum
Calvert	Johnson (CT)	Saxton
Camp	Johnson, Sam	Schaefer
Canady	Kasich	Schiff
Castle	Kim	Sensenbrenner
Clinger	King	Shaw
Coble	Kingston	Shays
Collins (GA)	Klug	Shuster
Combest	Knollenberg	Skeen
Cox	Kolbe	Smith (MI)
Crane	Kyl	Smith (NJ)
Crapo	Lazio	Smith (OR)
Cunningham	Leach	Smith (TX)
DeLay	Levy	Snowe
Diaz-Balart	Lewis (CA)	Solomon
Dickey	Lewis (FL)	Spence
Doolittle	Lightfoot	Stearns
Dornan	Linder	Stump
Dreier	Livingston	Stupak
Duncan	Machtley	Sundquist
Dunn	Manzullo	Talent
Ehlers	McCandless	Taylor (MS)
Emerson	McCollum	Taylor (NC)
Everett	McCrery	Thomas (CA)
Ewing	McHugh	Thomas (WY)
Fawell	McInnis	Torkildsen
Fields (TX)	McKeon	Trafficant
Fowler	McMillan	Upton
Franks (CT)	Meyers	Vucanovich
Franks (NJ)	Mica	Walker
Gallegly	Michel	Walsh
Gekas	Miller (FL)	Weldon
Gilchrest	Minge	Wolf
Gillmor	Molinari	Young (AK)
Gilman	Moorhead	Young (FL)
Gingrich	Morella	Zeliff
Goodlatte	Murphy	Zimmer
Goodling	Myers	

NOES—250

Abercrombie	Clay	English
Ackerman	Clayton	Eshoo
Andrews (ME)	Clement	Evans
Andrews (NJ)	Clyburn	Faleomavaega (AS)
Andrews (TX)	Coleman	Farr
Applegate	Collins (IL)	Fazio
Baessler	Collins (MI)	Fields (LA)
Barca	Condit	Filner
Barcia	Conyers	Fingerhut
Barrett (WI)	Cooper	Flake
Becerra	Coppersmith	Foley
Beilenson	Costello	Foglietta
Berman	Coyne	Ford (MI)
Bevill	Cramer	Ford (TN)
Bilbray	Danner	Frank (MA)
Bishop	Darden	Frost
Blackwell	de la Garza	Furse
Bonior	de Lugo (VI)	Gejdenson
Borski	Deal	Gephardt
Boucher	DeFazio	Geren
Brewster	DeLauro	Gibbons
Brooks	Dellums	Glickman
Browder	Derrick	Gonzalez
Brown (CA)	Deutsch	Gordon
Brown (FL)	Dicks	Green
Brown (OH)	Dingell	Gutierrez
Bryant	Dixon	Hall (OH)
Byrne	Dooley	Hamburg
Cantwell	Durbin	Hamilton
Cardin	Edwards (CA)	Harman
Carr	Edwards (TX)	Hastings
Chapman	Engel	Hefner

Hilliard	Meek	Schroeder
Hinchey	Menendez	Schumer
Hoagland	Mfume	Scott
Hochbrueckner	Miller (CA)	Serrano
Holden	Mineta	Sharp
Hoyer	Mink	Shepherd
Hughes	Moakley	Sisisky
Hutto	Mollohan	Skaggs
Inslee	Montgomery	Skelton
Jacobs	Moran	Slattery
Jefferson	Murtha	Slaughter
Johnson (GA)	Nadler	Smith (IA)
Johnson (SD)	Neal (MA)	Spratt
Johnson, E. B.	Neal (NC)	Stark
Johnston	Norton (DC)	Stenholm
Kanjorski	Oberstar	Stokes
Kaptur	Obey	Strickland
Kennedy	Olver	Studds
Kennelly	Ortiz	Swett
Kildee	Orton	Swift
Klecza	Owens	Synar
Klein	Pallone	Tanner
Klink	Parker	Tauzin
Kopetski	Pastor	Tejeda
Kreidler	Payne (NJ)	Thompson
LaFalce	Payne (VA)	Thornton
Lambert	Pelosi	Thurman
Lancaster	Penny	Torres
Lantos	Peterson (FL)	Torricelli
LaRocco	Peterson (MN)	Towns
Laughlin	Pickett	Tucker
Lehman	Pickle	Underwood (GU)
Levin	Pomeroy	Unsoeld
Lewis (GA)	Poshard	Valentine
Lipinski	Price (NC)	Velazquez
Lloyd	Rahall	Vento
Long	Reed	Visclosky
Lowe	Reynolds	Volkmer
Maloney	Richardson	Washington
Mann	Roemer	Waters
Manton	Romero-Barcelo (PR)	Watt
Margolies-Mezvinsky	Rose	Waxman
Markey	Rostenkowski	Wheat
Martinez	Rowland	Whitten
Matsui	Roybal-Allard	Williams
Mazzoli	Rush	Wilson
McCloskey	Sabo	Wise
McCurdy	Sanders	Woolsey
McDermott	Sangmeister	Wyden
McHale	Sarpalius	Wynn
McKinney	Sawyer	Yates
Meehan	Schenk	

NOT VOTING—8

Bacchus (FL)	Gallo	McNulty
Barlow	Grandy	Rangel
Fish	McDade	

So the preferential motion was not agreed to.

After some further time,

36.15 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 New Jersey:

At the end of the bill, insert the following:

TITLE —SENSE OF CONGRESS

SEC. . CHILD PORNOGRAPHY.

(a) FINDINGS.—Congress finds that—

- (1) child pornography is the permanent record of the sexual abuse or exploitation of children;
- (2) children who are victims of child pornography often suffer severe physical and emotional harm;
- (3) child pornography is a serious national problem;
- (4) the Congress of the United States has a compelling interest in the protection of children from sexual abuse and exploitation by pornography (see New York v. Ferber, 458 U.S. 747 (1982));
- (5) the Congress of the United States, in pursuit of this compelling interest, has taken every opportunity to strengthen child pornography laws and has, in clear and unambiguous language, criminalized the production, interstate distribution, receipt and possession of child pornography;
- (6) the United States Department of Justice in its brief to the United States Su-