

¶127.40 POINT OF ORDER

Mr. SOLOMON made a point of order against the motion to recommit with instructions, and said:

"Mr. Speaker, I make a point of order against the motion to recommit with instructions.

"Mr. Speaker, the motion to recommit with instructions is not germane to this underlying bill. The fundamental purpose, or common thread, of the bill is very narrow and only concerns concessional loans to China. The range of methods employed in the bill is similarly narrow, and the bill is within the jurisdiction of the Committee on Banking and Finance.

"The motion, however, deals with the reciprocal tariff treatment of products of China. This is clearly not within the very narrow purpose of this bill. The issue of tariffs is also outside the range of methods employed in this bill and contains matter within the jurisdiction of the Committee on Ways and Means.

"There has been a protocol under previous Democrat leadership and Republican leadership today that amendments of this nature which would either raise or lower tariffs or raise or lower taxes are not allowed in motions to recommit on the floor. They must clear with the Committee on Ways and Means first.

Therefore, the motion to recommit with instructions is not germane, and I urge the Chair to sustain the point of order."

Mr. TAYLOR of Mississippi was recognized to speak to the point of order, and said:

"Mr. Speaker, as much as any Member of this body lives and breathes, this amendment is very much germane. Mr. SOLOMON'S bill does one thing. It directs the Secretary of the Treasury to kind of something, do something about the Chinese Communists. My amendment directs the Secretary of the Treasury to do something about the gross injustice between what the Communist Chinese charge American products when our products go to their country and the fact that they only pay 2 percent when they come to ours. Why are we doing this? Why were there 5 votes in the past 2 days? It is because they force abortions, it is because they are thugs, they do not have religious freedom, they do not have political freedom. They are selling missiles and weapons to our enemies. They are buying ports on both ends of the Panama Canal.

"Mr. Speaker, as I said, every bill that we have voted on is trying to affect Chinese policy. This bill is asking the Secretary of the Treasury to take steps to affect Chinese policy. My amendment asks the Secretary of the Treasury to take substantial, realistic steps to affect Chinese policy. We are only going to get one last chance this session to do something substantive. As I have pointed out, the Committee on Rules has voted against bills that they are cosponsors of.

"Mr. Speaker, I am asking the Members of this House to do what each of us begged for the opportunity to do every other year, and, that is, stand up for the rights of the American citizens, to strike a blow against the thugs when we get the chance. Tonight we have a chance. Tonight we can decide that we will have some lame excuse and go back and tell the constituents of each of our individual districts, that, "Dog-gone it, we couldn't do anything about those Chinese thugs because the Rules Committee said we weren't germane." Or we can say that there are some things more important than the rules of the House in the integrity of this Nation, simple things like right and wrong, simple fairness for the American working people. That is more important than the rules of the House that can be changed at any moment. That is what I am asking Members of this body to vote on, and that is why I am asking Members to vote against tabling this motion and then turn around to vote for this motion to recommit so that all of these things that have done nothing will at least be followed up by a measure that does something for the people of America and gets the attention of the thugs in Peking."

The SPEAKER pro tempore, Mr. BLUNT, sustained the point of order, and said:

"The gentleman from New York [Mr. SOLOMON] makes the point of order that the amendment proposed in the motion to recommit is not germane.

"The test of germaneness in this situation is the relationship of the amendment proposed in the motion to recommit to the provisions of the bill as a whole.

"The bill, H.R. 2605, provides that the Secretary of Treasury instruct the United States Executive Directors to oppose concessional loans at each international financial institution to the People's Republic of China, any citizen or national of the People's Republic of China, or any entity established in the People's Republic of China.

"The amendment proposed in the motion to recommit would amend the tariff schedules of the United States to achieve reciprocity between the aggregate amount of Chinese tariffs on American products and the aggregate amount of American tariffs on Chinese products.

"As noted in section 798c of the House Rules and Manual, to be germane an amendment should address the same legislative jurisdiction as is addressed in the bill. Here, although the bill addresses the jurisdiction of the Committee on Banking and Financial Services, the amendment addresses the jurisdiction of the Committee on Ways and Means.

"On this basis, the Chair finds that the amendment is a "proposition on a subject different from that under consideration" within the meaning of clause 7 of rule XVI. That is, the amendment is not germane. The point of order is sustained. The motion to recommit is not in order."

Mr. TAYLOR of Mississippi appealed the ruling of the Chair.

