

After some further time,

22.19 RECORDED VOTE

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

In the matter proposed to be inserted in section 3593(e) of title 18, United States Code, by section 201, insert "or a sentence of life imprisonment without the possibility of release" after "shall recommend a sentence of death".

Strike subsection (b) of section 201 and eliminate the subsection designation and heading of subsection (a).

It was decided in the negative

Yeas 139
Nays 291

22.20 [Roll No. 107]
AYES—139

Table with 3 columns listing names of members voting AYES for section 22.20, including Abercrombie, Ackerman, Barrett (WI), Becerra, Beilenson, Bentsen, Berman, Bishop, Bonior, Boucher, Brewster, Brown (CA), Brown (FL), Brown (OH), Chapman, Clay, Clayton, Clyburn, Collins (IL), Conyers, Coyne, de la Garza, DeFazio, Dellums, Dingell, Dixon, Doggett, Duncan, Durbin, Edwards, Engel, Eshoo, Evans, Farr, Fattah, Fazio, Fields (LA), Filner, Flake, Foglietta, Ford, Frank (MA), Furse, Gjdenson, Gonzalez, Green, Gutierrez, etc.

NOES—291

Table with 3 columns listing names of members voting NOES for section 22.20, including Allard, Archer, Arme, Bachus, Baesler, Baker (CA), Baker (LA), Baldacci, Ballenger, Barcia, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bevill, Bilbray, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Borski, Browder, Brownback, Bryant (TN), Bryant (TX), Bunn, Bunning, Burca, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cardin, Castle, Chabot, Chambliss, Chenoweth, Christensen, Chrysler, Clement, Clinger, Coble, Coburn, Coleman, Collins (GA), Combest, Condit, Cooley, Costello, Cox, Cramer, Crane, Crapo, Cremeans, Cubin, Cunningham, Danner, Davis, Deal, DeLauro, DeLay, Deutsch, Diaz-Balart, Dickey, etc.

Table with 3 columns listing names of members who did not vote, including Dicks, Dooley, Doolittle, Dornan, Doyle, Dreier, Dunn, Ehlers, Ehrlich, Emerson, English, Ensign, Everrett, Ewing, Fawell, Fields (TX), Flanagan, Foley, Forbes, Fowler, Fox, Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Frost, Funderburk, Gallegly, Ganske, Gekas, Gephardt, Geren, Gibbons, Gilchrist, Gillmor, Gilman, Goodlatte, Goodling, Gordon, Goss, Graham, Greenwood, Gunderson, Hall (OH), Hall (TX), Hancock, Hansen, Harman, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Holden, Horn, Hostettler, Houghton, Hunter, Hutchinson, Hyde, Inglis, Istook, Jackson-Lee, Johnson (CT), Johnson (SD), Johnson, Sam, Jones, Kanjorski, Kaptur, Kasich, Kelly, Kennedy (RI), Kim, King, Kingston, Klink, Klug, Knollenberg, Kolbe, LaHood, Lantos, Largent, Latham, Lazio, Leach, Lewis (CA), Lewis (KY), Lightfoot, Lincoln, Linder, Lipinski, Livingston, LoBiondo, Longley, Lucas, Manton, Manzullo, Martini, Mascara, McCollum, McCreery, McDade, McHale, McHugh, McInnis, McIntosh, McKeon, Meehan, Menendez, Meyers, Mica, Miller (FL), Molinari, Montgomery, Moorhead, Moran, Morella, Murtha, Myers, Myrick, Nethercutt, Neumann, Ney, Norwood, Nussle, Ortiz, Orton, Oxley, Packard, Parker, Paxon, Payne (VA), Peterson (FL), Peterson (MN), Petri, Pickett, Pombo, Porter, Portman, Poshard, Pryce, Quillen, Quinn, Radanovich, Ramstad, Reed, Regula, Richardson, Riggs, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Schumer, Seastrand, Sensenbrenner, Shadegg, Shaw, Shuster, Sisisky, Skeen, Skelton, Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Stearns, Stenholm, Stockman, Stump, Stupak, Talent, Tanner, Tate, Tauzin, Taylor (MS), Taylor (NC), Tejada, Thomas, Thornberry, Tiahrt, Torricelli, Traficant, Upton, Volkmer, Vucanovich, Waldholtz, Walker, Walsh, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wolf, Wyden, Young (AK), Young (FL), Zeliff, Zimmer, etc.

NOT VOTING—4

Table with 2 columns listing names of members who did not vote, including Andrews, Collins (MI), Metcalf, Wilson.

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

22.21 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 Texas:

Proposed section 2257 of title 28, United States Code, in section 111 of H.R. 729, is amended—

- (1) in subsection (b)—
(A) by striking "... or fails to make a timely application for court of appeals review following the denial of such a petition by a district court" in paragraph (1);
(B) by striking paragraph (2);
(C) by redesignating paragraph (3) as paragraph (2);

(D) by striking the period at the end of paragraph (2) as so designated and inserting "... or"; and

(E) by adding a new paragraph (3) as follows:

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required in section 2258 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review."; and

(2) in subsection (c), by striking "If one of the conditions in subsection (b) has occurred, no Federal court thereafter" and inserting "On a second or later habeas corpus petition under section 2254, no Federal court".

Proposed section 2260 of title 28, United States Code, in section 111 of H.R. 729, is amended to read as follows:

2260. Certificate of probable cause

"An appeal may not be taken to the court of appeals from the final order of a district court denying relief in a habeas corpus proceeding that is subject to the provisions of this chapter unless a circuit justice or judge issues a certificate of probable cause. A certificate of probable cause may only issue if the petitioner has made a substantial showing of the denial of a Federal right. The certificate of probable cause must indicate which specific issue or issues satisfy this standard."

In the table of sections for proposed chapter 154 of title 28, United States Code, in section 111 of H.R. 729, the item relating to proposed section 2260 of title 28, United States Code, is amended by striking "inapplicable".

It was decided in the affirmative

Yeas 241
Nays 189

22.22 [Roll No. 108]
AYES—241

Table with 3 columns listing names of members voting AYES for section 22.22, including Allard, Archer, Arme, Bachus, Baesler, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bilbray, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Brewster, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Castle, Chabot, Chambliss, Chenoweth, Christensen, Chrysler, Coble, Coburn, Collins (GA), Combest, Condit, Cooley, Crapo, Cremeans, Cubin, Cunningham, Danner, Davis, Deal, DeLauro, DeLay, Deutsch, Diaz-Balart, Dickey, etc.