

on a free lunch, tendered by a group that wants to talk to one of us (or one of our staff members) away from ringing phones and office interruptions in a place where we can hear ourselves think—but rather on real problems which may exist and which we need to address.

The present zero tolerance rule mistakenly directs our attention to what some unfairly assume is the *per se* appearance of impropriety whenever a gift is tendered. I reject that assumption and I contend that it detracts from the Committee's proper function—which is to counsel our colleagues against activities which could constitute real impropriety and which we must marshal our resources to combat.

My view of each and every one of you is that you want to conduct yourselves ethically. I assume the best, not the worst, about everyone in this body.

And my view of lobbyists is that they perform an important and honorable function for us in the legislative branch, bringing us information about how bills may affect our constituents and our society as a whole. I do not assume that something illicit occurs every time a Member—or his or her staff—gets together with a lobbyist. But I do believe that it is our task as Members of the House of Representatives to make sure that we seek to understand the consequences of legislation for all Americans—not just the well-heeled, to make sure that we open our doors and our ears to the dedicated advocates who plead the case of the poor and disadvantaged.

Our present gift rule does nothing, absolutely nothing, to ensure that this House is accessible to all, but it does create problems which I, as ranking members of the Committee on Standards, believe we can avoid by adopting the Senate standard.

At our last meeting, my colleagues on the committee voted unanimously to endorse this rules change. We are telling you that this rules change is appropriate and it is sound. Please join us in approving it.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Let me thank my good friend from California for the very kind words. It has been a real pleasure for me to work with the gentleman, and the Democrats and the Republicans. I think we did what the House asked us to do when we were given this charge, and I thank the gentleman for the great work that he has done. He has really been a stalwart and an extremely fine member.

Ms. NORTON. Mr. Speaker, I ask Members to vote for a new gift ban rule today not for themselves, but for their Nation's Capital. For Members, the gift ban represents the loss of trivial token gifts. For the District of Columbia, the gift ban has caused millions of dollars in lost revenue.

The District is just now emerging from a financial crisis that brought insolvency to the Nation's Capital. The Congress made great strides last Congress to hasten the District's recovery with the passage of the National Capital Revitalization and Self-Government Improvement Act (the Revitalization Act) in 1997. Last Saturday, a new, tough, fiscally prudent mayor and new City Council took the oath of office, ushering in new era in the Dis-

trict's political culture. Most importantly, downtown D.C. is coming back and is increasingly alive with people taking advantage of new reasons to go to downtown. Despite these great strides, however, the District's recovery remains in its infancy. District revenues are significantly dependent on tax receipts from downtown businesses. Moreover, these revenues have been flat, partly because of the effect of the gift ban. Small retail businesses have been particularly hurt. However, the most prominent example of the effect of the gift ban is the new MCI Center, the centerpiece of the revitalization of downtown D.C. Abe Pollin, the owner of the Washington Wizards, Capitals, and Mystics did the unheard of when he invested \$220 million of his own money into the construction of an arena in downtown D.C. when the District was insolvent and at its lowest point. In making this commitment to the city, Pollin relied in part on the gift rule in effect at the time that allowed tickets to be accepted as gifts. The MCI Center is an unusual example of a sports arena that has been built with private rather than public funds. It is unfair and unfortunate to have an abrupt change penalizing a private entrepreneur who has willingly taken on what in most jurisdictions is viewed as a public responsibility.

Private economic development is the key to maintaining the solvency of the District. Harmonizing the House gift rule with the Senate rule does not cost the Congress anything, but this change can mean millions to the city. If the Congress can't help us, at the very least, it should not hurt us. There is more than one way for the House to help the District. A reasonable gift ban would be a cost-free way for the Congress to help meet its obligation to continue to assist the recovery of the District of Columbia.

Mr. BRADY of Texas. Mr. Speaker, I strongly oppose amending House rule to increase the amount of gifts a member of Congress or their employees may receive, and am disappointed a recorded vote was not requested so that members would be held accountable to taxpayers for their vote.

There is a reason the institution of Congress is held in such low esteem by the American public: people simply don't believe we do the right things for the right reason, and that we are here to look out for our own interests rather than those of our constituents.

My experience is that that is not the case. But clearly we have a credibility problem and a trust problem. Increasing the gifts we can receive only reinforces that lack of trust and makes it harder for us to lead.

Congress needs to lead by example. We didn't today.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER *pro tempore* (Mr. LAHOOD). Pursuant to section 3 of House Resolution 5, the resolution is considered read for amendment, and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider is laid upon the table.

□ 1645

PROVIDING FOR CERTAIN APPOINTMENTS AND PROCEDURES RELATING TO IMPEACHMENT PROCEEDINGS

Mr. HYDE. Mr. Speaker, pursuant to clause 2(a)1 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

H.R. —

Resolved, That in continuance of the authority conferred in House Resolution 614 of the One Hundred Fifth Congress adopted by the House of Representatives and delivered to the Senate on December 19, 1998, Mr. Hyde of Illinois, Mr. Sensenbrenner of Wisconsin, Mr. McCollum of Florida, Mr. Gekas of Pennsylvania, Mr. Canady of Florida, Mr. Buyer of Indiana, Mr. Bryant of Tennessee, Mr. Chabot of Ohio, Mr. Barr of Georgia, Mr. Hutchinson of Arkansas, Mr. Cannon of Utah, Mr. Rogan of California, and Mr. Graham of South Carolina are appointed managers to conduct the impeachment trial against William Jefferson Clinton, President of the United States, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers so appointed may, in connection with the preparation and the conduct of the trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under applicable expense resolutions or from the applicable accounts of the House of Representatives.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any pleadings, in conjunction with or subsequent to, the exhibition of the articles of impeachment that the managers consider necessary.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Illinois (Mr. HYDE) to call up the resolution.

