

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

§53.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

649. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Switzerland (Transmittal No. DTC-12-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

650. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's "NDF Annual Report" fiscal year 1994; to the Committee on International Relations.

651. A letter from the Director, National Gallery of Art, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

652. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's 24th edition of the Grant-In-Aid for Fisheries Program Report, pursuant to 16 U.S.C. 757(a)-757(f) and 16 U.S.C. 4101 et seq.; to the Committee on Resources.

653. A letter from the Director, Federal Deposit Insurance Corporation, transmitting a listing of Federal Deposit Insurance Corporation property covered by the Coastal Barrier Improvement Act of 1990; jointly, to the Committees on Resources and Banking and Financial Services.

§53.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 219. An Act to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

§53.5 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT ON H.R. 831

Mr. QUILLEN, by direction of the Committee on Rules, called up the following resolution (H. Res. 121):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

Mr. QUILLEN moved the previous question on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House now order the previous question?

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

Mr. FROST 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 224
Nays 201

§53.6 [Roll No. 278]

YEAS—224

- | | | |
|---------------|---------------|---------------|
| Archer | Frisa | Myers |
| Armey | Funderburk | Myrick |
| Bachus | Galleghy | Nethercutt |
| Baker (CA) | Ganske | Neumann |
| Baker (LA) | Gekas | Ney |
| Ballenger | Gilchrist | Norwood |
| Barr | Gillmor | Nussle |
| Barrett (NE) | Gilman | Oxley |
| Bartlett | Goodlatte | Packard |
| Barton | Goodling | Paxon |
| Bass | Goss | Petri |
| Bateman | Graham | Pombo |
| Bereuter | Greenwood | Porter |
| Bilbray | Gutknecht | Portman |
| Bilirakis | Hancock | Pryce |
| Bliley | Hansen | Quillen |
| Blute | Hastert | Quinn |
| Boehlert | Hastings (WA) | Radanovich |
| Boehner | Hayworth | Ramstad |
| Bonilla | Heffley | Regula |
| Bono | Heineman | Riggs |
| Brownback | Herger | Roberts |
| Bryant (TN) | Hilleary | Rogers |
| Bunn | Hobson | Rohrabacher |
| Bunning | Hoekstra | Ros-Lehtinen |
| Burr | Hoke | Royce |
| Burton | Horn | Salmon |
| Buyer | Hostettler | Sanford |
| Callahan | Houghton | Saxton |
| Calvert | Hunter | Scarborough |
| Camp | Hutchinson | Schaefer |
| Canady | Hyde | Schiff |
| Castle | Inglis | Seastrand |
| Chabot | Istook | Sensenbrenner |
| Chambliss | Johnson (CT) | Shadegg |
| Chenoweth | Johnson, Sam | Shaw |
| Christensen | Jones | Shays |
| Chrysler | Kasich | Shuster |
| Clinger | Kelly | Skeen |
| Coble | Kim | Smith (MI) |
| Coburn | King | Smith (NJ) |
| Collins (GA) | Kingston | Smith (TX) |
| Combest | Klug | Smith (WA) |
| Cooley | Knollenberg | Solomon |
| Cox | Kolbe | Souder |
| Crane | LaHood | Spence |
| Crapo | Largent | Stearns |
| Creameans | Latham | Stockman |
| Cubin | LaTourrette | Stump |
| Cunningham | Lazio | Talent |
| Davis | Leach | Tate |
| DeLay | Lewis (CA) | Taylor (NC) |
| Diaz-Balart | Lewis (KY) | Thomas |
| Dickey | Lightfoot | Thornberry |
| Doolittle | Linder | Tiahrt |
| Dornan | Livingston | Torkildsen |
| Dreier | LoBiondo | Upton |
| Dunn | Longley | Vucanovich |
| Ehlers | Lucas | Waldholtz |
| Ehrlich | Manzullo | Walker |
| Emerson | Martini | Walsh |
| English | McCollum | Wamp |
| Ensign | McCrery | Watts (OK) |
| Everett | McDade | Weldon (FL) |
| Ewing | McHugh | Weldon (PA) |
| Fawell | McInnis | Weller |
| Fields (TX) | McIntosh | White |
| Flanagan | McKeon | Whitfield |
| Foley | Metcalf | Wicker |
| Forbes | Meyers | Wolf |
| Fowler | Mica | Young (AK) |
| Fox | Miller (FL) | Young (FL) |
| Franks (CT) | Molinari | Zeliff |
| Franks (NJ) | Moorhead | Zimmer |
| Frelinghuysen | Morella | |

