

McDade	Porter	Stark
McDermott	Portman	Stearns
McHale	Poshard	Stenholm
McHugh	Pryce	Stockman
McInnis	Quillen	Stokes
McIntosh	Quinn	Studds
McKeon	Radanovich	Stump
McKinney	Rahall	Stupak
McNulty	Ramstad	Talent
Meehan	Rangel	Tanner
Meek	Reed	Tate
Menendez	Regula	Tauzin
Metcalfe	Reynolds	Taylor (MS)
Meyers	Richardson	Taylor (NC)
Mfume	Riggs	Tejeda
Mica	Rivers	Thomas
Miller (CA)	Roberts	Thompson
Miller (FL)	Roemer	Thornberry
Mineta	Rogers	Thornton
Minge	Rohrabacher	Thurman
Mink	Ros-Lehtinen	Tiahrt
Moakley	Rose	Torkildsen
Molinari	Roth	Torres
Mollohan	Roukema	Torricelli
Montgomery	Roybal-Allard	Towns
Moorhead	Royce	Trafficant
Moran	Rush	Tucker
Morella	Sabo	Upton
Murtha	Salmon	Velazquez
Myers	Sanders	Vento
Myrick	Sanford	Visclosky
Nadler	Sawyer	Volkmer
Neal	Saxton	Vucanovich
Nethercutt	Scarborough	Waldholtz
Neumann	Schaefer	Walker
Ney	Schiff	Walsh
Norwood	Schroeder	Wamp
Nussle	Schumer	Ward
Oberstar	Scott	Waters
Obey	Seastrand	Watt (NC)
Olver	Sensenbrenner	Watts (OK)
Ortiz	Serrano	Waxman
Orton	Shadegg	Weldon (FL)
Owens	Shaw	Weldon (PA)
Oxley	Shays	Weller
Packard	Shuster	White
Pallone	Sisisky	Whitfield
Parker	Skaggs	Wicker
Pastor	Skeen	Williams
Paxon	Skelton	Wise
Payne (NJ)	Slaughter	Wolf
Payne (VA)	Smith (MI)	Woolsey
Pelosi	Smith (NJ)	Wyden
Peterson (FL)	Smith (TX)	Wynn
Peterson (MN)	Smith (WA)	Young (AK)
Petri	Solomon	Young (FL)
Pickett	Souder	Zeliff
Pombo	Spence	Zimmer
Pomeroy	Spratt	

NOT VOTING—3

Frost Wilson Yates

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶21.11 PROVIDING FOR THE CONSIDERATION OF H.R. 666

Mr. DIAZ-BALART, by direction of the Committee on Rules, called up the following resolution (H. Res. 61):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 666) to control crime by exclusionary rule reform. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused

it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

When said resolution was considered. After debate,

On motion of Mr. DIAZ-BALART, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶21.12 EXCLUSIONARY RULE REFORM

The SPEAKER pro tempore, Mr. CUNNINGHAM, pursuant to House Resolution 61 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 666) to control crime by exclusionary rule reform.

The SPEAKER pro tempore, Mr. CUNNINGHAM, by unanimous consent, designated Mr. RIGGS as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. HOBSON assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. SCHIFF, assumed the Chair.

When Mr. RIGGS, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶21.13 HOUR OF MEETING

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That when the House adjourns on Thursday, February 9, 1995, it adjourn to meet at 9 a.m. on Friday, February 10, 1995.

¶21.14 ORDER OF BUSINESS—PROVIDING FOR CONSIDERATION OF H.R. 729

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That the Speaker at any time may declare the House resolved 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, and that the first reading of the bill be dispensed with. All points of order against consideration of the bill shall be waived. General debate shall be confined to the bill and shall not exceed one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate, the bill shall be considered for amendment under the five-minute rule for a period not to exceed 6 hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in

the nature of a substitute ordered reported by the Committee on the Judiciary, and all points of order against the substitute shall be waived. The committee amendment in the nature of a substitute shall be considered as having been read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

¶21.15 EXCLUSIONARY RULE REFORM

The SPEAKER pro tempore, Mr. SCHIFF, pursuant to House Resolution 61 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 666) to control crime by exclusionary rule reform.

