

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

“Yes, Mr. Speaker.

“Mr. Speaker, if I understand the ruling the Chair is about to make, you are saying for those who do not understand arcane tax law, if we raise taxes on people but we do it in a sneaky, kind of back-door way of doing it, that, Mr. Speaker, if we do it in a legislatively, carefully crafted way, we can get away with it. If we do it straight out and say to small business, your taxes go from 14 percent to 19 percent just like that, that would require a 60-percent vote. But if we can find some way parliamentarily to swing around it, whatever the effect on people is does not make any difference.

“Is that what the Chair is saying?”.

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

“Mr. Speaker, this does not seem all that complicated. It does not change any rates of taxation of capital gains. It excludes 50 percent of the gain. Therefore, you are taxed at the 39.6-percent tax rate. Fifty percent of any gain would be excluded, giving an effective rate of 19.8 percent, a lower effective rate.

“If you happen to be taxed at a 35-percent tax rate, 50 percent of the gain would be excluded, giving you a 17.5-percent tax. It lowers the effective rate in every instance by excluding half of the gain from any taxation at all.”.

The SPEAKER pro tempore, Mr. DREIER, overruled the point of order, and said:

“The Chair is prepared to rule.

“In deference to the specialized expertise that has been provided, the Chair rules that this bill does not include a Federal income tax rate increase.”.

Mr. MORAN appealed the ruling of the Chair.

Mr. ARCHER 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. DREIER, announced that the nays had it.

Mr. MFUME demanded a recorded vote on agreeing to said motion, 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 ..... 228 Nays ..... 204

¶56.16

[Roll No. 294]

AYES—228

- Allard Archer Armye Bachus Baker (CA) Baker (LA) Ballenger Barr Barrett (NE) Bartlett Barton Bass Bateman Bereuter Bilbray Bilirakis Bliley Blute Boehlert Boehner Bonilla Bono Brownback Bryant (TN) Bunn Bunning Burr Burton Buyer Callahan Calvert Camp Canady

- Castle Chabot Chambliss Chenoweth Christensen Chrysler Clinger Coble Coburn Collins (GA) Combest Cooley Cox Crane Crapo Cremeans Cubin Cunningham Davis DeLay Diaz-Balart Dickey Doolittle Dornan Dreier Duncan Dunn Ehlers Ehrlich Emerson English Ensign Everett Ewing Fawell Fields (TX) Flanagan Foley Forbes Fowler Fox Franks (CT) Frelinghuysen Frisa Funderburk Gallegly Ganske Gekas Gilchrist Gillmor Gilman Gingrich Goodlatte Goodling Goss Graham Greenwood Gunderson Gutknecht Hancock Hansen Hastert Hastings (WA) Hayworth Hefley Heineman Herger Hilleary Hobson Hoekstra Hoke Horn Hostettler Houghton Hunter Hutchinson Hyde Inglis Istook Johnson (CT) Johnson, Sam Jones Kasich Kelly Kim King Kingston Klug Knollenberg Kolbe LaHood Largent Latham LaTourette Lazio Leach Lewis (CA) Lewis (KY) Lightfoot Linder Livingston LoBiondo Longley Lucas Manzullo Martini McCollum McCrery McDade McHugh McInnis McIntosh McKeon Metcalf Meyers Mica Miller (FL) Molinari Moorhead Morella Myers Myrick Nethercutt Neumann Ney Norwood Nussle Oxley Packard Paxon

NOES—204

- Abercrombie Ackerman Andrews Baesler Baldacci Barcia Barrett (WI) Becerra Beilenson Bentsen Berman Bevill Bishop Bonior Borski Boucher Brewster Browder Brown (CA) Brown (FL) Brown (OH) Bryant (TX) Cardin Chapman Clay Clayton Clement Clyburn Coleman Collins (IL) Collins (MI) Condit Conyers Costello Coyne Cramer Danner de la Garza Deal DeFazio DeLauro Dellums Deutsch Dicks Dingell Dixon Doggett Dooley Doyle Durbin Edwards Engel Eshoo Evans Farr Fattah Fazio Fields (LA) Filner Flake Foglietta Ford Frank (MA) Frost Furse Gejdenson

- Petri Pombo Porter Portman Pryce Quillen Quinn Radanovich Ramstad Regula Riggs Roberts Rogers Rohrabacher Ros-Lehtinen Roth Roukema Royce Salmon Sanford Saxton Scarborough Schaefer Schiff Seastrand Sensenbrenner Shadegg Shaw Shays Shuster Skeen Smith (MI) Smith (NJ) Smith (TX) Smith (WA) Solomon Spence Stearns Stockman Stump Talant Tate Taylor (NC) Thomas Thornberry Tiahrt Torkildsen Upton Vucanovich Waldholtz Walker Walsh Wamp Watts (OK) Weldon (FL) Weldon (PA) Weller White Whitfield Wicker Wolf Young (AK) Young (FL) Zeliff Zimmer