The question being put, viva voce,

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

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

The question being put, viva voce,

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

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

Mr. TAYLOR of Mississippi objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 220
Nays 192

¶127.41

[Roll No. 604]

YEAS—220

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

Tauzin Walsh White
Taylor (NC) Wamp Whitfield
Thomas Watkins Wicker
Thornberry Watts (OK) Wolf
Thune Weldon (FL) Young (FL)
Tiahrt Weldon (PA)
Upton Weller

NAYS—192

Abercrombie Gutierrez Olver
Ackerman Hall (OH) Ortiz
Allen Hall (TX) Owens
Andrews Harman Pallone
Baesler Hastings (FL) Pascrell
Baldacci Hefner Pastor
Barcia Hilliard Payne
Barrett (WI) Hinchey Pelosi
Becerra Hinojosa Peterson (MN)
Bentsen Holden Pickett
Berman Hooley Pomeroy
Berry Hoyer Poshard
Bishop Jackson (IL) Price (NC)
Blagojevich Jackson-Lee Rahall
Blumenauer (TX) Rangel
Bonior Jefferson Reyes
Borski John Rivers
Boswell Johnson (WI) Rodriguez
Boucher Johnson, E. B. Roemer
Boyd Kanjorski Rothman
Brown (CA) Kaptur Roybal-Allard
Brown (FL) Kennedy (MA) Rush
Brown (OH) Kennedy (RI) Sabo
Cardin Kennelly Sanchez
Clay Kildee Sanders
Clayton Kilpatrick Sandlin
Clement Kind (WI) Sawyer
Clyburn Kleczka Schumer
Condit Klink Scott
Conyers Kucinich Serrano
Costello LaFalce Sherman
Coyne Lampson Sisisky
Cramer Lantos Skelton
Cummings Levin Slaughter
Danner Lewis (GA) Smith, Adam
Davis (FL) Lipinski Snyder
Davis (IL) Lofgren Spratt
DeFazio Lowey Stabenow
DeGette Luthier Stenholm
Delahunt Maloney (CT) Stokes
DeLauro Maloney (NY) Strickland
Dellums Manton Stupak
Deutsch Markey Tanner
Dicks Martinez Tauscher
Dingell Mascara Taylor (MS)
Doggett Matsui Thompson
Dooley McCarthy (MO) Thurman
Doyle McCarthy (NY) Tierney
Edwards McDermott Torres
Engel McGovern Towns
Eshoo McHale Traficant
Etheridge McIntyre Turner
Evans McNulty Velazquez
Farr Meehan Vento
Fattah Meek Visclosky
Fazio Menendez Waters
Filner Minge Watt (NC)
Ford Mink Waxman
Frank (MA) Moakley Wexler
Frost Mollohan Weygand
Furse Moran (VA) Wise
Gordon Murtha Woolsey
Goode Nadler Wynn
Gordon Oberstar
Green Obey

NOT VOTING—21

Barr Gonzalez Riley
Boehner Granger Schiff
Carson LaTourette Smith (OR)
Cubin McKinney Stark
Dixon Millender Yates
Flake McDonald Young (AK)
Foglietta Miller (CA)
Gephardt Neal

So the motion to lay the appeal on the table was agreed to.

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

The question being put, viva voce, Will the House pass said bill?

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

Mr. SOLOMON demanded a recorded vote on passage of said bill, as amend-

ed, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 354 Nays 59

¶127.42 [Roll No. 605]

