

tend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States'.

"An instructive contrast appears in clause 2 of section 5 in article I of the Constitution, which establishes a range of alternative disciplinary sanctions for Members of Congress by stating that each House may, 'punish its Members for disorderly behavior, and with the concurrence of two-thirds, expel a Member'. This contrast demonstrates that, while the constitutional power of either body in Congress to punish one of its Members extends through a range of alternatives, the constitutional power of the Congress to remove the President, consistent with the separation of powers, is confined to the impeachment process.

"Thus, a proposal to discipline a Member may admit as germane an amendment to increase or decrease the punishment (except expulsion, which the Chair will address presently), in significant part because the Constitution contemplates that the House may impose alternative punishments. But a resolution of impeachment, being a question of privileges of the House because it invokes an exclusive constitutional prerogative of the House, cannot admit as germane an amendment to convert the remedial sanction of potential removal to a punitive sanction of censure, as that would broach nonprivileged matter. For this conclusion the Chair finds support in Hinds' Precedents at volume 5, section 5810, as cited in Deschler's Precedents at volume 3, chapter 14, section 1.3, footnote 8.

"The qualitative difference between these two contrasting sources of disciplinary authority in the Constitution signifies an intrinsic parliamentary difference between impeachment and an alternative sanction against the President. The Chair believes that this distinction is supported in the cited precedents and is specifically discussed in the parliamentary notes on pages 400 and 401 of the cited volume. An analogous case emphasizing an intrinsic difference is recorded in Cannon's Precedents at volume 6, section 236, reflecting that on October 27, 1921, Speaker Gillett held that an amendment proposing to censure a Member of the House was not germane to a resolution proposing that the Member be expelled from the House.

"The cited precedent reveals several occasions when the Committee on the Judiciary, having been referred a question of impeachment against a civil officer of the United States, reported a recommendation that impeachment was not warranted and, thereafter, called upon the report as a question of privilege.

"The occasional inclusion in an accompanying report of the Committee on the Judiciary of language recommending that an official be censured has not been held to destroy the privilege of an accompanying resolution that does not, itself, convey the language of censure.

"The Chair is aware that, in the consideration of a resolution proposing to impeach Judge James Peck in 1830, the House considered an amendment proposing instead to express disapproval while refraining from impeachment. In that instance no Member rose to a point of order, and no parliamentary decision was entered from the Chair or by the House. The amendment was considered by common sufferance. That no Member sought to enforce the rule of germaneness on that occasion does not establish a precedent of the House that such an amendment would be germane.

"Where the pending resolution addresses impeachment as a question of the privileges of the House, the rule of germaneness requires that any amendment confine itself to impeachment, whether addressing it in a positive or a negative way. Although it may be possible by germane amendment to convert a reported resolution of impeachment to resolve that impeachment is not warranted, an alternative sanction having no equivalent constitutional footing may not be broached as a question of privilege and, correspondingly, is not germane.

"The Chair acknowledges that the language of House Resolution 611 articulates its proposition for impeachment in language that, itself, tends to convey opprobrium. The Chair must remain cognizant, however, that the resolution does so entirely in the framework of the articles of impeachment. Rather than inveighing any separate censure, the resolution only effects the constitutional prayer for judgment by the Senate.

"The Chair is not passing on the ultimate constitutionality of a separate resolution of censure. Indeed, the Chair does not judge the constitutionality of measures before the House. Rather, the Chair holds today only that the instant proposal to censure or otherwise admonish the President of the United States—as it does not constitute a question of the privileges of the House—is not germane to the pending resolution of impeachment—an intrinsically separate question of the privileges of the House."

Mr. GEPHARDT appealed the ruling of the Chair.

The question being put, *viva voce*,

Will the decision of the Chair stand as the judgment of the House?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. ARMEY moved to lay the appeal on the table.