- Lantos Laughlin Levin Lewis (GA) Lincoln Lipinski Lofgren Lowey Luther Maloney Manton Markey Martinez Mascara Matsui McCarthy McDermott McHale McKinney McNulty Meehan Meek Menendez Mfume Miller (CA) Mineta Minge Mink Moakley Mollohan Montgomery Moran Murtha Nadler Neal Obergstar Obey Olver Ortiz Orton Owens Pallone Parker Pastor Payne (NJ) Payne (VA) Pelosi Peterson (FL) Peterson (MN) Pickett Pomeroy Poshard Rahall Rangel Reed Richardson Rivers Roemer Rose Roybal-Allard Rush Sabo Sanders Sawyer Schroeder Schumer Scott Serrano Sisisky Skaggs Skelton Slaughter Spratt Stark Stenholm Stokes Studds Stupak Tanner Tauzin Taylor (MS) Tejeda Thompson Thornton Thurman Torres Torricelli Towns Traficant Tucker Velazquez Vento Visclosky Volkmer Ward Waters Watt (NC) Waxman Williams Wilson Wise Woolsey Wyden Wynn Yates

NOT VOTING—3

Franks (NJ) Reynolds Souder

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. DREIER, announced that the yeas had it.

Mr. GIBBONS demanded a recorded vote on passage of said bill, 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 ..... 246 Nays ..... 188

¶56.17

[Roll No. 295]

AYES—246

- Allard Andrews Archer Armye Bachus Baker (CA) Baker (LA) Ballenger Barr Barrett (NE) Bartlett Barton Bass Bateman Bereuter Bevill Bilbray Bilirakis Bliley Boehlert Boehner Bonilla Bono Brewster Browder Brownback Bryant (TN) Bunn Bunting Burr Burton Buyer Callahan Calvert Camp Canady Canady Castle Chabot Chambliss Chenoweth Christensen Chrysler Clement Clinger Coble Coburn Collins (GA) Combest Condit Cooley Cox Cramer Crane Crapo Cremeans Cubin Cunningham Danner Danner Deal DeLay Diaz-Balart Dickey Doolittle Dornan Dreier Duncan Dunn Ehlers Ehrlich Emerson English Ensign Everett Ewing Fawell Fields (TX) Flanagan Foley Forbes Fowler Fox Franks (CT) Franks (NJ) Frelinghuysen Frisa Funderburk Gallegly Ganske Gekas Gilchrist Gillmor Gilman Gingrich Goodlatte Goodling

Gordon	LoBiondo	Sanford
Goss	Longley	Saxton
Graham	Lucas	Scarborough
Greenwood	Manton	Schaefer
Gunderson	Manzullo	Seastrand
Gutknecht	Martini	Sensenbrenner
Hall (TX)	McCollum	Shadegg
Hancock	McCrery	Shaw
Hansen	McDade	Shays
Hastert	McHugh	Shuster
Hastings (WA)	McInnis	Skeen
Hayes	McIntosh	Skelton
Hayworth	McKeon	Smith (MI)
Hefley	Metcalf	Smith (NJ)
Heineman	Meyers	Smith (TX)
Herger	Mica	Smith (WA)
Hilleary	Miller (FL)	Solomon
Hobson	Molinari	Souder
Hoekstra	Montgomery	Spence
Hoke	Moorhead	Stearns
Horn	Myers	Stockman
Hostettler	Myrick	Stump
Hunter	Nethercutt	Talent
Hutchinson	Neumann	Tanner
Hyde	Ney	Tate
Inglis	Norwood	Tauzin
Istook	Nussle	Taylor (NC)
Johnson (CT)	Oxley	Thomas
Johnson, Sam	Packard	Thornberry
Jones	Pallone	Tiahrt
Kasich	Parker	Torkildsen
Kelly	Paxon	Torricelli
Kim	Petri	Traficant
King	Pombo	Upton
Kingston	Portman	Vucanovich
Knollenberg	Pryce	Waldholtz
Kolbe	Quillen	Walker
Largent	Quinn	Walsh
Latham	Radanovich	Wamp
LaTourette	Ramstad	Watts (OK)
Laughlin	Regula	Weldon (FL)
Lazio	Riggs	Weldon (PA)
Leach	Roberts	Weller
Lewis (CA)	Rohrabacher	White
Lewis (KY)	Ros-Lehtinen	Whitfield
Lightfoot	Rose	Wicker
Lincoln	Roth	Wilson
Linder	Roukema	Young (FL)
Lipinski	Royce	Zeliff
Livingston	Salmon	Zimmer

