

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

## NOES—142

Abercrombie	Gutierrez	Owens
Ackerman	Hall (OH)	Pastor
Baldacci	Hamilton	Payne (NJ)
Barrett (WI)	Hastings (FL)	Pelosi
Becerra	Hefner	Pickett
Beilenson	Hilliard	Poshard
Berman	Hinchey	Rangel
Bishop	Hoyer	Reed
Bonior	Jackson-Lee	Reynolds
Boucher	Jefferson	Richardson
Brown (CA)	Johnson, E.B.	Rivers
Brown (FL)	Johnston	Rose
Brown (OH)	Kaptur	Roybal-Allard
Bryant (TX)	Kennedy (MA)	Rush
Cardin	Kennedy (RI)	Sabo
Chenoweth	Kennelly	Sanders
Clay	Kildee	Sawyer
Clayton	Klecicka	Schroeder
Clyburn	Kolbe	Schumer
Coleman	LaFalce	Scott
Collins (IL)	Lantos	Serrano
Collins (MI)	Levin	Skaggs
Conyers	Lewis (GA)	Slaughter
Coyne	Lincoln	Stark
Crapo	Lofgren	Stockman
DeFazio	Lowey	Stokes
DeLauro	Maloney	Studds
Dellums	Markey	Taylor (NC)
Dingell	Martinez	Thompson
Doggett	McCarthy	Thornton
Durbin	McDermott	Torres
Engel	McKinney	Torricelli
Eshoo	Meehan	Towns
Evans	Meek	Tucker
Farr	Menendez	Velazquez
Fattah	Metcalf	Vento
Fazio	Mfume	Visclosky
Fields (LA)	Miller (CA)	Ward
Filner	Mineta	Waters
Flake	Minge	Watt (NC)
Foglietta	Mink	Watts (OK)
Ford	Moakley	Waxman
Frost	Mollohan	Williams
Furse	Nadler	Woolsey
Gejdenson	Neal	Wynn
Gephardt	Oberstar	Yates
Gibbons	Obey	
Gonzalez	Olver	

## NOT VOTING—3

Cunningham	Dixon	Gekas
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□ 1537

Mr. NEAL of Massachusetts changed his vote from "aye" to "no."

Mr. SAM JOHNSON of Texas and Mr. COSTELLO changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## 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.

## EFFECTIVE DEATH PENALTY ACT OF 1995

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to the order of the House of Tuesday, February 7, 1995, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 729.

□ 1539

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself 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, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

□ 1540

The CHAIRMAN. Pursuant to the order of the House of Tuesday, February 7, 1995, the bill is considered as having been read the first time.

The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes and the gentleman from New York [Mr. SCHUMER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM]

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 729, the Effective Death Penalty Act of 1995, is one of the most important pieces of crime legislation that the 104th Congress will consider. It offers relief to State law enforcement officials, comfort and a chance for healing to crime victims, and enhanced credibility for the criminal justice system. And this bill even offers something for criminals, if we want to look at it that way.

By curtailing the seemingly endless appeals of death-row inmates, particularly those who have been there for a long period of time, H.R. 729 sends the clear message to criminals that the criminal justice system is not a game. It sends the message that if you do the crime, you do the time. It sends the message of swiftness and certainty of

punishment that has been missing from our criminal justice system for some time, and it goes a long way to restoring deterrence to the criminal justice system, which is a corner, a pillar of our entire criminal justice system, deterrence. Nothing is more important for public safety than to reaffirm that message, because far too many of today's criminals think that they can beat the system if they are ever caught.

Congress has been considering this reform for several years. Despite victories in the House and Senate going back as far as 1984, supporters of habeas corpus reform have not been able to overcome the well-positioned minority of Members who oppose reform. Mr. Chairman, it is my strong hope that those days are now finally over.

It is often said that the public does not understand what is meant by the term "habeas corpus." And that may be true to some extent. But the public does understand this: that convicted murderers on death row regularly make a mockery of the criminal justice system by using every trick in the book to delay imposition of their sentences. In many cases where the people's elected representatives have passed capital punishment laws, executions never occur because of endless appeals and lawsuits. People are sick and tired of the legal maneuvers of violent criminals. They want accountability.

H.R. 729 stands for the clear and simple proposition that there must be finality and accountability. The voices of victims have been heard. When this bill becomes law, no longer will the victims of horrible violent crimes wait for a decade or more for justice to be served. Victims will no longer experience the revictimization caused by endless litigation which continuously stirs up memories of the pain and agony caused by the original crime.

The bill before us today balances the need for finality and accountability with a firm regard for due process of law and full constitutional protections. Federal and State prisoners will have ample opportunity to challenge their conviction and sentence in both direct appeals and in collateral attacks.

The difference, however, would be this. Convicted criminals, particularly murderers on death row, will generally get only one opportunity to raise their claims in Federal court using habeas corpus petitions. Once the first petition is disposed of, further legal challenges must be based on newly discovered evidence pertaining to the prisoner's actual innocence of the crime.

The essence of H.R. 729 comes from the recommendations of the Habeas Corpus Study Committee, chaired a few years ago by retired Supreme Court Justice Lewis Powell. The Powell Committee established the basic quid pro quo approach to this bill with regard to death row inmates. If States provide legal counsel in State habeas review to indigent convicted murderers, even though such provision of counsel is not