

corporation in satisfaction of any liability established under this subsection in connection with such plan.

(4) REGULATIONS.—The corporation may prescribe regulations under this subsection. Such regulations may—

(A) prescribe rules governing—

(i) the basis upon which the plan will continue as an ongoing plan maintained by other members of the controlled group.

(ii) the determination of whether a liquidation referred to in this subsection has occurred, and

(iii) the assignment of the corporation's claim to liability payments under this subsection to other members of the controlled group as a means of collecting such payments, subject to the transfer of such payments to the plan, and

(B) provide alternative arrangements for making liability payments under this subsection."

(b) CONFORMING AMENDMENT.—Section 4062(a)(1) of such Act (29 U.S.C. 1362(a)(1)) is amended by striking "subsection (b) and inserting "subsections (b) and (f)".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for liquidations initiated on or after the day following the date of enactment of title II.

PART 2—AMENDMENTS TO TITLE 11, UNITED STATES CODE

SEC. 351. PENSION BENEFIT GUARANTY CORPORATION PERMITTED TO BE A MEMBER OF AN UNSECURED CREDITORS' COMMITTEE.

(a) DEFINITION.—Section 101(41) of title 11 of the United States Code is amended by inserting "that guarantees pension benefits of the debtor or an affiliate of the debtor, or" after "governmental unit" the second time it appears.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply with respect to cases commenced under title 11 of the United States Code before the day following the enactment of title II.

SEC. 352. CLARIFICATION OF PRIORITIES IN CONFORMITY WITH THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PRIORITY AS EXPENSES ARISING BEFORE COMMENCEMENT OF CASE.—

(1) in subparagraph (F), by striking "or" at the end;

(2) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (G) the following:

"(H) unpaid contributions (including interest) to pension plans for plan years beginning after December 31, 1987, which are attributable to the period prior to the date of the filing of the petition and treated as taxes owing to the United States under section 412(n)(4)(C) of the Internal Revenue Code of 1986; or

"(I) liability (including interest) arising under section 4062(a)(1), 4063, or 4064 of the Employee Retirement Income Security Act of 1974 to the extent it is treated as a tax under section 4068(c)(2) of such Act, if the date of pension plan termination is on or prior to the date of the filing of the petition.

"For purposes of subparagraph (I), the date of plan termination, the amount of the liability, and the extent to which the liability is treated as a tax shall be determined in accordance with the provisions of the Employee Retirement Income Security Act of 1974 and the regulations promulgated thereunder."

(b) PRIORITY AS ADMINISTRATIVE EXPENSES ARISING AFTER COMMENCEMENT OF CASE.—Section 503(b) of such title 11 is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(7)(A) unpaid contributions (including interest) to pension plans for plan years beginning after December 31, 1987, which are attributable to the period beginning on the date of the filing of the petition and treated as taxes owing to the United States under section 412(n)(4)(C) of the Internal Revenue Code of 1986; and

"(B) liability (including interest) arising under section 4062(a)(1), 4063, or 4064 of the Employee Retirement Income Security Act of 1974 to the extent it is treated as a tax under section 4068(c)(2) of such Act, if the date of pension plan termination is after the date of the filing of the petition.

"For purposes of paragraph (7)(B), the date of plan termination, the amount of the liability, and the extent to which the liability is treated as a tax shall be determined in accordance with the provisions of the Employee Retirement Income Security Act of 1974 and the regulations promulgated thereunder."

(c) EFFECTIVE DATE.—Sections 507(a)(7)(H) and 503(b)(1)(7)(A) of title 11 of the United States Code (as amended by this section) shall be effective as if included in section 9304(e) of the Pension Protection Act (Public Law 100-203; 101 Stat. 1330-348). Sections 507(a)(7)(I) and 503(b)(1)(7)(B) of such title (as amended by this section) shall be effective with respect to cases under such title which commence on or after the day following the date of the enactment of title II or cases under such title which are pending on the day following the date of the enactment of title II and in which claims for liability have not been resolved as of such date.