NAYS—201

- | | | |
|--------------|-------------|--------------|
| Abercrombie | Bevill | Chapman |
| Ackerman | Bishop | Clayton |
| Andrews | Bonior | Clement |
| Baesler | Borski | Clyburn |
| Baldacci | Boucher | Coleman |
| Barcia | Brewster | Collins (IL) |
| Barrett (WI) | Browder | Collins (MI) |
| Becerra | Brown (CA) | Condit |
| Beilenson | Brown (OH) | Conyers |
| Bentsen | Bryant (TX) | Costello |
| Berman | Cardin | Coyne |

- | | | |
|----------------|---------------|---------------|
| Cramer | Kaptur | Pickett |
| Danner | Kennedy (MA) | Poshard |
| de la Garza | Kennedy (RI) | Rahall |
| Deal | Kennelly | Rangel |
| DeFazio | Kildee | Reed |
| DeLauro | Klecza | Richardson |
| Dellums | Klink | Rivers |
| Deutsch | LaFalce | Roemer |
| Dicks | Lantos | Rose |
| Dingell | Laughlin | Roth |
| Dixon | Levin | Roukema |
| Doggett | Lewis (GA) | Roybal-Allard |
| Dooley | Lincoln | Rush |
| Doyle | Lipinski | Sabo |
| Duncan | Lofgren | Sanders |
| Durbin | Lowey | Sawyer |
| Edwards | Luther | Schroeder |
| Engel | Maloney | Schumer |
| Eshoo | Manton | Scott |
| Evans | Markey | Serrano |
| Farr | Martinez | Sisisky |
| Fattah | Mascara | Skaggs |
| Fazio | Matsui | Skelton |
| Fields (LA) | McCarthy | Slaughter |
| Filner | McDermott | Spratt |
| Flake | McHale | Stark |
| Foglietta | McKinney | Stenholm |
| Ford | McNulty | Stokes |
| Frank (MA) | Meehan | Studds |
| Frost | Meek | Tanner |
| Furse | Menendez | Tauzin |
| Gejdenson | Mfume | Taylor (MS) |
| Gephardt | Miller (CA) | Tejeda |
| Geren | Mineta | Thompson |
| Gonzalez | Minge | Thornton |
| Gordon | Mink | Thurman |
| Green | Mollohan | Torres |
| Gutierrez | Montgomery | Torricelli |
| Hall (OH) | Moran | Towns |
| Hall (TX) | Murtha | Traficant |
| Hamilton | Nadler | Tucker |
| Harman | Neal | Velazquez |
| Hastings (FL) | Neal | Vento |
| Hayes | Oberstar | Visclosky |
| Obey | Obey | Volkmer |
| Hefner | Olver | Ward |
| Hilliard | Ortiz | Waters |
| Hinchey | Orton | Watt (NC) |
| Holden | Owens | Waxman |
| Hoyer | Pallone | Williams |
| Jackson-Lee | Parker | Wilson |
| Jacobs | Pastor | Wise |
| Jefferson | Payne (NJ) | Woolsey |
| Johnson (SD) | Payne (VA) | Wyden |
| Johnson, E. B. | Pelosi | Wynn |
| Johnston | Peterson (FL) | Yates |
| Kanjorski | Peterson (MN) | |

NOT VOTING—9

- | | | |
|------------|-----------|----------|
| Allard | Gibbons | Pomeroy |
| Brown (FL) | Gunderson | Reynolds |
| Clay | Moakley | Stupak |

So the previous question on the resolution was ordered.

The question being put, *viva voce*,

Will the House agree to said resolution?

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

Mr. FROST demanded a recorded vote on agreeing to said resolution, 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 { Yeas 244
affirmative Nays 178

§53.7 [Roll No. 279]

AYES—244

- | | | |
|--------------|-----------|-------------|
| Allard | Bartlett | Boehlert |
| Archer | Barton | Boehner |
| Armey | Bass | Bonilla |
| Bachus | Bateman | Bono |
| Baesler | Bereuter | Brewster |
| Baker (CA) | Bevill | Browder |
| Baker (LA) | Bilbray | Brownback |
| Ballenger | Bilirakis | Bryant (TN) |
| Barr | Bliley | Bunn |
| Barrett (NE) | Blute | Bunning |

