



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, THURSDAY, JUNE 6, 2002

No. 73

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 6, 2002.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

Rabbi Dov Hazdan, The Ner Tomid K, Staten Island, New York, offered the following prayer:

Our Father who art in Heaven, we stand before Thee as the world faces very dangerous and troubling times. We seek Thy blessing and guidance for peace and tranquility for all mankind.

Bless Thou our glorious land of liberty, our leaders and these representatives who are charged with the great responsibility of directing the affairs of our Nation. May Thy spirit dwell richly within them as they manifest abiding courage and sincere faith, in the cherished traditions of our Founding Fathers, to work for freedom, justice and peace. Grant them loving kindness and patience, understanding and foresight so that they will ever be warmed by Thy love and nurtured by Thy teachings.

May the United States of America under God remain a symbol of freedom and a watchtower from which rays of light and hope shall be beamed to those who are now living in darkness and despair. Hasten the day when the great hope of universal peace will prevail throughout the world with justice and freedom for all people. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HYDE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. HYDE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. HASTINGS) come forward and lead the House in the Pledge of Allegiance.

Mr. HASTINGS of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

Mr. KUCINICH. Mr. Speaker, I move that the House do now adjourn.

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

Mr. KUCINICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 37, nays 363, not voting 34, as follows:

[Roll No. 213]

#### YEAS—37

Becerra	Honda	Mink
Bishop	Jefferson	Oliver
Capuano	Johnson, E. B.	Rangel
Carson (IN)	Jones (OH)	Rodriguez
Clay	Kennedy (RI)	Sanders
Conyers	Kucinich	Simmons
Delahunt	Langevin	Stupak
Doggett	Lee	Tierney
English	Markey	Velazquez
Evans	Matsui	Waters
Filner	McDermott	Woolsey
Hastings (FL)	McNulty	
Hinchey	Miller, George	

#### NAYS—363

Abercrombie	Boyd	Cummings
Ackerman	Brady (PA)	Cunningham
Aderholt	Brady (TX)	Davis (CA)
Akin	Brown (FL)	Davis (FL)
Allen	Brown (OH)	Davis (IL)
Baca	Brown (SC)	Davis, Jo Ann
Bachus	Bryant	Davis, Tom
Baird	Burr	Deal
Baker	Burton	DeFazio
Baldacci	Buyer	DeGette
Baldwin	Calvert	DeLauro
Ballenger	Camp	DeMint
Barcia	Cannon	Deutsch
Barr	Cantor	Diaz-Balart
Barrett	Capito	Dicks
Bartlett	Capps	Dingell
Bass	Cardin	Dooley
Bentsen	Carson (OK)	Doolittle
Bereuter	Castle	Doyle
Berkley	Chabot	Dreier
Berman	Chambliss	Duncan
Berry	Clayton	Dunn
Biggert	Clement	Edwards
Billirakis	Clyburn	Ehlers
Blagojevich	Coble	Emerson
Blumenauer	Collins	Eshoo
Boehlert	Condit	Etheridge
Boehner	Costello	Everett
Bonilla	Cox	Farr
Bonior	Coyne	Fattah
Bono	Cramer	Ferguson
Boozman	Crane	Flake
Borski	Crenshaw	Fletcher
Boswell	Crowley	Foley
Boucher	Culberson	Forbes

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H3231

Ford	LoBiondo	Roybal-Allard
Fossella	Lofgren	Royce
Frank	Lucas (KY)	Rush
Frelinghuysen	Lucas (OK)	Ryan (WI)
Frost	Luther	Ryun (KS)
Gallegly	Lynch	Sabo
Ganske	Maloney (CT)	Sanchez
Gekas	Maloney (NY)	Sandlin
Gephardt	Manzullo	Sawyer
Gibbons	Mascara	Saxton
Gillmor	Matheson	Schaffer
Gilman	McCarthy (MO)	Schakowsky
Gonzalez	McCarthy (NY)	Schiff
Goode	McCollum	Schrock
Goodlatte	McCrery	Scott
Graham	McGovern	Sensenbrenner
Granger	McHugh	Serrano
Graves	McInnis	Sessions
Green (TX)	McIntyre	Shadegg
Green (WI)	McKeon	Shaw
Greenwood	McKinney	Shays
Grucci	Meehan	Sherman
Gutknecht	Meeks (NY)	Sherwood
Hall (OH)	Menendez	Shimkus
Hall (TX)	Mica	Shows
Hansen	Millender-	Shuster
Harman	McDonald	Simpson
Hart	Miller, Dan	Skeen
Hastings (WA)	Miller, Gary	Skelton
Hayes	Miller, Jeff	Slaughter
Hayworth	Mollohan	Smith (MI)
Hefley	Moore	Smith (NJ)
Herger	Moran (KS)	Smith (TX)
Hill	Morella	Smith (WA)
Hilliard	Murtha	Snyder
Hinojosa	Myrick	Solis
Hobson	Nadler	Souder
Hoefel	Napolitano	Spratt
Hoekstra	Neal	Stark
Holden	Nethercutt	Stearns
Holt	Ney	Stenholm
Hooley	Northup	Strickland
Horn	Norwood	Stump
Hostettler	Nussle	Sullivan
Hoyer	Oberstar	Sununu
Hulshof	Obey	Sweeney
Hunter	Ortiz	Tancredo
Hyde	Osborne	Tanner
Inslee	Ose	Tauscher
Isakson	Otter	Tauzin
Israel	Owens	Taylor (MS)
Issa	Oxley	Taylor (NC)
Istook	Pallone	Terry
Jackson (IL)	Pascarell	Thomas
Jackson-Lee	Pastor	Thompson (CA)
(TX)	Paul	Thompson (MS)
Jenkins	Payne	Thornberry
John	Pelosi	Thune
Johnson (CT)	Pence	Thurman
Johnson (IL)	Peterson (MN)	Tiahrt
Johnson, Sam	Peterson (PA)	Tiberi
Jones (NC)	Petri	Toomey
Kanjorski	Phelps	Turner
Keller	Pickering	Udall (CO)
Kelly	Pitts	Udall (NM)
Kennedy (MN)	Platts	Upton
Kerns	Pombo	Visclosky
Kildee	Pomeroy	Vitter
Kilpatrick	Portman	Walden
Kind (WI)	Price (NC)	Wamp
King (NY)	Pryce (OH)	Watkins (OK)
Kingston	Putnam	Watson (CA)
Kleczka	Quinn	Watt (NC)
Knollenberg	Radanovich	Waxman
LaFalce	Ramstad	Weiner
LaHood	Regula	Weldon (FL)
Lampson	Rehberg	Weldon (PA)
Larsen (WA)	Reyes	Weller
Larson (CT)	Rivers	Whitfield
Latham	Roemer	Wicker
LaTourette	Rogers (KY)	Wilson (NM)
Leach	Rogers (MI)	Wilson (SC)
Levin	Rohrabacher	Wolf
Lewis (CA)	Ros-Lehtinen	Wu
Lewis (KY)	Ross	Wynn
Linder	Rothman	Young (FL)
Lipinski	Roukema	