The Clerk will report the resolution at this time under rule IX.

The Clerk read as follows:

H.R. 10

Resolved, That in continuance of the authority conferred in House Resolution 614 of the One Hundred Fifth Congress adopted by the House of Representatives and delivered to the Senate on December 19, 1998, Mr. Hyde of Illinois, Mr. Sensenbrenner of Wisconsin, Mr. McCollum of Florida, Mr. Gekas of Pennsylvania, Mr. Canady of Florida, Mr. Buyer of Indiana, Mr. Bryant of Tennessee, Mr. Chabot of Ohio, Mr. Barr of Georgia, Mr. Hutchinson of Arkansas, Mr. Cannon of Utah, Mr. Rogan of California, and Mr. Graham of South Carolina are appointed managers to conduct the impeachment trial against William Jefferson Clinton, President of the United States, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers so appointed may, in connection with the preparation and the conduct of the trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be

paid from amounts available to the Committee on the Judiciary under applicable expense resolutions or from the applicable accounts of the House of Representatives.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any pleadings, in conjunction with or subsequent to, the exhibition of the articles of impeachment that the managers consider necessary.

The SPEAKER pro tempore (Mr. LAHOOD). The resolution offered by the chairman of the Committee on the Judiciary constitutes a question of the privileges of the House.

Pursuant to clause 2(a)(2) of rule XI, the gentleman from Illinois (Mr. HYDE) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us is a simple, straightforward house-keeping resolution which the House customarily adopts after adopting articles of the impeachment. Because this resolution is incidental to impeachment, the precedents of the House dictate that it is a question of privilege under rule IX.

On December 19, 1998, the House approved House Resolution 614, which appointed managers whose duty it was to exhibit the articles of impeachment in the Senate. On that day, the managers informed the Senate of the House's action. Because the House, unlike the Senate, is not a continuing body, it must again appoint managers in the 106th Congress. This is not a new concept, notwithstanding some protestations from one law professor. This procedure has been used on three previous occasions regarding the impeachments of Judges Pickering, Louderback, and Hastings.

Section 620 of Jefferson's Manual states, and I quote, "An impeachment is not discontinued by the dissolution of parliament, but may be resumed by the new parliament."

The commentary on this section is instructive, and is as follows:

In Congress impeachment proceedings are not discontinued by a recess; and the Pickering impeachment was presented in the Senate on the last day of the Seventh Congress; and at the beginning of the eighth Congress the proceedings went on from that point. The resolution and articles of impeachment against Judge Louderback were presented in the Senate on the last day of the 72nd Congress, and the Senate organized for and conducted the trial in the 73rd Congress. The resolution and articles of impeachment against Judge Hastings were presented in the Senate during the second session of the 100th Congress but were still pending trial by the

Senate in the 101st Congress, for which the House reappointed managers.

This resolution is procedural in nature. It merely appoints 13 managers who will present the case in the Senate. It also directs that a message be sent to the Senate to inform the other body of these appointments, and authorizes the managers to exhibit the articles of impeachment to the Senate.

Because this resolution is procedural, it should be noncontroversial. It is imperative that the House take this action today so that the constitutional process may move forward. If the House were to postpone this vote, the trial could not proceed in the Senate. It is my intention to move this process as expeditiously and as fairly as possible, and the House's approval of this resolution today will help ensure that the Senate can fulfill its constitutional duty as quickly as possible.

Mr. Speaker, I urge the adoption of the pending question, and I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we discuss the question of impeachment, we ought to start off with why impeachment is in the Constitution. It is in the Constitution to prohibit and protect the country against subversion by virtue of a president committing treason, bribery, or other high crimes and misdemeanors. The rule of law and the Constitution restricts our ability to remove the President to crimes that constitute treason, bribery, or other high crimes and misdemeanors.

We had a hearing and had 10 experts respond to the question, does treason, bribery, or other high crimes and misdemeanors cover all felonies? Most of those experts were invited by the Republican Party, and they, without discussion, said no, treason, bribery, or other high crimes and misdemeanors does not cover all felonies.

In fact, in the President Nixon impeachment, we found that treason, bribery, and other high crimes and misdemeanors did not cover a half-a-million-dollar income tax fraud. That is why most of the scholars that have addressed the question have concluded that these are not impeachable offenses.

To add insult to injury, we find that the allegations are not even proven, and it is unlikely that they can be proven. That is why the vote on these articles of impeachment was essentially partisan, and why, on a partisan vote in the Senate, the President will not be removed from office.

The best way to end this partisan charade is to fail to appoint managers, to bring this thing to a respectable end, and move on to the people's business.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I do not enjoy beginning on the divisive note of impeachment that consumed so much of the last Congress. I had hoped that we may have gleaned some lessons from the ordeals of last year, which began with an overzealous prosecutor consumed by a desire to bring down the President at any cost. This in turn led to the most polarizing impeachment in our Nation's history, culminating in an unprecedented party line vote. Not surprisingly, the net result was an impeachment totally lacking in credibility and overwhelmingly rejected by the American people.

Today we have a final opportunity to put this salacious activity behind us. If we reject the motion to reappoint managers, we will send a signal that we are prepared to move from the politics of personal destruction, which has been so costly to our Nation. The incoming Speaker made references to that today.