SEC. 353. NOTICE REQUIRED WHERE FEDERALLY INSURED PENSION PLAN IS ADMINISTERED BY THE DEBTOR OR ITS AFFILIATE.

(a) IN GENERAL.—Rule 2002(j) of the Bankruptcy Rules (11 U.S.C. Appendix) is amended by inserting before the period at the end the following: "; (5) to the Pension Benefit Guaranty Corporation in any case in which the debtor or an affiliate of the debtor maintains a pension plan to which title IV of the Employee Retirement Income Security Act of 1974 applies."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect one day after the date of enactment of title II.

TITLE IV—ELIMINATE THE STATUTE OF LIMITATIONS ON THE COLLECTION OF DEFAULTED GUARANTEED STUDENT LOANS

SEC. 401. Section 3(c) of the Higher Education Technical Amendments of 1991 (P.L. 102-26) is amended by striking out "that are brought before November 15, 1992".

TITLE V—EXTENSION OF CURRENT LAW REGARDING LUMP-SUM WITHDRAWAL OF RETIREMENT CONTRIBUTIONS FOR CIVIL SERVICE RETIREES

SEC. 501. Chapter 83 of title 5, United States Code, is amended—

(1) in section 8342(a) by striking out "section 8343a or";

(2) by repealing section 8343a; and

(3) in the analysis by striking out the item relating to section 8343a.

SEC. 502. Chapter 84 of title 5, United States Code, is amended—

(1) by repealing section 8420a;

(2) in section 8424(a) by striking out "Except as provided in section 8420a, payment" and inserting in lieu thereof "Payment"; and

(3) in the analysis by striking out the item relating to section 8420a.

SEC. 503. The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended by repealing section 807(e).

SEC. 504. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note) is amended in part K of title II by repealing section 294.

It was decided in the { Yeas 166 negative } Nays 264

19.11

[Roll No. 28]

AYES—166

Table with 3 columns: Name, Name, Name. Lists names of members of the House of Representatives.

NOES—264

Table with 3 columns: Name, Name, Name. Lists names of members of the House of Representatives.

Hamilton	McMillen (MD)	Sanders
Harris	McNulty	Sarpalious
Hatcher	Mfume	Savage
Hayes (IL)	Miller (CA)	Sawyer
Hayes (LA)	Mineta	Saxton
Hefner	Mink	Scheuer
Hertel	Moakley	Schroeder
Hoagland	Mollohan	Schumer
Hochbrueckner	Montgomery	Serrano
Horn	Moody	Sharp
Hoyer	Mrazek	Sikorski
Hubbard	Murphy	Sisisky
Huckaby	Murtha	Skaggs
Hughes	Nagle	Skelton
Jacobs	Natcher	Slattery
Jefferson	Neal (MA)	Slaughter
Jenkins	Neal (NC)	Smith (FL)
Johnson (SD)	Nowak	Smith (IA)
Johnston	Nussle	Snowe
Jones (GA)	Oakar	Solarz
Jones (NC)	Oberstar	Spratt
Jontz	Obey	Staggers
Kanjorski	Olin	Stallings
Kaptur	Olver	Stark
Kennedy	Ortiz	Stenholm
Kennelly	Owens (NY)	Stokes
Kildee	Panetta	Studds
Klecza	Parker	Swett
Kolter	Patterson	Swift
Kopetski	Payne (NJ)	Synar
Kostmayer	Payne (VA)	Tallon
LaFalce	Pease	Tauzin
Lancaster	Pelosi	Taylor (MS)
Lantos	Penny	Thomas (GA)
LaRocco	Perkins	Thornton
Laughlin	Peterson (FL)	Torres
Lehman (CA)	Peterson (MN)	Torricelli
Lehman (FL)	Petri	Towns
Levin (MI)	Pickett	Traficant
Levine (CA)	Pickle	Traxler
Lewis (GA)	Poshard	Unsoeld
Lightfoot	Price	Valentine
Lipinski	Pursell	Vento
Lloyd	Rahall	Visclosky
Long	Rangel	Volkmer
Lowey (NY)	Reed	Washington
Luken	Regula	Waters
Machtley	Richardson	Waxman
Manton	Ridge	Weiss
Markey	Roe	Wheat
Martinez	Roemer	Williams
Matsui	Rogers	Wilson
Mavroules	Rose	Wise
Mazzoli	Rostenkowski	Wolpe
McCloskey	Rowland	Wyden
McCurdy	Roybal	Yates
McDermott	Russo	Yatron
McHugh	Sabo	Young (FL)