Mr. RIGGS, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶21.16 RECORDED VOTE

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

Page 2, strike line 1 and all that follows through the end of the bill and inserting the following:

SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT OR STATUTE.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end of the following:

“§ 2237. Good faith exception for evidence obtained by invalid means

“Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in objectively reasonable reliance—

“(1) on a warrant issued by a detached and neutral magistrate or other judicial officer ultimately found to be invalid, unless—

“(A) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

“(B) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

“(C) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

“(D) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid; or

“(2) on the constitutionality of a statute subsequently found to be constitutionally invalid.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of

title 18, United States Code, is amended by adding at the end the following new item:

"2237 Evidence obtained by invalid means."
It was decided in the Yeas 138
negative Nays 291

21.17 [Roll No. 98]
AYES—138

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

NOES—291

- Andrews, Archer, Army, Bachus, Baesler, Baker (CA), Baker (LA), Ballenger, Barcia, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bevill, Bilbray, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Borski, Brewster, Browder, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Castle, Chabot, Chambliss, Chapman, Chenoweth, Christensen, Chrysler, Clement, Clinger, Coble, Coburn, Collins (GA), Combust, Condit, Cooley, Costello, Cox, Cramer, Crane, Crapo, Cremeans, Cubin, Cunningham, Danner, Davis, de la Garza, Deal, DeLay, Deutsch, Diaz-Balart, Dickey, Dooley, Doolittle, Dornan, Doyle, Dreier, Duncan, Dunn, Edwards, Ehlers, Ehrlich, Emerson, English, Ensign, Everett, Ewing, Fawell, Fields (TX), Flanagan, Foley, Forbes, Fowler, Fox, Frank (MA), Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrest, Gillmor, Gilman, Goodlatte, Goodling, Gordon, Goss, Graham, Greenwood, Gunderson, Gutknecht, Hall (TX), Hamilton, Hancock, Hansen, Harman, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Hefner, Heineman, Herger

- Hilleary, Hobson, Hoekstra, Hoke, Holden, Horn, Hostettler, Houghton, Hutchinson, Hyde, Inglis, Istook, Jacobs, Johnson (CT), Johnson (SD), Johnson, Sam, Jones, Kanjorski, Kasich, Kelly, Kim, King, Kingston, Klink, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Laughlin, Lazio, Leach, Lewis (CA), Lewis (KY), Lightfoot, Lincoln, Linder, Lipinski, Livingston, LoBiondo, Longley, Lucas, Luther, Manton, Manzullo, Martini, Mascara, McCollum, McCreery, McDade, McHale, McHugh, McInnis, McIntosh, McKeon, McNulty, Metcalf, Meyers, Mica, Miller (FL), Molinari, Montgomery, Moorhead, Moran, Morella, Murtha, Myers, Myrick, Nethercutt, Neumann, Ney, Norwood, Nussle, Ortiz, Oxley, Packard, Pallone, Parker, Pastor, Paxon, Payne (VA), Peterson (FL), Peterson (MN), Petri, Pickett, Portner, Porter, Portman, Pryce, Quillen, Quinn, Radanovich, Rahall, Ramstad, Regula, Riggs, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Shuster, Sisisky, Skee, Skelton, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Spratt, Stearns, Stenholm, Stockman, Stump, Talent, Tanner, Tate, Tauzin, Taylor (MS), Taylor (NC), Tejeda, Thomas, Thornberry, Tiahrt, Torkildsen, Traficant, Upton, Vucanovich, Waldholtz, Walker, Walsh, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wilson, Wolf, Wyden, Young (AK), Young (FL), Zeliff, Zimmer

NOT VOTING—5

- Allard, Gephardt, Hunter, Yates

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

21.18 RECORDED VOTE

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

Page 2, line 13, strike all after the word "States," and insert the following:

"provided that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

It was decided in the Yeas 121
negative Nays 303

21.19 [Roll No. 99]
AYES—121

- Abercrombie, Ackerman, Baldacci, Barcia, Becerra, Beilenson, Berman, Bishop, Bonior, Boucher, Brown (CA), Brown (FL), Brown (OH), Bryant (TX), Clay, Clayton, Cleyburn, Coleman, Collins (IL), Collins (MI), Conyers, Coyne, de la Garza, DeFazio, DeLauro, Dellums, Dicks, Dingell, Dixon, Durbin, Engel, Evans, Farr