AYES—354

Abercrombie Doyle Kilpatrick
Aderholt Dreier Kim
Allen Duncan Kind (WI)
Andrews Dunn King (NY)
Archer Edwards Kingston
Army Ehlers Kleczka
Bachus Ehrlich Klink
Baesler Emerson Klug
Baker Ensign Knollenberg
Baldacci Etheridge Kucinich
Ballenger Evans Lampson
Barcia Everett Lantos
Barr Fattah Largent
Barrett (NE) Fawell Latham
Barrett (WI) Filner Lazio
Bartlett Foley Leach
Barton Forbes Levin
Bass Ford Lewis (CA)
Bateman Fossella Lewis (GA)
Bereuter Fowler Lewis (KY)
Berry Fox Linder
Bilbray Frank (MA) Lipinski
Bilirakis Franks (NJ) Livingston
Bishop Frelinghuysen LoBiondo
Bliley Frost Lucas
Blumenauer Gallegly Luther
Blunt Ganske Maloney (CT)
Boehlert Gejdenson Maloney (NY)
Boehner Gekas Manton
Bonilla Gibbons Markey
Bonior Gilchrest Martinez
Bono Gillmor Mascara
Borski Gilman Matsui
Boswell Goode McCarthy (MO)
Boucher Goodlatte McCarthy (NY)
Boyd Goodling McCollum
Brady Gordon McCreery
Brown (FL) Goss McDade
Brown (OH) Graham McGovern
Bryant Granger McHale
Bunning Green McHugh
Greenwood McInnis
Gutknecht McIntosh
Hall (OH) Hall (TX) McIntyre
Callahan McKean
Calvert Hansen McNulty
Camp Harman Meehan
Canady Hastings (FL) Menendez
Cannon Hastings (WA) Metcalf
Cardin Hayworth Mica
Chabot Hefley Miller (FL)
Chambliss Hefner Moakley
Chenoweth Herger Mollohan
Christensen Hill Moran (KS)
Clay Hilleary Murtha
Clayton Hilliard Myrick
Clement Hinojosa Nethercutt
Clyburn Hobson Neumann
Coble Hoekstra Ney
Coburn Holden Northup
Collins Hooley Norwood
Combust Horn Nussle
Condit Hostettler Oberstar
Cook Hoyer Ortiz
Cooksey Hulshof Owens
Costello Hunter Oxley
Cox Hutchinson Packard
Cramer Hyde Pallone
Crane Inglis Pappas
Crapo Istook Parker
Cummings Jackson (IL) Pascrell
Cunningham Jackson-Lee Paul
Danner (TX) Paxon
Davis (IL) Jenkins Pease
Davis (VA) John Pelosi
Deal Johnson (CT) Peterson (MN)
DeFazio Johnson (WI) Peterson (PA)
DeGette Johnson, Sam
Delahunt Jones
DeLauro Kanjorski
Dellums Kaptur
Deutsch Kasich
Diaz-Balart Kelly
Dickey Kennedy (MA)
Doggett Kennedy (RI)
Doolittle Kennelly
Kildee Pryce (OH)

Quinn Sessions Thompson
Radanovich Shadegg Thornberry
Rahall Shaw Thune
Ramstad Shays Tiahrt
Redmond Sherman Tierney
Regula Shimkus Torres
Reyes Shuster Towns
Riggs Sisisky Traficant
Rivers Skeen Turner
Rodriguez Skelton Upton
Rogan Smith (MI) Vento
Rogers Smith (NJ) Visclosky
Rohrabacher Smith (TX) Walsh
Ros-Lehtinen Smith, Linda Wamp
Rothman Snowbarger Waters
Roukema Solomon Watkins
Roybal-Allard Souder Watts (OK)
Royce Spence Weldon (FL)
Ryun Spratt Weldon (PA)
Salmon Stearns Weller
Sanchez Stenholm Wexler
Sanders Stokes Weygand
Sandlin Strickland White
Sanford Stump Whitfield
Sawyer Stupak Wicker
Saxton Sununu Wise
Scarborough Talent Wolf
Schaefer, Dan Tanner Woolsey
Schaffer, Bob Tauzin Wynn
Schumer Taylor (MS) Young (FL)
Scott Taylor (NC)
Sensenbrenner Thomas

NOES—59

Ackerman Furse Morella
Becerra Gutierrez Nadler
Bentsen Hamilton Obey
Berman Hastert Olver
Blagojevich Hinchey Pastor
Brown (CA) Jefferson Payne
Campbell Johnson, E. B. Pickett
Castle Kolbe Roemer
Conyers LaFalce Sabo
Coyne LaHood Serrano
Davis (FL) Lofgren Skaggs
Dicks Lowey Slaughter
Dingell Manzullo Smith, Adam
Dooley McDermott Snyder
Engel Meek Stabenow
English Millender Tauscher
Eshoo McDonald Thurman
Ewing Minge Velazquez
Farr Mink Watt (NC)
Fazio Moran (VA) Waxman

NOT VOTING—20

Carson Houghton Rush
Cubin LaTourette Schiff
Dixon McKinney Smith (OR)
Flake Miller (CA) Stark
Foglietta Neal Yates
Gephardt Rangel Young (AK)
Gonzalez Riley

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

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶127.43 SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1378. An Act to extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes; to the Committee on Government Reform and Oversight, and in addition, to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A bill of the Senate and concurrent resolutions of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1377. An Act to amend the Act incorporating the American Legion to make a technical correction; to the Committee on the Judiciary.