The question being put, *viva voce*,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. GEPHARDT demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 230
Nays 204

¶119.7

[Roll No. 542]

YEAS—230

Aderholt	Gilchrest	Parker
Archer	Gillmor	Paul
Armey	Gilman	Paxon
Bachus	Gingrich	Pease
Baker	Goode	Peterson (PA)
Ballenger	Goodlatte	Petri
Barr	Goodling	Pickering
Barrett (NE)	Goss	Pitts
Bartlett	Graham	Pombo
Barton	Granger	Porter
Bass	Greenwood	Portman
Bateman	Gutknecht	Pryce (OH)
Bereuter	Hall (TX)	Quinn
Billbray	Hansen	Radanovich
Bilirakis	Hastert	Ramstad
Bliley	Hastings (WA)	Redmond
Blunt	Hayworth	Regula
Boehlert	Hefley	Riggs
Boehner	Herger	Riley
Bonilla	Hill	Rogan
Bono	Hilleary	Rogers
Brady (TX)	Hobson	Rohrabacher
Bryant	Hoekstra	Ros-Lehtinen
Bunning	Horn	Roukema
Burr	Hostettler	Royce
Burton	Houghton	Ryun
Buyer	Hulshof	Salmon
Callahan	Hunter	Sanford
Calvert	Hutchinson	Saxton
Camp	Hyde	Scarborough
Campbell	Inglis	Schaefer, Dan
Canady	Istook	Schaffer, Bob
Cannon	Jenkins	Sensenbrenner
Castle	Johnson (CT)	Sessions
Chabot	Johnson, Sam	Shadegg
Chambliss	Jones	Shaw
Chenoweth	Kasich	Shays
Christensen	Kelly	Shimkus
Coble	Kim	Shuster
Coburn	Kingston	Skeen
Collins	Klug	Smith (MI)
Combest	Knollenberg	Smith (NJ)
Cook	Kolbe	Smith (OR)
Cooksey	LaHood	Smith (TX)
Cox	Largent	Smith, Linda
Crane	Latham	Snowbarger
Crapo	LaTourrette	Solomon
Cubin	Lazio	Souder
Cunningham	Leach	Spence
Davis (VA)	Lewis (CA)	Stearns
Deal	Lewis (KY)	Stenholm
DeLay	Linder	Stump
Diaz-Balart	Livingston	Sununu
Dickey	LoBiondo	Talent
Doolittle	Lucas	Tauzin
Dreier	Manzullo	Taylor (MS)
Duncan	McCollum	Taylor (NC)
Dunn	McCrery	Thomas
Ehlers	McDade	Thornberry
Ehrlich	McHugh	Thune
Emerson	McInnis	Tiahrt
English	McIntosh	Upton
Ensign	McKeon	Walsh
Everett	Metcalf	Wamp
Ewing	Mica	Watkins
Fawell	Miller (FL)	Watts (OK)
Foley	Moran (KS)	Weldon (FL)
Forbes	Myrick	Weldon (PA)
Fossella	Nethercutt	Weller
Fowler	Neumann	White
Fox	Ney	Whitfield
Franks (NJ)	Northup	Wicker
Frelinghuysen	Norwood	Wilson
Gallegly	Nussle	Wolf
Ganske	Oxley	Young (AK)
Gekas	Packard	Young (FL)
Gibbons	Pappas	

NAYS—204

Abercrombie	Bonior	Clyburn
Ackerman	Borski	Condit
Allen	Boswell	Conyers
Andrews	Boucher	Costello
Baesler	Boyd	Coyne
Baldacci	Brady (PA)	Cramer
Barcia	Brown (CA)	Cummings
Barrett (WI)	Brown (FL)	Danner
Becerra	Brown (OH)	Davis (FL)
Bentsen	Capps	Davis (IL)
Berman	Cardin	DeFazio
Berry	Carson	DeGette
Bishop	Clay	Delahunt
Blagojevich	Clayton	DeLauro
Blumenauer	Clement	Deutsch

Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchev
Hinojosa
Holden
Hoolley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klecicka
Klink

NOT VOTING—1
Miller (CA)

So the motion to lay the appeal of the ruling of the Chair on the table was agreed to.

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

Pursuant to the order of the House of December 18, 1998, the question was divided by Article.

The question being put, *viva voce*, Will the House adopt Article I of said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 228
affirmative } Nays 206

¶119.8 [Roll No. 543]
YEAS—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehert
Boehner
Bonilla
Bono

Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrist
Gillmor
Gillman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyn
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah

Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourrette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peerson (PA)

Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Ramond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—1
Miller (CA)

So, Article I of said resolution was adopted.

Accordingly, The question being put, *viva voce*, Will the House adopt Article II of said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 205
negative } Nays 229

¶119.9 [Roll No. 544]
YEAS—205

Fazio
Filner
Ford
Frank (MA)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchev
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehert
Boehner
Bonilla
Bono
Brady (TX)
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrist
Gillmor
Cox
Gingrich
Goode
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary