

sentencing authority at trial, would probably have resulted in—

“(1) an acquittal of the offense for which the death sentence was imposed; or

“(2) a sentence other than death.

“(b) An application filed pursuant to subsection (a) shall offer substantial evidence which, if credible, would establish one of the standards in subsection (a)(1) or (2). An application that fails to do so may be dismissed.

“(c) If the court concludes that an application meets the requirements in subsection (b), the court shall—

“(1) order the respondent to file an answer;

“(2) permit the parties to conduct reasonable discovery;

“(3) conduct a hearing to resolve disputed issues of fact; and

“(4) upon request, issue a stay of execution pending further proceedings in the district court and on direct review of the district court’s judgment.

“(d) If the court concludes that the applicant meets the standards established by subsection (a)(1) or (2), the court shall order his or her release, unless a new trial or, in an appropriate case, a new sentencing proceeding, is conducted within a reasonable time.

“(e) If the court determines that the applicant is currently entitled to pursue other available and effective remedies in either State or Federal court, the court may, at the request of either party, suspend its consideration of the application under this section until the applicant has exhausted those remedies. A stay issued pursuant to subsection (c) shall remain in effect during such a suspension.

“(f) An application under this section may be consolidated with any other pending application under this chapter, filed by the same applicant.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding after the item added by section 804 the following new item:

“2258. Claims of innocence.”

It was decided in the { Yeas 171 negative 256

35.19 [Roll No. 120] AYES—171

Table listing names of members supporting the amendment, including Abercrombie, Ackerman, Andrews (TX), Barlow, Barrett (WI), Becerra, Beilenson, Berman, Bilbray, Bishop, Bonior, Boucher, Brooks, Brown (CA), Brown (FL), Brown (OH), Bryant, Cardin, Clay, Clayton, Clyburn, Coleman, Collins (MI), Conyers, Costello, Coyne, Danner, de Lugo (VI), DeFazio, DeLauro, Dellums, Derrick, Dicks, Dingell, Dixon, Durbin, Edwards (CA), Engel, English, Eshoo, Evans, Farr, Fazio, Fields (LA), Filner, Flake, Foglietta, Ford (MI), Ford (TN), Frank (MA), Frost, Furse, Gejdenson, Gephardt, Gibbons, Gonzalez, Green, Gutierrez, Hall (OH), Hamburg, Harman, Hastings, Hefner, Hilliard, Hinchey, Hoagland, Hochbrueckner, Hoyer, Hughes, Jacobs, Jefferson, Johnson (SD), Johnson, E. B., Johnston, Kennedy, Kennelly, Kildee, Kleczka, Kopetski, LaFalce, Lantos, Laughlin, Levin, Lewis (GA), Lowey, Maloney, Mann, Manton, Margolies-Mezvinsky, Markey, Matsui, McCloskey, McDermott, McKinney, Meehan, Meek, Menendez, Mfume, Miller (CA), Mineta, Mink, Moakley, Mollohan, Montgomery, Nadler, Neal (MA), Neal (NC), Norton (DC), Oberstar, Obey, Castle, Chapman, Clement, Clinger, Coble, Collins (GA), Combust, Condit, Cooper, Coppersmith, Cox, Cramer, Crane, Crapo, Cunningham, Darden, de la Garza, Deal, DeLay, Deutsch, Diaz-Balart, Dickey, Dooley, Doolittle, Dornan, Dreier, Duncan, Dunn, Edwards (TX), Ehlers, Emerson, Everett, Ewing, Fawell, Fields (TX), Fingerhut, Fowler, Johnson (CT), Johnson (GA), Johnson, Sam, Kanjorski, Kaptur, Kasich, Kim, King, Kingston, Klein, Klink, Klug, Knollenberg, Lazio, Lambert, Lancaster, LaRocco, Lazio, Leach, Lehman, Levy, Lewis (CA), Lewis (FL), Lightfoot, Linder, Lipinski, Lloyd, Long, Machtley, Manzullo, Martinez, Mazzoli, McCandless, McCollum, McCrery, Ramstad, Ravenel, Regula, Ridge, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Santorum, Saxton, Schaefer, Schiff, Sensenbrenner, Shays, Shuster, Siskisky, Skee, Skelton, Slattery, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snow, Solomon, Spence, Stearns, Stenholm, Stump, Sundquist, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Tejada, Thomas (CA), Thomas (WY), Thurman, Torres, Torricelli, Towns, Tucker, Unsoeld, Velazquez, Vento, Visclosky, Washington, Waters, Watt, Waxman, Wheat, Whitten, Wilson, Wise, Woolsey, Wynn, Yates, Torkildsen, Traficant, Upton, Valentine, Volkmer, Vucanovich, Walker, Walsh, Weldon, Williams, Wolf, Wyden, Young (AK), Young (FL), Zeliff, Zimmer, Peterson (FL), Romero-Barcelo (PR), Underwood (GU).