On the other hand, if we appoint and ratify the managers from the 105th session, this vote to appoint managers would be tantamount to a vote to remove the President from office. I remind the new Members who have not participated that they are not voting managers, they are voting two articles that call for the impeachment, conviction, and removal of the President of the United States.

A vote to appoint managers is a vote to execute the impeachment articles that passed the House. A vote for appointment of the managers is a vote for a protracted trial, a vote to hear witnesses in their lurid and graphic fullness, from the Goldbergs, the Tripps, the Lewinskys.

A vote for managers is to paralyze all of three branches of government while we pursue a futile attempt to remove a president from office. It is a vote to ignore the problems of social security and education and health care while we tilt at this impeachment windmill in total futility. It is a vote for more partisanship.

By voting down the managers' amendment, for which there is precedent, we send a signal that the American people want us to send. We will win the approval of the American people as we begin our 106th Congress session in its first day. By voting down the appointment of managers, we are exercising the same common sense that was exercised in this very House in 1873, when it declined to appoint managers in an impeachment matter.

□ 1700

There is no question that the Senate does not have the votes to convict the President, and so the only possible reason for pursuing this case now is to satisfy the hunger of a few people who wish to further tarnish the President. Vote against the appointment, and in so doing, you will be voting for bipartisanship, for encouraging the alternative common-sense route of censure

and voting to move away from Lewinsky to the more pressing matters of the Senate.

Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, some law professors argue that an impeachment, at least after the 20th amendment, dies with the Congress. Most of the precedents to the contrary predate the adoption of the 20th amendment, but we do not have to debate this.

As a practical matter, the new Congress must vote again on impeachment by voting on appointing managers. If we do not reappoint the managers, they cannot have a trial in the Senate and the impeachment dies. So the vote on this motion is really a new vote on impeachment.

A yes vote on this motion to appoint the managers is a vote to impeach the President and require the Senate to hold a trial. A no vote is a vote against impeaching a President and requiring a trial in the Senate. So our new Members will get a chance to vote for or against impeachment and removal of the President today.

Having said that, let us remind ourselves why the partisan vote of this House last month to impeach the President was so contrary to the intent of the Constitution and such an affront to this Nation. Impeachment, I remind Members, was never intended by the framers of the Constitution as a punishment. It was intended as a protection of the Constitution against a President who would abuse his power to make himself a tyrant. Benjamin Franklin called impeachment a substitute for assassination.

The charges in this impeachment, all relating to lying about a consensual sexual affair, do not constitute an abuse of presidential power designed or intended to undermine the functioning or integrity of government or to undermine constitutional liberty, and therefore they are not, under the Constitution, impeachable offenses.

Now, the gentleman may say, what about the rule of law? What about equality under the law? I remind everyone that if perjury or obstruction of justice could be proven, and I do not think they can be, but if they can be proven, the President, like anyone else, is subject to indictment and prosecution under law; and that is our assurance of the rule of law and equality under the law. But to impeach the President and to try to remove him from office and subject the country to a lengthy trial and drag it through the muck of the testimony of Ms. Lewinsky and everyone else, instead of getting on with the business of saving Social Security and Medicare and a threatening world economy and everything else is an affront to this Nation to appeal only to prurient interests and to try to embarrass the President. That is what is at stake in this vote.

A yes vote is a vote to impeach the President. A no vote is a vote against

it. We have the opportunity to vote again and not only the opportunity, but it is unavoidable.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I do not believe we should continue the authority granted the managers by the lame duck 105th Congress. I do not believe we should approve managers or any of the expenditures they have requested, and I will tell Members why.

Since we voted in the lame duck Congress on December 19, I have been listening to my constituents, the people who live in my district, in the supermarkets, in the malls, on the street. People are very disturbed by what the House of Representatives has done. I have had citizens break down into tears talking to me about our Constitution and what they think we have done to our Constitution. I have never before seen feelings this intense among regular people about a political issue.

I think we ought to listen to what the people are saying. They understand at a very basic level what Ben Franklin told us: Impeachment is the alternative to assassination. Impeachment is to prevent damage so severe to our constitutional form of government that we dare not wait until the next election.

The people of this country have decided, for the most part, that what has been presented to us does not meet that constitutional test. And yet we are moving forward against the Constitution and against their sound advice. And I think we have finally today an opportunity to undo the wrong that we have done to our country.

If impeachment becomes just another tool for partisan Congresses, our American system of government will change. We may lose the strong presidencies that helped bring us success internationally. And in this dangerous world, that is very unwise.

Future Presidents and Congresses will look back on this mess for political lessons. If zealotry is the loser politically, it will be a positive outcome for America.

Americans will have the chance to deliver that message next year in the elections, but for now let us listen to the American people. Let us vote against appointment of the managers and the budget.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes and 30 seconds to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member very much for yielding time to me. And, again, let me thank him for his leadership during a process of which we have, as members of the Committee on the Judiciary and this Congress and this Nation lived with for many days and many months.

This morning I had the privilege of listening to the new Speaker of the House, and he asked that we get down to the people's business. So I rise to oppose the appointment of managers because I believe that I want to ask or answer the question affirmatively to the American people, who have asked me repeatedly as I have traveled about this Nation, when will we, this Congress, listen to the will of the American people? And what I want to say to the American people is that you have not only good sense but good judgment. For the Constitution of the United States does not prohibit, does not prohibit the censuring of the President of the United States. It does not provide for but it does not prohibit. But yet on this floor this lame duck Congress forbade some 200-plus Members of this House, as well as the American people, to have fully debated a censure resolution that would heal this Nation.