NOT VOTING—4

de la Garza	Ray
Dickinson	Whitten

So the amendment in the nature of a substitute, as modified, was not agreed to.

After some further time,

¶19.12 CALL IN COMMITTEE

Mr. ROSTENKOWSKI, pursuant to the order of the House of earlier today, made the point of order that a quorum was not present.

A quorum not being present,

Mr. DERRICK, Chairman, directed the Members to record their presence by electronic device, and the following-named Members responded—

¶19.13 [Roll No. 29]

“PRESENT”—409

Abercrombie	Atkins	Bevill
Ackerman	AuCoin	Bilbray
Alexander	Bacchus	Bilirakis
Allard	Baker	Blackwell
Allen	Ballenger	Biley
Anderson	Barnard	Boehlert
Andrews (ME)	Barrett	Boehner
Andrews (NJ)	Barton	Bonior
Andrews (TX)	Bateman	Borski
Annunzio	Beilenson	Boucher
Anthony	Bennett	Brewster
Applegate	Bentley	Brooks
Archer	Breuter	Broomfield
Armey	Berman	Browder

Brown	Guarini	Meyers
Bruce	Gunderson	Mfume
Bryant	Hall (OH)	Michel
Bunning	Hall (TX)	Miller (CA)
Burton	Hamilton	Miller (OH)
Bustamante	Hammerschmidt	Miller (WA)
Byron	Hansen	Mineta
Callahan	Harris	Mink
Camp	Hastert	Moakley
Campbell (CA)	Hatcher	Molinari
Campbell (CO)	Hayes (IL)	Mollohan
Cardin	Hayes (LA)	Montgomery
Carper	Hefley	Moody
Carr	Hefner	Moorhead
Chandler	Henry	Moran
Chapman	Herger	Morella
Clay	Hertel	Morrison
Clement	Hoagland	Mrazek
Clinger	Hobson	Murtha
Coble	Hochbrueckner	Myers
Coleman (MO)	Holloway	Natcher
Coleman (TX)	Hopkins	Neal (MA)
Collins (IL)	Horn	Neal (NC)
Collins (MI)	Horton	Nichols
Combust	Houghton	Nussle
Condit	Hoyer	Oakar
Conyers	Hubbard	Oberstar
Cooper	Huckaby	Obey
Costello	Hughes	Olin
Coughlin	Hunter	Olver
Cox (CA)	Hutto	Ortiz
Cox (IL)	Hyde	Orton
Coyne	Inhofe	Owens (NY)
Cramer	Jacobs	Owens (UT)
Crane	James	Oxley
Cunningham	Jefferson	Packard
Dannemeyer	Jenkins	Pallone
Darden	Johnson (CT)	Panetta
Davis	Johnson (SD)	Parker
DeFazio	Johnson (TX)	Pastor
DeLauro	Johnston	Patterson
DeLay	Jones (GA)	Paxon
Dellums	Jontz	Payne (NJ)
Derrick	Kanjorski	Payne (VA)
Dicks	Kaptur	Pease
Dingell	Kasich	Pelosi
Dixon	Kennedy	Penny
Donnelly	Kennelly	Perkins
Dooley	Kildee	Peterson (FL)
Doolittle	Klecza	Peterson (MN)
Dorgan (ND)	Klug	Petri
Dornan (CA)	Kolbe	Pickett
Dreier	Kolter	Pickle
Duncan	Kopetski	Porter
Durbin	Kostmayer	Poshard
Dwyer	Kyl	Price
Dymally	LaFalce	Pursell
Early	Lagomarsino	Quillen
Eckart	Lancaster	Rahall
Edwards (CA)	Lantos	Ramstad
Edwards (OK)	LaRocco	Rangel
Edwards (TX)	Laughlin	Ravenel
Emerson	Leach	Reed
Engel	Lehman (CA)	Regula
English	Lehman (FL)	Rhodes
Erdreich	Lent	Richardson
Espy	Levin (MI)	Ridge
Evans	Levine (CA)	Riggs
Ewing	Lewis (CA)	Rinaldo
Fascell	Lewis (FL)	Ritter
Fawell	Lewis (GA)	Roberts
Fazio	Lightfoot	Roemer
Feighan	Lipinski	Rogers
Fields	Livingston	Rohrabacher
Fish	Lloyd	Ros-Lehtinen
Flake	Long	Rose
Foglietta	Lowery (CA)	Rostenkowski
Ford (MI)	Lowey (NY)	Roth
Ford (TN)	Luken	Roukema
Franks (CT)	Machtley	Rowland
Frost	Manton	Roybal
Gallegly	Markey	Russo
Gallo	Marlenee	Sabo
Gaydos	Martin	Sanders
Gejdenson	Martinez	Sangmeister
Gekas	Matsui	Santorum
Gephardt	Mavroules	Sarpalious
Gibbons	Mazzoli	Sawyer
Gilchrest	McCandless	Saxton
Gillmor	McCloskey	Schaefer
Gilman	McCrery	Scheuer
Gingrich	McCurdy	Schiff
Glickman	McDade	Schroeder
Gonzalez	McDermott	Schulze
Goodling	McEwen	Schumer
Gordon	McGrath	Sensenbrenner
Goss	McHugh	Serrano
Gradison	McMillan (NC)	Sharp
Grandy	McMillan (MD)	Shaw
Green	McNulty	Shays