- Fattah, Fields (LA), Filner, Flake, Foglietta, Ford, Furse, Gejdenson, Gibbons, Gonzalez, Green, Gutierrez, Hall (OH), Hamilton, Hastings (FL), Hefner, Hilliard, Hinchey, Jackson-Lee, Jefferson, Johnson, E. B., Johnston, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kleczka, LaFalce, Levin, Lewis (GA), Lofgren, Maloney, Martinez, Matsui, McCarthy, McDermott, Meehan, Meek, Menendez, Mfume, Miller (CA), Mineta, Mink, Moakley, Mollohan, Nadler, Neal, Oberstar, Obey, Olver, Owens, Pastor, Pelosi, Rangel, Reed, Reynolds, Richardson, Rivers, Rose, Roybal-Allard, Rush, Sabo, Sanders, Sawyer, Schroeder, Schumer, Scott, Serrano, Skaggs, Slaughter, Stark, Stokes, Studds, Stupak, Thompson, Thornton, Torricelli, Towns, Tucker, Velazquez, Vento, Visclosky, Waters, Watt (NC), Waxman, Woolsey, Wynne

NOES—303

- Allard, Andrews, Army, Bachus, Baesler, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Barrett (WI), Bartlett, Barton, Bass, Bateman, Bentsen, Bereuter, Bevill, Bilbray, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Borski, Brewster, Browder, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cardin, Castle, Chabot, Chambliss, Chenoweth, Christensen, Chrysler, Clement, Clinger, Coble, Coburn, Collins (GA), Combust, Condit, Cooley, Costello, Cox, Cramer, Crane, Crapo, Cremeans, Cubin, Cunningham, Danner, Davis, de la Garza, Deal, DeLay, Deutsch, Diaz-Balart, Dickey, Dooley, Doolittle, Dornan, Doyle, Dreier, Duncan, Dunn, Edwards, Ehlers, Ehrlich, Emerson, English, Ensign, Everett, Ewing, Fawell, Fazio, Fields (TX), Flanagan, Floley, Forbes, Fowler, Fox, Frank (MA), Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrest, Gillmor, Gilman, Goodlatte, Goodling, Gordon, Goss, Graham, Greenwood, Gunderson, Gutknecht, Hall (TX), Hancock, Hansen, Harman, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Hefner, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Holden, Horn, Hostettler, Houghton, Hoyer, Hunter, Hutchinson, Hyde, Inglis, Istook, Jacobs, Johnson (CT), Johnson (SD), Johnson, Sam, Jones, Kanjorski, Kasich, Kelly, Kim, King, Kingston, Klink, Klug, Knollenberg, Kolbe, LaHood, Lantos, Largent, Latham, LaTourette, Laughlin, Lazio, Leach, Lewis (CA), Lewis (KY), Lightfoot, Lincoln, Linder, Lipinski, Livingston, LoBiondo, Longley, Lowey, Lucas, Luther, Manzullo, Markey, Martini, Mascara, McCollum, McCreery, McDade, McHale, McHugh, McInnis, McIntosh, McKeon, McNulty, Metcalf, Meyers, Mica, Miller (FL), Minge, Molinari, Montgomery, Moorhead, Morella, Murtha, Myers, Myrick, Nethercutt, Neumann, Ney, Diaz-Balart, Dickey, Doggett, Dooley, Doolittle, Dornan, Doyle, Dreier, Duncan, Dunn, Edwards, Ehlers, Ehrlich, Emerson, English, Ensign, Eshoo, Everett, Ewing, Fawell, Fazio, Fields (TX), Flanagan, Fole, Forbes, Fowler, Fox, Frank (MA), Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrest, Gillmor, Gilman, Goodlatte, Goodling, Gordon, Goss, Graham, Greenwood, Gunderson, Gutknecht, Hall (TX), Hancock, Hansen, Harman, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Hefner, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Holden, Horn, Hostettler, Houghton, Hoyer