

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
Armev Cardin Emerson
Bacchus (FL) Carr English
Bachus (AL) Castle Everrett
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 Torakildsen
Lantos Portman Torres
LaRocco Poshard Torricelli
Laughlin Price (NC) Traficant
Lazio Pryce (OH) Unsoeld
Leach Quillen Upton
Lehman Quinn Valentine
Levin Rahall Volkmer
Levy Ramstad Vucanovich
Lewis (CA) Ravenel Walker
Lewis (FL) Regula Walsh
Lightfoot Reynolds Weldon
Linder Richardson Wheat
Lipinski Ridge Williams
Livingston Roberts Wilson
Lloyd Roemer Wise
Long Rogers Wolf
Machtley Rohrabacher Wyden
Mann Romero-Barcelo Young (AK)
Manton (PR) Young (FL)
Manzullo Ros-Lehtinen Zeliff
Margolis-Rose Zimmer
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)
Armev 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