Burr	Hastings (WA)	Petri
Burton	Hayes	Pombo
Buyer	Hayworth	Porter
Callahan	Hefley	Portman
Calvert	Heineman	Pryce
Camp	Hergert	Quillen
Canady	Hillery	Quinn
Castle	Hobson	Radanovich
Chabot	Hoekstra	Ramstad
Chambliss	Hoke	Regula
Christensen	Horn	Riggs
Chrysler	Hostettler	Roberts
Clinger	Houghton	Roberts
Coble	Hunter	Rohrabacher
Coburn	Hutchinson	Ros-Lehtinen
Collins (GA)	Inglis	Rose
Combust	Istook	Roth
Condit	Johnson (CT)	Roukema
Cooley	Johnson, Sam	Royce
Cox	Jones	Salmon
Cramer	Kasich	Sanford
Crane	Kelly	Saxton
Crapo	Kim	Scarborough
Creameans	King	Schaefer
Cubin	Kingston	Schiff
Cunningham	Klug	Seastrand
Danner	Knollenberg	Sensenbrenner
Davis	Kolbe	Shadegg
Deal	LaHood	Shaw
DeLay	Largent	Shays
Diaz-Balart	Latham	Shuster
Dickey	LaTourrette	Sisisky
Doolittle	Laughlin	Skeen
Dornan	Lazio	Skelton
Dreier	Leach	Smith (MI)
Duncan	Lewis (CA)	Smith (NJ)
Dunn	Lewis (KY)	Smith (TX)
Ehlers	Lightfoot	Smith (WA)
Ehrlich	Linder	Solomon
Emerson	Livingston	Souder
English	LoBiondo	Spence
Ensign	Longey	Stearns
Everett	Lucas	Stockman
Ewing	Manzullo	Stump
Fawell	Martini	Talent
Fields (TX)	McCollum	Tate
Flanagan	McCrery	Tauzin
Foley	McDade	Taylor (NC)
Fowler	McHugh	Thomas
Fox	McInnis	Thornberry
Franks (CT)	McIntosh	Tiahrt
Franks (NJ)	McKeon	Torkildsen
Frelinghuysen	Metcalf	Upton
Frisa	Meyers	Vucanovich
Funderburk	Mica	Waldholtz
Gallegly	Miller (FL)	Walker
Ganske	Molinari	Walsh
Gekas	Montgomery	Wamp
Geren	Moorhead	Watts (OK)
Gilchrest	Morella	Weldon (FL)
Gillmor	Myers	Weldon (PA)
Gilman	Myrick	Weller
Goodlatte	Nethercutt	White
Goodling	Neumann	Whitfield
Goss	Ney	Wicker
Graham	Norwood	Wolf
Greenwood	Nussle	Young (AK)
Gutknecht	Oxley	Young (FL)
Hall (TX)	Packard	Zeliff
Hancock	Parker	Zimmer
Hansen	Paxon	
Hastert	Peterson (MN)	

NOES—178

Abercrombie	Conyers	Frank (MA)
Ackerman	Costello	Frost
Andrews	Coyne	Furse
Baldacci	de la Garza	Gejdenson
Barcia	DeFazio	Gephardt
Barrett (WI)	DeLauro	Gonzalez
Becerra	Dellums	Gordon
Beilenson	Deutsch	Green
Bentsen	Dingell	Gutierrez
Berman	Dixon	Hall (OH)
Bishop	Doggett	Hamilton
Bonior	Dooley	Harman
Borski	Doyle	Hastings (FL)
Boucher	Durbin	Hefner
Brown (CA)	Edwards	Hilliard
Brown (OH)	Engel	Hinches
Bryant (TX)	Eshoo	Holden
Cardin	Evans	Hoyer
Chapman	Farr	Jackson-Lee
Clay	Fattah	Jacobs
Clayton	Fazio	Jefferson
Clement	Fields (LA)	Johnson (SD)
Clyburn	Filner	Johnson, E. B.
Coleman	Flake	Johnston
Collins (IL)	Foglietta	Kanjorski
Collins (MI)	Ford	Kaptur

