

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 17, insert the following:

(12) Article II, Section 2 of the United States Constitution provides that the President “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur”.

(13) Alexander Hamilton writes in *Federalist Paper #75* regarding the Treaty Making Powers of the Executive that “Its objects are CONTRACTS with foreign nations, which have the force of law, but derive it from the obligations of good faith. They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign. The power in question seems therefore to form a distinct department, and to belong, properly, neither to the legislative nor to the Executive. The qualities elsewhere detailed as indispensable in the management of foreign negotiations, point out the Executive as the most fit agent in those transactions; while the vast importance of the trust, and the operation of treaties as laws, plead strongly for the participation of the whole or a portion of the legislative body in the office of making them”.

(14) If any provisions of a treaty are to have legal bearing on United States citizens those provisions must pass both the United States House of Representatives and the Senate and be presented to the President, as all Federal laws must.

(15) The United States Constitution establishes a clear framework for making treaties by the Executive and with the advice and consent of the Senate. This process is indispensable for the Founders' vision of constitutional government.

(16) The United States House of Representatives does not vote for, ratify, affirm, or consent to treaties.

The Acting CHAIR. Pursuant to House Resolution 1430, the gentleman from Kentucky (Mr. MASSIE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Mr. Chairman, I rise in support of my amendment, which simply recognizes that the United States Constitution is the supreme law of the land. Our Constitution establishes a very clear framework for making treaties by the executive and with the advice and consent of the Senate.

Our Constitution also establishes a clear framework for making laws that affect our domestic affairs. If any provisions of a treaty are to have legal bearing on United States citizens, those provisions must pass both the United States House of Representatives and the Senate and be presented to the President, as all Federal laws must.

Treaties don't override our constitutional process for making law. Presidents can't make U.S. law by agreeing to new terms in an international treaty. Every law that American citizens live under must pass the House and the Senate.

My colleagues have eloquently made the point that a President can't enter into a treaty without the advice and consent of the Senate, and, in doing so, they are standing up for the sov-

ereignty of American citizens. They are requiring the Senate to be that portion of the legislative branch that decides what laws will bear on citizens, depending on what the treaty is.

My amendment here is very simple. It says that, if a treaty has a law in it that has a bearing on United States citizens, on our domestic activities, then it has to follow the lawmaking process of the Constitution.

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

Mr. MEEKS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. MEEKS. Mr. Chairman, I rise in opposition to this amendment because it is within the President's authority to negotiate treaties and agreements without Senate ratification. While inserting findings clarifying the role of Congress and ratifying treaties would be entirely appropriate for a treaty under recognition, the draft pandemic agreement is not a treaty.

As I have previously stated, the United States President has the option of acceding to a treaty or agreement through executive action alone without the advice or consent of the Senate.

Over 90 percent of all U.S. international legal agreements have been approved via executive action rather than normal or formal Senate approval. These findings insinuate that the Biden-Harris administration is attempting to sidestep the Senate in these pandemic agreement negotiations. This is absolutely, 100 percent wrong.

Mr. Chairman, it is for these reasons that I urge all of my colleagues to oppose this amendment, and I yield back the balance of my time.

Mr. MASSIE. Mr. Chairman, the bulk of my speech in support of my amendment actually doesn't come from me. It is going to come from Alexander Hamilton, who describes in *Federalist 75* the treaty-making powers of the executive. He states: “Its objects are contracts with foreign nations, which have the force of law, but derive it from the obligations of good faith.”

This is the most important part: “They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign. The power in question seems therefore to form a distinct department, and to belong, properly, neither to the legislative nor to the executive. The qualities elsewhere detailed as indispensable in the management of foreign negotiations, point out the executive as the most fit agent in those transactions; while the vast importance of the trust, and the operation of treaties as laws, plead strongly for the participation of the whole or a portion of the legislative body in the office of making them.”

What is he saying here? He is saying domestic laws can't be made using a treaty. Treaties can't bind the United

States to declare war. Treaties can't raise taxes. Treaties can't create new laws for us. The United States should not take part in international institutions that erode our sovereignty. Congress should not legitimize blatantly unconstitutional notions that agreements that come out of these institutions supersede the Constitution of the United States.

Mr. Chairman, I will close by saying this: Do we believe that the Senate itself and the President, without consulting the House, could implement a vaccine mandate by merely calling it a treaty and finding another sovereign party to enter into it with? I do not.

Do we believe that they could implement or impose social distancing on U.S. citizens by calling it a treaty and finding another sovereign to enter into an agreement with? I do not. They have to come to the House.