Table listing names of members supporting the amendment, including Oliver, Owens, Pallone, Parker, Pastor, Payne (NJ), Pelosi, Penny, Pickle, Price (NC), Rahall, Rangel, Reed, Reynolds, Richardson, Rose, Rostenkowski, Roybal-Allard, Rush, Sabo, Sanders, Sawyer, Schroeder, Schumer, Scott, Serrano, Sharp, Shepherd, Skaggs, Slaughter, Smith (IA), Spratt, Stark, Stokes, Strickland, Studts, Stupak, Swett, Swift, Synar, Thompson, Thornton, Franks (CT), Franks (NJ), Gallegly, Gekas, Geren, Gilchrest, Gillmor, Gilman, Gingrich, Glickman, Goodlatte, Goodling, Gordon, Goss, Grams, Greenwood, Gunderson, Hall (TX), Hamilton, Hancock, Hansen, Hastert, Hayes, Hefley, Herger, Hobson, Hoekstra, Hoke, Holden, Horn, Houghton, Huffington, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Inslee, Istook, Johnson (CT), Johnson (GA), Johnson, Sam, Kanjorski, Kaptur, Kasich, Kim, King, Kingston, Klein, Klink, Klug, Knollenberg, Lazio, Lambert, Lancaster, LaRocco, Lazio, Leach, Lehman, Levy, Lewis (CA), Lewis (FL), Lightfoot, Linder, Lipinski, Lloyd, Long, Machtley, Manzullo, Martinez, Mazzoli, McCandless, McCollum, McCrery, Moran, Morella, Murphy, Murtha, Myers, Nussle, Ortiz, Orton, Oxley, Packard, Paxon, Payne (VA), Peterson (MN), Petri, Pickett, Pombo, Pomeroy, Porter, Portman, Poshard, Pryce (OH), Quillen, Quinn, Ramstad, Ravenel, Regula, Ridge, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Santorum, Saxton, Schaefer, Schiff, Sensenbrenner, Shaw, Shays, Shuster, Siskisky, Skee, Skelton, Slattery, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snow, Solomon, Spence, Stearns, Stenholm, Stump, Sundquist, McCurdy, McDade, McHale, McHugh, McInnis, McKeon, McMillan, McNulty, Meyers, Mica, Michel, Miller (FL), Minge, Molinari, Moorhead, Moran, Morella, Murphy, Murtha, Myers, Nussle, Ortiz, Orton, Oxley, Packard, Paxon, Payne (VA), Peterson (MN), Petri, Pickett, Pombo, Pomeroy, Porter, Portman, Poshard, Pryce (OH), Quillen, Quinn, Ramstad, Ravenel, Regula, Ridge, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Santorum, Saxton, Schaefer, Schiff, Sensenbrenner, Shaw, Shays, Shuster, Siskisky, Skee, Skelton, Slattery, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snow, Solomon, Spence, Stearns, Stenholm, Stump, Sundquist, Blackwell, Collins (IL), Faleomavaega (AS), Fish, Gallo, Grandy, Livingston, Peterson (FL), Romero-Barcelo (PR), Underwood (GU).

NOES—256

Table listing names of members opposing the amendment, including Allard, Andrews (ME), Andrews (NJ), Applegate, Archer, Arney, Bacchus (FL), Bachus (AL), Baesler, Baker (CA), Baker (LA), Ballenger, Barca, Barcia, Barrett (NE), Bartlett, Barton, Bateman, Bentley, Bereuter, Bevell, Bilirakis, Bilely, Blute, Boehlert, Boehner, Bonilla, Borski, Brewster, Browder, Bunning, Burton, Buyer, Byrne, Callahan, Calvert, Camp, Canady, Cantwell, Carr, Castle, Chapman, Clement, Clinger, Coble, Collins (GA), Combust, Condit, Cooper, Coppersmith, Cox, Cramer, Crane, Crapo, Cunningham, Darden, de la Garza, Deal, DeLay, Deutsch, Diaz-Balart, Dickey, Dooley, Doolittle, Dornan, Dreier, Duncan, Dunn, Edwards (TX), Ehlers, Emerson, Everett, Ewing, Fawell, Fields (TX), Fingerhut, Fowler, Franks (CT), Franks (NJ), Gallegly, Gekas, Geren, Gilchrest, Gillmor, Gilman, Gingrich, Glickman, Goodlatte, Goodling, Gordon, Goss, Grams, Greenwood, Gunderson, Hall (TX), Hamilton, Hancock, Hansen, Hastert, Hayes, Hefley, Herger, Hobson, Hoekstra, Hoke, Holden, Horn, Houghton, Huffington, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Inslee, Istook, Johnson (CT), Johnson (GA), Johnson, Sam, Kanjorski, Kaptur, Kasich, Kim, King, Kingston, Klein, Klink, Klug, Knollenberg, Lazio, Lambert, Lancaster, LaRocco, Lazio, Leach, Lehman, Levy, Lewis (CA), Lewis (FL), Lightfoot, Linder, Lipinski, Lloyd, Long, Machtley, Manzullo, Martinez, Mazzoli, McCandless, McCollum, McCrery, Moran, Morella, Murphy, Murtha, Myers, Nussle, Ortiz, Orton, Oxley, Packard, Paxon, Payne (VA), Peterson (MN), Petri, Pickett, Pombo, Pomeroy, Porter, Portman, Poshard, Pryce (OH), Quillen, Quinn, Ramstad, Ravenel, Regula, Ridge, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Santorum, Saxton, Schaefer, Schiff, Sensenbrenner, Shaw, Shays, Shuster, Siskisky, Skee, Skelton, Slattery, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snow, Solomon, Spence, Stearns, Stenholm, Stump, Sundquist, Blackwell, Collins (IL), Faleomavaega (AS), Fish, Gallo, Grandy, Livingston, Peterson (FL), Romero-Barcelo (PR), Underwood (GU).