## NOT VOTING—34

Andrews	Engel	Lantos
Armey	Gilchrest	Lewis (GA)
Barton	Gordon	Lowey
Blunt	Goss	Meek (FL)
Callahan	Gutierrez	Moran (VA)
Combest	Hilleary	Rahall
Cooksey	Houghton	Reynolds
Cubin	Kaptur	Riley
DeLay	Kirk	
Ehrlich	Kolbe	

Towns	Walsh	Wexler
Traficant	Watts (OK)	Young (AK)

## □ 1028

Messrs. GILMAN, DAN MILLER of Florida, LARSON of Connecticut, POMEROY, UDALL of New Mexico, QUINN, KILDEE, AKIN, BERRY, BOEHLERT, SHAW and Mrs. CAPPS changed their vote from “yea” to “nay.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Ms. KAPTUR. Mr. Speaker, the following Members were unavailable for rollcall vote 213 this morning, on the Motion to Adjourn, due to a meeting we were holding with President of Egypt Hosni Mubarak at Blair House relating to the Middle East Peace Process:

The gentleman from Alabama (Mr. CALLAHAN), the gentleman from Arizona (Mr. KOLBE), the gentleman from Florida (Mr. GOSS), the gentleman from California (Mr. LANTOS), myself, the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Virginia (Mr. MORAN), and the gentlewoman from New York (Mrs. LOWEY).

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces that 1-minute will be postponed until the end of the day.

## □ 1030

## PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Mr. Speaker, under rule IX, I rise to a question of the privileges of the House, and I offer a resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas the President's constitutional duty is to faithfully execute the laws of the United States, and

Whereas, under the Constitution, treaties have the status of “supreme law of the land,” equally with other laws, and

Whereas, the President does not have the authority to repeal laws, and

Whereas, the President is not authorized to withdraw unilaterally from treaties in general, and the Anti-Ballistic Missile Treaty in particular, without the consent of Congress, and

Whereas, the President unilaterally withdrew the United States of America from the Anti-Ballistic Missile Treaty of 1972 without seeking or obtaining the consent of either house of Congress; therefore be it

*Resolved*, That the President should respect the Constitutional role of Congress and seek the approval of Congress for the withdrawal

of the United States of America from the Anti-Ballistic Missile Treaty.

## POINT OF ORDER

Mr. HYDE. Mr. Speaker, I make a point of order that the resolution does not constitute a question of privilege under rule IX of the rules of the House.

Mr. Speaker, I would like to speak specifically to the parliamentary issue before the House, whether the resolution offered by the gentleman from Ohio constitutes a question of privilege. The starting point for this inquiry is the rules of this institution, and in particular rule IX which governs questions of privilege.

Rule IX states that in order for a resolution to constitute a question of privilege of the House, it must deal with matters “affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings” or “affecting the rights, reputation and conduct of the Members, Delegate or the Resident Commissioner, individually, in their representative capacity only.”

An important clarification of this rule is set forth in section 702 of the House Rules and Manual. That section states that, under applicable House precedents, “rule IX is concerned not with the privileges of the Congress, as a legislative branch, but only with the privileges of the House, as a House.”

Mr. Speaker, in this connection I think it is important to emphasize the gentleman's resolution relates to the termination of a treaty. As we all know, the Constitution gives the House of Representatives no role in the approval of treaties. Under article 2, section 2, clause 2 of the Constitution, the Senate alone has the prerogative to review treaties and approve their ratification by the President. Until the Senate grants its approval, a treaty may not be ratified and enter into force.

In the case of the antiballistic missile, or ABM, treaty, which is the subject of this resolution, the Senate approved ratification of the treaty on August 3, 1972, and President Nixon ratified it 2 months later. Once this happened, the ABM treaty became the supreme law of the land pursuant to article 6, clause 2 of the Constitution. All of this happened without any involvement by the House of Representatives, which is as it should be under the Constitution. In addition, the treaty itself under article 15 states that “each party shall, in exercising its national sovereignty, have the right to withdraw from this treaty.”

The sponsor of this resolution argues that even though the House of Representatives had no role in bringing the ABM treaty into force, we somehow have an indispensable constitutional role in deciding whether to approve the termination of the treaty. I could understand someone in the Senate making such an argument about the prerogative of the Senate in such matters, but I am mystified how anyone could read such a prerogative into the Constitution for the House of Representatives.