Let's take the example of gun control. By the way, this is not a hypothetical. Do we think they could impose gun control on U.S. citizens in a treaty with the United Nations and some other sovereign countries merely with the advice and consent of the Senate? That would take two-thirds or 67 votes in the Senate, but it could completely leave out the House of Representatives. No, they cannot do that. That is outside of our Constitution. We are guaranteed a Republican form of government with a legislature that makes the laws that bear on citizens.

Mr. Chairman, I will close with this most important part of my amendment, which says: “If any provisions of a treaty are to have legal bearing on United States citizens those provisions must pass both the House of Representatives and the Senate and be presented to the President, as all Federal laws must.”

Mr. Chairman, I urge adoption of my amendment, and I support the underlying bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. MASSIE).

The amendment was agreed to.

□ 1430

Mr. DAVIDSON. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAMALFA) having assumed the chair, Mr. MCCLINTOCK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1425) to require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 30 minutes p.m.), the House stood in recess.

□ 1620

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STRONG) at 4 o'clock and 20 minutes p.m.

NO WHO PANDEMIC PREPAREDNESS TREATY WITHOUT SENATE APPROVAL ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1430 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1425.

Will the gentleman from Nebraska (Mr. SMITH) kindly take the chair.

□ 1621

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1425) to require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification, with Mr. SMITH of Nebraska (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose earlier today, amendment No. 3, printed in part B of House Report 118-656, offered by the gentleman from Kentucky (Mr. MASSIE) had been disposed of.

AMENDMENT NO. 1 OFFERED BY MR. OGLES

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on amendment No. 1, printed in part B of House Report 118-656, offered by the gentleman from Tennessee (Mr. OGLES), on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 403, noes 0, not voting 34, as follows:

[Roll No. 409]

AYES—403

Adams	Armstrong	Banks
Aderholt	Arrington	Barr
Aguilar	Auchincloss	Barragán
Alford	Babin	Bean (FL)
Allen	Bacon	Beatty
Allred	Baird	Bentz
Amo	Balderson	Bera
Amodei	Balint	Bergman

Beyer	Fleischmann	Lesko
Bice	Fletcher	Letlow
Biggs	Flood	Levin
Bilirakis	Pong	Lieu
Bishop (GA)	Poster	Lofgren
Bishop (NC)	Foushee	Lopez
Blumenauer	Fox	Loudermilk
Blunt Rochester	Frankel, Lois	Lucas
Boebert	Franklin, Scott	Luetkemeyer
Bonamici	Frost	Luna
Bost	Fry	Luttrell
Bowman	Fulcher	Lynch
Boyle (PA)	Gaetz	Mace
Brecheen	Gallego	Magaziner
Brown	Garbarino	Malliotakis
Buchanan	Garcia (IL)	Maloy
Bucshon	Garcia (TX)	Mann
Budzinski	Garcia, Mike	Manning
Burchett	Garcia, Robert	Massie
Burgess	Jimenez	Mast
Burlison	Golden (ME)	Matsui
Bush	Goldman (NY)	McBath
Calvert	Gomez	McCaul
Cammack	Gonzales, Tony	McClain
Caraveo	Gonzalez, V.	McClellan
Carbajal	González-Colón	McClintock
Cárdenas	Good (VA)	McCollum
Carey	Gooden (TX)	McCormick
Carl	Gottheimer	McGarvey
Carson	Graves (LA)	McGovern
Carter (GA)	Graves (MO)	Meeks
Carter (TX)	Green (TN)	Menendez
Cartwright	Green, Al (TX)	Meng
Casar	Greene (GA)	Meuser
Case	Griffith	Mfume
Casten	Grothman	Miller (IL)
Castor (FL)	Guest	Miller (OH)
Castro (TX)	Guthrie	Miller (WV)
Chavez-DeRemer	Hageman	Miller-Meeks
Cherfilus-McCormick	Harder (CA)	Mills
Chu	Harris	Molinaro
Ciscomani	Harshbarger	Moolenaar
Clark (MA)	Hayes	Mooney
Clarke (NY)	Hern	Moore (AL)
Cleaver	Higgins (LA)	Moore (UT)
Cline	Hill	Moran
Cloud	Himes	Morelle
Clyburn	Hinson	Moskowitz
Clyde	Horsford	Moulton
Cohen	Houchin	Mrvan
Cole	Hoyle (OR)	Mullin
Collins	Hudson	Murphy
Comer	Huffman	Nadler
Connolly	Huizenga	Napolitano
Correa	Issa	Neal
Costa	Ivey	Neguse
Courtney	Jackson (IL)	Nehls
Craig	Jackson (NC)	Newhouse
Crane	Jackson (TX)	Nickel
Crawford	Jacobs	Norcross
Crenshaw	James	Norman
Crow	Jeffries	Norton
Cuellar	Johnson (LA)	Nunn (IA)
Curtis	Johnson (SD)	Obenolt
D'Esposito	Jordan	Ocasio-Cortez
Davids (KS)	Joyce (OH)	Ogles
Davidson	Joyce (PA)	Omar
Davis (IL)	Kamlager-Dove	Owens
Davis (NC)	Kaptur	Pallone
De La Cruz	Kean (NJ)	Palmer
Dean (PA)	Keating	Panetta
DeGette	Kelly (IL)	Pappas
DeLauro	Kelly (MS)	Pence
DelBene	Kelly (PA)	Perez
Deluzio	Kennedy	Perry
DeSaulnier	Khanna	Petterson
Diaz-Balart	Kiggans (VA)	Pfluger
Dingell	Kildee	Phillips
Doggett	Kiley	Pingree
Donalds	Kilmer	Plaskett
Duarte	Kim (CA)	Pocan
Duncan	Kim (NJ)	Porter
Dunn (FL)	Krishnamoorthi	Pressley
Edwards	Kuster	Ramirez
Ellzey	Kustoff	Raskin
Emmer	LaHood	Reschenthaler
Escobar	LaLota	Rodgers (WA)
Eshoo	LaMalfa	Rogers (AL)
Españillat	Lamborn	Rogers (KY)
Estes	Landsman	Rose
Ezell	Langworthy	Rosendale
Fallon	Larsen (WA)	Ross
Feenstra	Larson (CT)	Rouzer
Ferguson	Latta	Roy
Finstad	LaTurner	Ruiz
Fischbach	Lee (CA)	Rulli
Fitzgerald	Lee (FL)	Ruppersberger
Fitzpatrick	Lee (NV)	Rutherford
	Lee (PA)	Ryan