I recollect what the constitutional framers had in mind when they offered the provision that said, treason, bribery and other high crimes and misdemeanors would be the grounds for impeachment. What they meant was what George Mason stated so eloquently. These are offenses that would undermine the Constitution and destroy the government. What we have here are private indiscretions. We have the politics of undermining of the individual.

Yes, we recognize the wrongness of the acts of the President. We recognize that they are unacceptable. But we also understand that if this country is to survive, if we are not to lower the bar of impeachment for the year 2020 or 2030, if we are not to accuse someone who is President, because of your religious beliefs or because you are divorced, you want to impeach, if we are not to give credence to the partisanship of this impeachment, we must now vote against the appointment of these managers.

I would simply say, I speak really to the new Members who have come. I speak in all humility and respect for each of you who have been elected to this great body. You now have a very historic opportunity to stop these divisive and unfair and partisan accusations on the grounds that this President should be impeached because there is no substance to it. You can now vote to censure this President and heal this Nation, a legitimate, constitutionally founded censure resolution that would not in fact let the President go free. It would indicate that he had done wrong.

I ask that we heal this Nation. Vote against the appointment of the managers and do what is right for the Nation.

Mr. CONYERS. Mr. Speaker, it is with great reluctance that I have to reduce the time of my dear friend from Hawaii, because now all my committee members have shown up. I nevertheless respect him so much that I want him to go at this point in time ahead of other Members.

Mr. Speaker, I yield 1½ minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I made an appeal in the impeachment hearings on the 19th. I did not engage in accusations back and forth as to what the motivations were or anything. I made an appeal for fairness. I thought that a vote on censure was something that would have given balance to the debate.

Since that time, and during that time, rather, I made an appeal to the gentleman from Illinois (Mr. HYDE), the chairman, on the basis of not just only personal friendship but on the basis of what he has represented to me and to other Members in the House.

We have heard accusations that the rule of law would be compromised even to the point of perhaps recreating circumstances of the Holocaust. I do not think anybody really meant that anyone opposed to impeachment intended that kind of thing, but that is how this thing has begun to run away.

Another Member who was for impeachment indicated that those of us who supported the President had engaged in an obscenity in going to the White House afterwards to show our support. If such a thing had been said on the floor, we would have taken down that Member's words because it would have meant that we were personally being attacked and accused, our character at point. So I ask again today for fairness. I ask that we turn down this motion on the managers so that we can get the opportunity to vote on a censure.

I understand that Members who voted for impeachment have now asked the Senate to censure, and so I think that is only the fair way. I appeal to the chairman and to Members who voted for impeachment, give us this opportunity for fairness. Give us an opportunity to vote on censure.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), who has done an incredible job as being Chair of the Congressional Black Caucus and serving on the impeachment committee all at the same time.

Ms. WATERS. Mr. Speaker, we do not have to appoint managers from this House to prosecute the President in the Senate. The lame duck Congress that impeached the President did so without the consent of the new Members.

Mr. Speaker, I do not know why new Members would get elected, come here to represent their constituents and take a vote today without having participated in the impeachment. They are being asked to take for granted that the Committee on the Judiciary, that the House, had the facts, they had the information. How could anyone who has said to their constituents that they are coming here to represent them, that they will be involved in the deliberations of this House, come here and on the first day after being sworn

in vote mindlessly and blindly to send some managers over to the other House to prosecute the President of the United States? That is disrespectful of one's intelligence.

In addition to that, since the vote on this House floor, we have Republicans who have said in a letter that they signed to the Senate saying, we do not wish this to go any further, we would really like to censure. We did not have an opportunity to vote in this House on censure.

Well, Mr. Speaker, I believe that our new Members are more intelligent than they are thought to be by those who are saying, just blindly follow what has already been done, this partisan effort that was made in this House without an alternative on the floor that would give Members the opportunity to vote censure? I think the Members, the new Members on both sides of the aisle should rebel against that. I think the Republican Members, who come here knowing that some of their constituents do not want that, should not vote these managers to the Senate.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

□ 1715

Mr. INSLEE. Mr. Speaker, I speak today as a new Member. We new Members should realize that it was not just the previous Congress that faced the historic vote on impeachment. Our vote today is every bit as historic, as crucial, and as telling as the vote in the 105th, and I say this impeachment process should stop and it should stop today. When the Nation's train is heading off a cliff and the bridge is out, it is our mutual duty to stop it and stop it today.

My fellow new Members should take note. Should they vote today to continue this partisan impeachment, it will be their hands and fingerprints on the dagger of impeachment. Their constituents will rightfully ask, "Et tu, the new House?" We are not bound by the dead hand of the lame duck Congress. The people of my district sent home a Republican advocate of impeachment and sent me to Congress in his place.

We hear glad tidings that the people want to end partisanship in this chamber. Today we can decide if that is rhetoric or reality. Our constituents are our masters, not the last Congress. Free us from the politics of the past. Join us in saying enough is enough. Let us get on with the Nation's business and defeat this measure.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. WEINER), who replaces the departing CHARLES SCHUMER, and we are delighted to have him make his first presentation on the floor.

(Mr. WEINER asked and was given permission to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, this is indeed a day of extraordinary high honor

for me, taking the oath to join this most distinguished body. It is also my great fortune and great honor to be designated by my colleagues on the Democratic side to serve on the Committee on the Judiciary.

I was particularly moved by the words of our new Speaker this morning, and the minority leader, the gentleman from Missouri (Mr. GEPHARDT), and how closely they agreed on what the mission of this body should be; that we should follow the high ideals of bipartisanship, of hard work, in trying to keep as much as possible our ears to the ground to hear where the folks we represent are directing us.

I think that that spirit is embodied in the freshman class of the 106th Congress on both sides of the aisle. As we convened, coming into this first day, we repeatedly said to one another, let us get back to work, let us try to work together, let us try to put some of the divisiveness behind us.

I would say to my colleagues in the freshman class, and all of my colleagues, that this is an opportunity. Why should we not take it. This is an opportunity for us to get back to work. This is an opportunity for us to clear the decks of many of the distractions, particularly those of us who know of the great work of the gentleman from Illinois (Mr. HYDE), and how important it is that we get back to the work in the Committee on the Judiciary. This is an opportunity for us to take that step by not reappointing the managers.

I would also point out that the precedence on this case are not so clear. We do have an opportunity to put this case behind us by voting "no" to reappointment.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MEL WATT).

Mr. WATT of North Carolina. Mr. Speaker, the chairman of our committee has indicated that this is simply a noncontroversial administrative matter. I want to take issue with that because without managers to prosecute this case in the Senate, the case cannot be prosecuted. If we as a House, particularly a newly constituted House, with new Members, a substantial number of new Members, a number of new Members that could be decisive in whether this matter proceeds or does not proceed, if we do not reauthorize these managers, the case cannot go forward on the Senate side.

So anybody who approaches this vote as if it is just a noncontroversial administrative matter is doing so in the face of the public's demand that this matter be brought to an expeditious conclusion and should take this matter a lot more seriously.

I encourage my colleagues on both sides of the aisle to express their opinion that this matter should not go forward by not reappointing these managers to prosecute the case in the Senate and by voting against this resolution.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I have watched with fascination the acrobatics of some of my friends on the other side who found themselves torn between pressures to vote for impeachment and pressures to vote against it. I was particularly struck by the letter written by four of my colleagues who voted for impeachment on Saturday and wrote to the Senate on Sunday asking them please not to vote for impeachment, noting that just because they had voted to put the President out of office did not mean they wanted anyone else to vote to put the President out of office. What they have argued is they are really for censure.

Well, Members who have been engaging in that have to understand that with this motion the contortions have to stop. This is not an abstract motion to appoint managers in general. This is a motion to reappoint the specific managers who have gone over to the Senate and have said to them that they may not shortcircuit the trial; they must allow the managers to call witnesses, which we wish apparently they did before. We have a set of managers who have made it very clear that they are totally opposed to censure. They are opposed to anything in the Senate other than a full-scale trial.

It is no longer possible for Members to engage in the game of saying that they are for censure, that they are not for a full trial and voting down the line to do exactly that. If we vote for the managers, we are voting for these particular managers. We are voting for the gentleman from Illinois and others who have been in the Senate and who have made it clear to the Senate leadership that they do not want anything but a full trial. So understand that the game is over.

It is logically possible to be for a full trial and to press absolutely to the end for the removal of the President. It is possible to think that he should be censured instead and that there should not be a full trial. What it is not logically possible to do, certainly not with any intellectual honesty, is to vote for this motion, for these managers, who have made it clear they will be for an all-out trial, and then claim that that is not really what we are for.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, this is wrong. This impeachment should never have occurred. The majority never met its burden of proof. The offenses do not meet the constitutional standard for an impeachable offense.

We are defining down the impeachment standard in the United States Constitution, to the permanent and irreparable damage of our Constitution. And we are turning back on what our Founders intended, which was a strong

Presidency, only to be removed on the showing beyond a clear and convincing standard of treason, bribery or other high crimes and misdemeanors against the State.

But we still have the opportunity to bring this to an end, to do what the American people want us to do: To punish the President without punishing the Nation. We know because we were fact witnesses who the President lied to about his relationship, which he chose to characterize to us, and about his unforgivable relationship with an intern in the White House. And for that, he should be censured.

Mr. Speaker, let us get back to the work of the people, issues like HMO reform, saving Social Security and Medicare, and improving our education. The rule of law prevails in America. The President can be held to the standards of the civil courts, which is why he paid the \$850,000 settlement, to settle the civil case. The rule of law applies to him. And if some prosecutor decides to prosecute him for alleged criminal activities when he leaves office, the rule of law will apply against him, the criminal law, and he could go to prison if those charges are proven. The President is not above the rule of law.

Impeachment was not about punishment, it was about saving America from a tyrannical President who threatened the Republic. That is not what we have. That is what the American people know. The American people want the President censured, not impeached. Let us move on with the good work and important work of our Nation.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the level of this debate. It is always interesting on an important subject such as impeachment. Let me just briefly respond to some of the remarks that were made.

There was criticism that a vote on censure was not authorized in the House in the last Congress, and that is certainly true. Many of us have a conviction that censure is not authorized by the Constitution. We realize it is not ruled out, but any censure, to be meaningful, would have to harm the President, would have to damage the President, and many of us take seriously the proscription in the Constitution against bills of attainder.

In any event, the Constitution provides one way to deal with a problem concerning cleansing the office, and that is impeachment. And our role in that, and our sole role, is to issue articles of impeachment, which are a request to the Senate to have a trial. And the Constitution says the Senate has the sole power to try the issues. We have the sole power to file and pass impeachment. We have done that and now we are seeking a trial in the Senate pursuant to the Constitution. The question of what is the appropriate sanction we leave to the Senate. That

is not our concern. We leave to the founding fathers, we leave to the Senate to determine the sanction.

This is an interesting case. It belongs in the history books for more than one reason. One of the reasons I find this curious and fascinating and interesting is the Democrats are perfectly willing to condemn Presidential misconduct in the strongest terms, stronger terms that I would use. They do not mind doing that. They are not concerned with that. What they are concerned with are the consequences, the sanction to be imposed after finding that the President's conduct was, to coin a phrase, reprehensible, in their terms. The consequence they will not abide is his removal from office. They do not mind if he is stigmatized forever in the history books pursuant to their censure.

So the consequences of the condemnation, whether it is through impeachment or censure, we leave to the other body that is competent to impose a sanction. That is *ultra vires*. That is not within our job description. So I think that is something worth noting.

Insofar as whether an impeachment is appropriate, that horse has left the barn. We have voted articles of impeachment; and what is left for us to do, because a new Congress has begun, is to reappoint the managers so it can proceed. It is really a ministerial duty, albeit important and indispensable to the pursuit of the articles of impeachment.

But, really, what we are talking about is, again, the theme so often used by the defenders of the President, that whatever he did, it does not rise to the level of an impeachable offense. Well, that issue has been determined by the House. But I would just say I guess it depends on how seriously we take perjury, how seriously we take obstruction of justice, when we are the one person in the country, the one person in the world who is bound by a constitutional obligation to take care that the laws be faithfully executed. It does not say some laws. It does not say laws of this characterization or this category. It says take care that the laws be faithfully executed.

And so when the President, the chief law enforcement officer in the land, the man who appoints, nominates members of the Supreme Court, Federal courts, Department of Justice, Attorney General, perjures himself, and those are the charges, I am not saying they are true. We will find that out in the Senate if we get a trial there. So this is serious, and we are just seeking to advance the process which has already begun in the House.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

□ 1730

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding.

The question I pose, because I want to be clear as to what the gentleman

said, and that is that it is the province of the Senate to impose the particular sanction, and that could or could not be the remedy of censure.

Mr. HYDE. Mr. Speaker, reclaiming my time, except there is one more nuance to that.

I have been reminded several times that the last thing the Senate looks for is instruction from the House, and so I am not about to say what they can or what they cannot do. But I have this hope that, whatever the sanction is, it is in their department, not ours.

Mr. Speaker, I yield to the other learned gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding. I was hoping that I would get learned, as well.

Mr. HYDE. Mr. Speaker, reclaiming my time, I want to thank him for accusing us of acrobatics. It has been a long time since I have been acrobatic.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would further yield, I was about to sell tickets to the performance of the gentleman.

The acrobatics that I was talking about were not those of the chairman, of course, because he has been consistent here, but some of his colleagues. So I want to make it clear.

It is the intention of the chairman, if he is reappointed as a manager, and I think the early returns are looking good, he is ahead in the exit polls, if he is reappointed as a manager, it is his intention to continue to press for a full trial in the Senate, for the calling of witnesses, and to continue his posture of objecting to proposals in the Senate to short-circuit a full trial. Am I correct?

Mr. HYDE. Mr. Speaker, reclaiming my time, I believe the Constitution requires a trial, and it is up to the Senate to shape the contours of that, but I am hoping a trial would be a fair opportunity for us to present the evidence.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would yield further, I appreciate that. I think that is very straightforward from the gentleman. I would just address members of his party who are trying to have it both ways.

I think it is very clear. The gentleman from Illinois (Mr. HYDE) has made it very clear. A vote to reappoint this set of managers is a vote for a trial. It is a vote against the efforts to short-circuit it. It is clearly a statement that the Senate ought to go ahead and call the witnesses. And Members who vote for it have every right to vote for it, but they are not then entitled to go home and talk about how they were really for something different.

Mr. HYDE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Illinois (Mr. HYDE) has 21 minutes remaining.

Mr. HYDE. Mr. Speaker, I yield 2 or 3 seconds to my friend, the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, again, just to pick up on the theme from my friend and colleague from Massachusetts about the reluctance to instruct the Senate when it comes to the issue of censure, and I presume that the position of the House managers would be reluctance to instruct the Senate as to how to conduct the trial and whether there would be a necessity for live witnesses.

Mr. HYDE. Mr. Speaker, reclaiming my time, on the contrary. I think we are reluctant to be instructed by the Senate as to how to conduct our trial, but we are at their mercy; and so we have used the speech-and-debate clause to express ourselves to them, and we can only hope.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to congratulate the gentleman from Illinois (Mr. HYDE) because throughout this process he has shown a strong ability to overcome his various reluctances.

Mr. HYDE. Mr. Speaker, reclaiming my time, I think I thank the gentleman from Massachusetts (Mr. FRANK) but I will hold that in reserve.

Mr. INSLEE. Mr. Speaker, I speak today as a new Member. We new Members should realize that it wasn't just the previous Congress that faced a historic vote on impeachment. Our vote today is every bit as historic, every bit as crucial and every bit as telling as the vote in the 105th Congress.

I say this impeachment process should go no farther. It should stop today, and it will stop if we don't reappoint the impeachment managers. When the nation's train is headed off a cliff and the bridge is out, it is our duty to stop it today.

My fellow new members should take note. Should you vote today to continue this partisan impeachment, it will be your hand and fingerprints on the impeachment dagger. Your constituents will ask, "Et tu, new Congress?"

We are not bound by the dead hand of the "Lame Duck" Congress. The people of my district sent home a Republican advocate of impeachment and sent me to Congress in his place. We hear glad tidings that the people want to end partisanship. Today we can decide if that is rhetoric or reality. Our constituents are our masters, not the last Congress.

Free us from the politics of the past, join use in saying enough is enough. Let's get on with the nation's business.

Mr. ROTHMAN. Mr. Speaker, this is wrong. This impeachment should never had occurred.

The majority never met its burden of proof, the offenses do not meet the constitutional standard for an impeachable offense, and we are turning our backs on the founding fathers for partisan political purposes. It is wrong.

We still have the opportunity to bring this to an end—to do what the American people want us to do—to punish the president without punishing the nation.

If this trial commences in the Senate, we will be subject to months of partisan wrangling while issues like HMO reform, saving Social Security, and improving education are pushed to the sidelines.

Mr. Speaker, lets get back to work on the issues Americans sent us here to address. Let us or the Senate censure the president and get back to the issues that impact American's daily lives.

Do not fund this impeachment, do not appoint managers, do not do any more damage to the United States Constitution.

Bring this to an end.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 198, not voting 7, as follows:

[Roll No. 6]

YEAS—223

Aderholt	Foley	Manzullo
Archer	Forbes	McCollum
Armey	Fossella	McCrery
Bachus	Fowler	McHugh
Baker	Franks (NJ)	McInnis
Ballenger	Frelinghuysen	McIntosh
Barr	Ganske	McKeon
Barrett (NE)	Gekas	Metcalfe
Bartlett	Gibbons	Mica
Barton	Gilchrest	Miller (FL)
Bass	Gillmor	Miller, Gary
Bateman	Gilman	Moran (KS)
Bereuter	Goode	Morella
Biggert	Goodlatte	Myrick
Bilbray	Goodling	Nethercutt
Billirakis	Goss	Ney
Bliley	Graham	Northup
Boehlert	Granger	Norwood
Boehner	Green (WI)	Nussle
Bonilla	Greenwood	Ose
Bono	Gutknecht	Oxley
Brady (TX)	Hall (TX)	Packard
Bryant	Hansen	Paul
Burr	Hastert	Pease
Burton	Hastings (WA)	Peterson (PA)
Buyer	Hayes	Petri
Callahan	Hayworth	Pickering
Calvert	Herger	Pitts
Camp	Hill (MT)	Pombo
Campbell	Hilleary	Porter
Canady	Hobson	Portman
Cannon	Hoekstra	Pryce (OH)
Castle	Horn	Quinn
Chabot	Hostettler	Radanovich
Chambliss	Houghton	Ramstad
Chenoweth	Hulshof	Regula
Coble	Hunter	Reynolds
Coburn	Hutchinson	Riley
Collins	Hyde	Rogan
Combest	Istook	Rogers
Cook	Johnson (CT)	Rohrabacher
Cooksey	Johnson, Sam	Ros-Lehtinen
Cox	Jones (NC)	Roukema
Crane	Kasich	Royce
Cubin	Kelly	Ryan (WI)
Cunningham	King (NY)	Ryun (KS)
Davis (VA)	Kingston	Salmon
Deal	Knollenberg	Sanford
DeLay	Kolbe	Saxton
DeMint	Kuykendall	Scarborough
Diaz-Balart	LaHood	Schaffer
Dickey	Largent	Sensenbrenner
Doolittle	Latham	Sessions
Dreier	LaTourette	Shadegg
Duncan	Lazio	Shaw
Dunn	Leach	Shays
Ehlers	Lewis (CA)	Sherwood
Ehrlich	Lewis (KY)	Shimkus
Emerson	Linder	Shuster
English	Livingston	Simpson
Everett	LoBiondo	Skeen
Ewing	Lucas (KY)	Smith (MI)
Fletcher	Lucas (OK)	Smith (NJ)

Smith (TX)	Taylor (NC)	Watts (OK)
Souder	Terry	Weldon (FL)
Spence	Thomas	Weldon (PA)
Stearns	Thornberry	Weller
Stenholm	Thune	Whitfield
Stump	Tiahrt	Wicker
Sununu	Toomey	Wilson
Sweeney	Upton	Wolf
Talent	Walden	Young (AK)
Tancred	Walsh	Young (FL)
Tauzin	Wamp	
Taylor (MS)	Watkins	