Sikorski	Swift	Vucanovich
Sisisky	Synar	Walker
Skaggs	Tallon	Walsh
Skeen	Tanner	Waters
Skelton	Tauzin	Weber
Slattery	Taylor (MS)	Weiss
Slaughter	Taylor (NC)	Weldon
Smith (IA)	Thomas (CA)	Wheat
Smith (NJ)	Thomas (GA)	Williams
Smith (OR)	Thomas (WY)	Wilson
Smith (TX)	Thornton	Wise
Snowe	Torres	Wolf
Solomon	Torricelli	Wolpe
Spence	Towns	Wyden
Spratt	Traficant	Wylie
Staggers	Traxler	Yates
Stallings	Unsoeld	Yatron
Stearns	Upton	Young (AK)
Stenholm	Valentine	Young (FL)
Stokes	Vander Jagt	Zeliff
Stump	Vento	Zimmer
Sundquist	Visclosky	
Swett	Volkmer	

Thereupon, Mr. DERRICK, Chairman, announced that 409 Members had been recorded, a quorum.

The Committee resumed its business. After some further time,

¶19.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. ROSTENKOWSKI:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Tax Fairness and Economic Growth Act of 1992”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) UNDERPAYMENT OF ESTIMATED TAX.—No addition to tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1986 for any period before April 16, 1993 (March 16, 1993, in the case of a taxpayer subject to such section 6655) with respect to any underpayment to the extent such underpayment was created or increased by any amendment made by this Act. The preceding sentence shall not apply to the amendments made by section 3101.

(e) TABLE OF CONTENTS.—

Section 1. Short title; etc.
Sec. 2. Treatment under pay-as-you-go procedures.

TITLE I—MIDDLE CLASS TAX RELIEF

Sec. 1001. Credit for portion of social security taxes.
Sec. 1002. Credit for interest on education loans.
Sec. 1003. Penalty-free withdrawals for first home purchase, higher education expenses, and medical expenses.
Sec. 1004. Modifications of one-time exclusion of gain from sale of principal residence.
Sec. 1005. Treatment of employer-provided transportation benefits.
Sec. 1006. Extension of deduction for health insurance costs of self-employed individuals.