Salazar	Spartz	Trone
Salinas	Stansbury	Turner
Sánchez	Stanton	Underwood
Sarbanes	Stauber	Valadao
Scanlon	Steel	Van Drew
Schakowsky	Stefanik	Van Dyne
Schiff	Steil	Van Orden
Schneider	Steube	Vargas
Scholten	Stevens	Veasey
Schrier	Strickland	Velázquez
Schweikert	Strong	Walberg
Scott (VA)	Suozzi	Waltz
Scott, Austin	Swalwell	Wasserman
Scott, David	Sykes	Schultz
Self	Takano	Waters
Sessions	Tenney	Watson Coleman
Sherman	Thandekar	Weber (TX)
Sherrill	Thompson (CA)	Webster (FL)
Simpson	Thompson (PA)	Wenstrup
Slotkin	Tiffany	Westerman
Smith (MO)	Timmons	Wild
Smith (NE)	Titus	Williams (GA)
Smith (NJ)	Tlaib	Williams (NY)
Smith (WA)	Tokuda	Williams (TX)
Smucker	Tonko	Wittman
Sorensen	Torres (CA)	Womack
Soto	Torres (NY)	Yakym
Spanberger	Trahan	Zinke

NOT VOTING—34

Brownley	Jayapal	Radewagen
Carter (LA)	Johnson (GA)	Sablan
Crockett	Lawler	Scalise
DesJarlais	Leger Fernandez	Sewell
Evans	McHenry	Thompson (MS)
Garamendi	Moore (WI)	Vasquez
Gosar	Moylan	Wagner
Granger	Pelosi	Wexton
Grijalva	Peltola	Wilson (FL)
Houlahan	Peters	Wilson (SC)
Hoyer	Posey	
Hunt	Quigley	

□ 1647

Mr. MCGOVERN, Ms. BUSH, Mr. KEATING, and Ms. WASSERMAN-SCHULTZ changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. HOULAHAN. Mr. Chair, had I been present, I would have voted AYE on Roll Call No. 409.

Mrs. WAGNER. Mr. Chair, had I been present, I would have voted AYE on Roll Call No. 409.

The Acting CHAIR (Mr. CRAWFORD). There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MOLINARO) having assumed the chair, Mr. CRAWFORD, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1425) to require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification, and, pursuant to House Resolution 1430, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The question is on the amendments.