## NOES—188

Abercrombie	Fattah	Luther
Ackerman	Fazio	Maloney
Baessler	Fields (LA)	Markey
Baldacci	Filner	Martinez
Barcia	Flake	Mascara
Barrett (WI)	Foglietta	Matsui
Becerra	Ford	McCarthy
Beilenson	Frank (MA)	McDermott
Bentsen	Frost	McHale
Berman	Furse	McKinney
Bishop	Gejdenson	McNulty
Blute	Gephardt	Meehan
Bonior	Gibbons	Meek
Borski	Gonzalez	Menendez
Boucher	Green	Mfume
Brown (CA)	Gutierrez	Miller (CA)
Brown (FL)	Hall (OH)	Mineta
Brown (OH)	Hamilton	Minge
Bryant (TX)	Harman	Mink
Cardin	Hastings (FL)	Moakley
Chapman	Hefner	Mollohan
Clay	Hilliard	Moran
Clayton	Hinchey	Morella
Clyburn	Holden	Murtha
Coleman	Houghton	Nadler
Collins (IL)	Hoyer	Neal
Collins (MI)	Jackson-Lee	Oberstar
Conyers	Jacobs	Obey
Costello	Jefferson	Olver
Coyne	Johnson (SD)	Ortiz
Davis	Johnson, E. B.	Orton
de la Garza	Johnston	Owens
DeFazio	Kanjorski	Pastor
DeLauro	Kaptur	Payne (NJ)
Dellums	Kennedy (MA)	Payne (VA)
Deutsch	Kennedy (RI)	Pelosi
Dicks	Kennelly	Peterson (FL)
Dingell	Kildee	Peterson (MN)
Dixon	Kleczka	Pickert
Doggett	Klink	Pomeroy
Dooley	Klug	Porter
Doyle	LaFalce	Poshald
Durbin	LaHood	Rahall
Edwards	Lantos	Rangel
Engel	Levin	Reed
Eshoo	Lewis (GA)	Richardson
Evans	Lofgren	Rivers
Farr	Lowey	Roemer

Rogers	Stark	Visclosky
Roybal-Allard	Stenholm	Volkmer
Rush	Stokes	Ward
Sabo	Studds	Waters
Sanders	Stupak	Watt (NC)
Sawyer	Taylor (MS)	Waxman
Schiff	Tejeda	Williams
Schroeder	Thompson	Wise
Schumer	Thornton	Wolf
Scott	Thurman	Woolsey
Serrano	Torres	Wyden
Sisisky	Towns	Wynn
Skaggs	Tuckey	Yates
Slaughter	Velazquez	Young (AK)
Spratt	Vento	

## NOT VOTING—1

Reynolds

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.

## ¶56.18 SUBMISSION OF CONFERENCE REPORT—H.R. 889

Mr. LIVINGSTON submitted a conference report (Rept. No. 104-101) on the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

## ¶56.19 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 889

Ms. PRYCE, by direction of the Committee on Rules, reported (Rept. No. 104-102) the resolution (H. Res. 129) waiving certain points of order during consideration of the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

## ¶56.20 PROVIDING FOR THE CONSIDERATION OF H.R. 483

Ms. PRYCE, by direction of the Committee on Rules, reported (Rept. No. 104-103) the resolution (H. Res. 130) providing for the consideration of the bill (H.R. 483) to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

## ¶56.21 COMMITTEES AND SUBCOMMITTEES TO SIT

On motion of Mrs. SMITH of Washington, by unanimous consent, the following committees and their subcommittees were granted permission to sit during the 5-minute rule on Thursday, April 6, 1995: the Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Government Reform and

Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on National Security, the Committee on Small Business, the Committee on Transportation and Infrastructure, and the Committee on Veterans' Affairs.

## ¶56.22 BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

On April 4, 1995:

H.R. 831. An Act 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.

And then,

## ¶56.23 ADJOURNMENT

On motion of Mr. SOLOMON, at 12 o'clock midnight, the House adjourned.

## ¶56.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee of Conference. Conference report on H.R. 889. A bill making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 104-101). Ordered to be printed.

Mr. DREIER: Committee on Rules. House Resolution 129. Resolution waiving points of order against the conference report to accompany the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 104-102). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 130. Resolution providing for the consideration of the bill (H.R. 483), to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes (Rept. No. 104-103). Referred to the House Calendar.

## ¶56.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana (for himself and Mr. TORRICELLI):

H.R. 1397. A bill to authorize the President to transfer 28 F-16 aircraft and associated spare parts and support equipment to Pakistan pursuant to agreements between the United States and Pakistan; to the Committee on International Relations.

By Mr. CLAY:

H.R. 1398. A bill to designate the U.S. post office building located at 1203 Lemay Ferry Road, St. Louis, MO, as the "Charles J. Coyle Post Office Building"; to the Committee on Government Reform and Oversight.