NAYS—198

Abercrombie	Gordon	Oberstar
Ackerman	Green (TX)	Obey
Allen	Gutierrez	Olver
Andrews	Hall (OH)	Ortiz
Baird	Hastings (FL)	Owens
Baldacci	Hill (IN)	Pallone
Baldwin	Hilliard	Pastor
Barcia	Hinchey	Payne
Barrett (WI)	Hinojosa	Pelosi
Becerra	Hoeffel	Peterson (MN)
Bentsen	Holden	Phelps
Berkley	Holt	Pickett
Berman	Hooley	Pomeroy
Berry	Inslee	Price (NC)
Bishop	Jackson (IL)	Rahall
Blagojevich	Jackson-Lee	Rangel
Blumenauer	(TX)	Reyes
Bonior	Jefferson	Rivers
Borski	John	Rodriguez
Boswell	Johnson, E. B.	Roemer
Boucher	Jones (OH)	Rothman
Boyd	Kanjorski	Rothbal-Allard
Brady (PA)	Kaptur	Rush
Brown (CA)	Kennedy	Sabo
Brown (FL)	Kildee	Sanchez
Brown (OH)	Kilpatrick	Sanders
Capps	Kind (WI)	Sandlin
Capuano	Kleczka	Sawyer
Carson	Klink	Schakowsky
Clay	Kucinich	Scott
Clayton	LaFalce	Serrano
Clement	Lampson	Sherman
Clyburn	Lantos	Shows
Condit	Larson	Sisk
Conyers	Lee	Skelton
Costello	Levin	Slaughter
Coyne	Lewis (GA)	Smith (WA)
Cramer	Lofgren	Snyder
Crowley	Lowey	Spratt
Cummings	Luther	Stabenow
Danner	Maloney (CT)	Strickland
Davis (FL)	Maloney (NY)	Stupak
Davis (IL)	Markey	Tanner
DeFazio	Martinez	Tauscher
DeGette	Mascara	Thompson (CA)
Delahunt	Matsui	Thompson (MS)
DeLauro	McCarthy (MO)	Thurman
Deutsch	McCarthy (NY)	Tierney
Dicks	McDermott	Towns
Dingell	McGovern	Trafficant
Dixon	McIntyre	Turner
Doggett	McKinney	Udall (CO)
Dooley	McNulty	Udall (NM)
Doyle	Meehan	Velazquez
Edwards	Meek (FL)	Vento
Engel	Meeks (NY)	Visclosky
Eshoo	Menendez	Waters
Etheridge	Millender	Watt (NC)
Evans	McDonald	Waxman
Fattah	Minge	Weiner
Filner	Mink	Wexler
Ford	Moakley	Weygand
Frank (MA)	Moore	Wise
Frost	Moran (VA)	Woolsey
Gejdenson	Murtha	Wu
Gephardt	Nadler	Wynn
Gonzalez	Napolitano	

NOT VOTING—7

Blunt	Jenkins	Pascrell
Cardin	Lipinski	
Hefley	Neal	

□ 1758

Stated against:

Mr. PASCARELL. Mr. Speaker, during rollcall vote No. 6, House Resolution 10, I was unavoidably detained. Had I been present, I would have voted "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider is laid on the table.

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, due to illness, I was unable to be present for the following votes. I would like the RECORD to reflect how I would have voted.

Roll call No. 3—On ordering the previous question, I would have voted "yea."

Roll call No. 4—On a motion to commit with instructions with instructions, I would have voted "nay."

Roll call No. 5—On agreeing to H. Res. 5, I would have voted "yea."

Roll call No. 6—On H. Res. 10, Reappointment of the Impeachment Managers, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to take this occasion to make an announcement regarding proper decorum during debate in the House in the 106th Congress, including 1-minute and Special Order speeches, specifically with regard to references to the President of the United States and references to the Senate. A further statement on decorum will be inserted into the RECORD.

As indicated, in section 17 of Jefferson's Manual, which under rule XXVIII is incorporated as a part of the Rules of the House for the 106th Congress as adopted today, Members engaged in debate must abstain from language that is personally critical of the President. This restriction extends to referencing extraneous material personally critical of the President that would be improper if spoken as the Member's own words.

As the Chair stated, with the concurrence of the minority leader on September 10, 1998, it is only during the actual pendency of proceedings in impeachment as the pending business on the floor of the House that remarks in debate may include references to personal misconduct on the part of the President.

While the rulings by the Chair in the 105th Congress may have preceded adoption of articles of impeachment against the President by the House, it is essential that the constraints against such remarks in debate continue to apply in the House in the 106th Congress.

The Chair will reiterate the bounds of permissible debate announced on September 10, 1998. Debate may include expressions of opinion about executive policy or competence to hold office. Members may continue to challenge the President on matters of policy. The line drawn by the rule of decorum remains one between political criticism and personal criticism.

What the rule of decorum requires is that the oratory remain above personality and refrain from terms personally offensive.

When an impeachment measure is not pending on the floor, a Member

who feels a need to dwell on the personal, factual bases underlying the rationale on which he might question the fitness or competence of an incumbent President must do so in other forums, while confining his remarks in debate to the more rigorous standard of decorum that must prevail in this Chamber.

It is a general principle of comity that certain references to the Senate are to be avoided in debate in the House. Rule XVII specifically provides that debate in the House may not include characterizations of Senate action or inaction. As the Chair most recently ruled on October 10, 1997, and as recorded in section 371 of the House Rules and Manual, Members are also prohibited from urging the Senate to undertake a certain action. The Chair would remind all Members to refrain from such references on the floor of the House in the event of an impeachment trial in the Senate.

The Chair will enforce these rules of decorum with respect to references to the President and the Senate, and asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. MENENDEZ. Mr. Speaker, I offer a resolution (H. Res. 11) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 11

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 1999, until otherwise ordered by the House, to-wit: Steve Elmendorf, George Kundanis, Craig Hanna, Sharon Daniels, Dan Turton, and Laura Nichols, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94. In addition, the Minority Leader may appoint and set the annual rate of pay for up to three further minority employees.

The SPEAKER pro tempore (Mr. Pease). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER OR HIS DEPUTY TO ADMINISTER THE OATH OF OFFICE TO THE HONORABLE GEORGE MILLER OF CALIFORNIA

Mr. MENENDEZ. Mr. Speaker, I offer a privileged resolution (H. Res. 12) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 12

Resolved, Whereas, George Miller, a Representative-elect from the Seventh District