Table listing names of members opposing the amendment, including Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Tejada, Thomas (CA), Thomas (WY), Thurman, Torres, Torricelli, Towns, Tucker, Unsoeld, Velazquez, Vento, Visclosky, Washington, Waters, Watt, Waxman, Wheat, Whitten, Wilson, Wise, Woolsey, Wynn, Yates, Torkildsen, Traficant, Upton, Valentine, Volkmer, Vucanovich, Walker, Walsh, Weldon, Williams, Wolf, Wyden, Young (AK), Young (FL), Zeliff, Zimmer, Peterson (FL), Romero-Barcelo (PR), Underwood (GU).

NOT VOTING—10

Table listing names of members not voting, including Blackwell, Collins (IL), Faleomavaega (AS), Fish, Gallo, Grandy, Livingston, Peterson (FL), Romero-Barcelo (PR), Underwood (GU).

So the amendment was not agreed to.

35.20 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 { Yeas 184 negative 246

35.21 [Roll No. 121] AYES—184

Table listing names of members supporting the amendment, including Allard, Archer, Arney, Bacchus (AL), Baker (CA), Baker (LA), Ballenger, Bartlett, Barton, Bateman, Bentley, Bereuter, Bilirakis, Bilely, Blute, Boehlert, Boehner, Bonilla, Borski, Brewster, Browder, Bunning, Burton, Buyer, Byrne, Callahan, Calvert, Camp, Canady, Cantwell, Carr, Castle, Chapman, Clement, Clinger, Coble, Collins (GA), Combust, Cooper, Cox, Cramer, Crane, Crapo, Cunningham, Deal, DeLay, Diaz-Balart, Dickey, Doolittle, Dornan, Dreier, Duncan, Dunn, Edwards (TX), Ehlers, Emerson, Everett, Ewing, Fawell, Fields (TX), Fowler, Franks (CT), Franks (NJ), Gallegly, Gekas, Geren, Gilchrest, Gillmor, Gilman, Gingrich, Glickman, Goodlatte, Goodling, Gordon, Goss, Grams, Greenwood, Gunderson, Hall (TX), Hamilton, Hancock, Hansen, Hastert, Hayes, Hefley, Herger, Hobson, Hoekstra, Hoke, Holden, Horn, Houghton, Huffington, Hunter, Hutchinson, Hutto, Hyde, Inglis, Inhofe, Istook, Johnson (CT), Johnson, Sam, Kasich, Kim, King, Kingston, Klug, Knollenberg, Kolbe, Kyl, Lancaster, Lazio, Leach, Levy, Lewis (CA), Lewis (FL), Lightfoot, Linder, Lipinski, Livingston, Machtley, Manzullo, McCandless, McCollum, McCrery, McDade, McHugh, McInnis, McKeon, McMillan, Meyers, Mica, Michel, Miller (FL), Molinari, Moorhead, Morella, Myers, Nussle, Oxley, Packard, Paxon, Petri, Pombo, Porter, Portman, Poshard, Pryce (OH), Quillen, Quinn, Ramstad, Ravenel, Regula, Ridge, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Santorum, Saxton, Schaefer, Schiff, Sensenbrenner, Shaw, Shays, Shuster, Siskisky, Skee, Skelton, Slattery, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Snow, Solomon, Spence, Stearns, Stenholm, Stump, Sundquist, Talent, Tanner, Tauzin, Taylor (MS), Taylor (NC), Tejada, Thomas (CA), Thomas (WY), Thurman, Torres, Torricelli, Towns, Tucker, Unsoeld, Velazquez, Vento, Visclosky, Washington, Waters, Watt, Waxman, Wheat, Whitten, Wilson, Wise, Woolsey, Wynn, Yates, Torkildsen, Traficant, Upton, Valentine, Volkmer, Vucanovich, Walker, Walsh, Weldon, Williams, Wolf, Wyden, Young (AK), Young (FL), Zeliff, Zimmer, Peterson (FL), Romero-Barcelo (PR), Underwood (GU).