Kennedy (MA)	Mollohan	Slaughter
Kennedy (RI)	Moran	Spratt
Kennelly	Murtha	Stark
Kildee	Nadler	Stenholm
Kleczka	Neal	Stokes
Klink	Neal	Studds
Klinter	Obey	Tanner
LaFalce	Oliver	Taylor (MS)
Lantos	Ortiz	Tejeda
Levin	Orton	Thompson
Lewis (GA)	Owens	Thornton
Lincoln	Pallone	Thurman
Lipinski	Pastor	Torres
Lofgren	Payne (NJ)	Torricelli
Lowe	Payne (VA)	Towns
Luther	Pelosi	Traficant
Maloney	Peterson (FL)	Tucker
Manton	Pickett	Velazquez
Markey	Poshard	Vento
Martinez	Rahall	Visclosky
Martinez	Rangel	Volkmer
Matsui	Reed	Ward
McCarthy	Richardson	Waters
McDermott	Rivers	Watt (NC)
McHale	Roemer	Waxman
McKinney	Roybal-Allard	Williams
McNulty	Rush	Wilson
Meehan	Sabo	Wise
Meek	Sanders	Woolsey
Menendez	Sawyer	Wyden
Mfume	Schroeder	Wynn
Miller (CA)	Schumer	Yates
Mineta	Scott	
Minge	Skaggs	
Mink		

NOT VOTING—12

Brown (FL)	Gibbons	Pomeroy
Chenoweth	Gunderson	Reynolds
Dicks	Hyde	Serrano
Forbes	Moakley	Stupak

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

53.8 SELF-EMPLOYED HEALTH PREMIUM DEDUCTION

Mr. ARCHER, pursuant to House Resolution 121, called up the following conference report (Rept. No. 104-92):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 831), to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. PERMANENT EXTENSION AND INCREASE OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) PERMANENT EXTENSION.—Subsection (l) of section 162 of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) INCREASE IN DEDUCTION.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended by striking “25 percent” and inserting “30 percent”.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

(2) INCREASE.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1994.

SEC. 2. REPEAL OF NONRECOGNITION ON FCC CERTIFIED SALES AND EXCHANGES.

(a) IN GENERAL.—Subchapter O of chapter 1 of the Internal Revenue Code of 1986 is amended by striking part V (relating to changes to effectuate FCC policy).

(b) CONFORMING AMENDMENTS.—Sections 1245(b)(5) and 1250(d)(5) of the Internal Revenue Code of 1986 are each amended—

(1) by striking “section 1071 (relating to gain from sale or exchange to effectuate policies of FCC) or”, and

(2) by striking “1071 AND” in the heading thereof.

(c) CLERICAL AMENDMENT.—The table of parts for such subchapter O is amended by striking the item relating to part V.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) sales and exchanges on or after January 17, 1995, and

(B) sales and exchanges before such date if the FCC tax certificate with respect to such sale or exchange is issued on or after such date.

(2) BINDING CONTRACTS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to any sale or exchange pursuant to a written contract which was binding on January 16, 1995, and at all times thereafter before the sale or exchange, if the FCC tax certificate with respect to such sale or exchange was applied for, or issued, on or before such date.

(B) SALES CONTINGENT ON ISSUANCE OF CERTIFICATE.—

(i) IN GENERAL.—A contract shall be treated as not binding for purposes of subparagraph (A) if the sale or exchange pursuant to such contract, or the material terms of such contract, were contingent, at any time on January 16, 1995, on the issuance of an FCC tax certificate. The preceding sentence shall not apply if the FCC tax certificate for such sale or exchange is issued on or before January 16, 1995.

(ii) MATERIAL TERMS.—For purposes of clause (i), the material terms of a contract shall not be treated as contingent on the issuance of an FCC tax certificate solely because such terms provide that the sales price would, if such certificate were not issued, be increased by an amount not greater than 10 percent of the sales price otherwise provided in the contract.

(3) FCC TAX CERTIFICATE.—For purposes of this subsection, the term “FCC tax certificate” means any certificate of the Federal Communications Commission for the effectuation of section 1071 of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

SEC. 3. SPECIAL RULES RELATING TO INVOLUNTARY CONVERSIONS.

(a) REPLACEMENT PROPERTY ACQUIRED BY CORPORATIONS FROM RELATED PERSONS.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

“(i) NONRECOGNITION NOT TO APPLY IF CORPORATION ACQUIRES REPLACEMENT PROPERTY FROM RELATED PERSON.—

“(1) IN GENERAL.—In the case of—

“(A) a C corporation, or

“(B) a partnership in which 1 or more C corporations own, directly or indirectly (determined in accordance with section 707(b)(3)), more than 50 percent of the capital interest, or profits interest, in such partnership at the time of the involuntary conversion,

subsection (a) shall not apply if the replacement property or stock is acquired from a related person. The preceding sentence shall