

Ford	LoBiondo	Roybal-Allard
Fossella	Lofgren	Royce
Frank	Lucas (KY)	Rush
Frelinghuysen	Lucas (OK)	Ryan (WI)
Frost	Luther	Ryun (KS)
Galleghy	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
Army	Gilchrest	Lewis (GA)
Barton	Gordon	Lowe
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.