

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BE-REUTER) that the House suspend the rules and agree to the resolution, House Resolution 149, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 8, as follows:

[Roll No. 126]

YEAS—425

Abercrombie	Cox	Hall
Ackerman	Cramer	Harman
Aderholt	Crane	Harris
Akin	Crenshaw	Hart
Alexander	Crowley	Hastings (FL)
Allen	Cubin	Hastings (WA)
Andrews	Culberson	Hayes
Baca	Cummings	Hayworth
Bachus	Cunningham	Hefley
Baird	Davis (AL)	Hensarling
Baker	Davis (CA)	Herger
Baldwin	Davis (FL)	Hill
Ballance	Davis (IL)	Hinchee
Ballenger	Davis (TN)	Hinojosa
Barrett (SC)	Davis, Jo Ann	Hobson
Bartlett (MD)	Davis, Tom	Hoefel
Barton (TX)	Deal (GA)	Hoekstra
Bass	DeFazio	Holden
Beauprez	DeGette	Holt
Becerra	Delahunt	Honda
Bell	DeLauro	Hooley (OR)
Bereuter	DeLay	Hostettler
Berkley	DeMint	Hoyer
Berman	Deutsch	Hulshof
Berry	Diaz-Balart, L.	Hunter
Biggart	Diaz-Balart, M.	Inslee
Bilirakis	Dicks	Isakson
Bishop (GA)	Dingell	Israel
Bishop (NY)	Doggett	Issa
Bishop (UT)	Dooley (CA)	Istook
Blackburn	Doolittle	Jackson (IL)
Blumenauer	Doyle	Jackson-Lee
Blunt	Dreier	(TX)
Boehlert	Duncan	Janklow
Boehner	Dunn	Jefferson
Bonilla	Edwards	Jenkins
Bonner	Ehlers	John
Bono	Emanuel	Johnson (CT)
Boozman	Emerson	Johnson (IL)
Boswell	Engel	Johnson, E. B.
Boucher	English	Johnson, Sam
Bradley (NH)	Eshoo	Jones (NC)
Brady (PA)	Etheridge	Jones (OH)
Brady (TX)	Evans	Kanjorski
Brown (OH)	Everett	Kaptur
Brown (SC)	Farr	Keller
Brown, Corrine	Fattah	Kelly
Brown-Waite,	Ferguson	Kennedy (MN)
Ginny	Filner	Kennedy (RI)
Burgess	Flake	Kildee
Burns	Fletcher	Kilpatrick
Burr	Foley	Kind
Burton (IN)	Forbes	King (IA)
Buyer	Ford	King (NY)
Calvert	Fossella	Kingston
Camp	Frank (MA)	Kirk
Cannon	Franks (AZ)	Klecza
Cantor	Frelinghuysen	Kline
Capito	Frost	Knollenberg
Capps	Gallely	Kolbe
Capuano	Garrett (NJ)	Kucinich
Cardin	Gerlach	LaHood
Cardoza	Gibbons	Lampson
Carson (IN)	Gilchrest	Langevin
Carson (OK)	Gillmor	Lantos
Carter	Gingrey	Larsen (WA)
Case	Gonzalez	Larson (CT)
Castle	Goode	Latham
Chabot	Goodlatte	LaTourette
Chocola	Gordon	Leach
Clay	Goss	Lee
Clyburn	Granger	Levin
Coble	Graves	Lewis (CA)
Cole	Green (TX)	Lewis (GA)
Collins	Green (WI)	Lewis (KY)
Combest	Greenwood	Linder
Conyers	Grijalva	Lipinski
Cooper	Gutierrez	LoBiondo
Costello	Gutknecht	Lofgren

Lowey	Pelosi	Smith (MI)
Lucas (KY)	Pence	Smith (NJ)
Lynch	Peterson (MN)	Smith (TX)
Majette	Peterson (PA)	Smith (WA)
Maloney	Petri	Snyder
Manzullo	Pickering	Solis
Markey	Pitts	Souder
Marshall	Platts	Spratt
Matheson	Pombo	Stark
Matsui	Pomeroy	Stearns
McCarthy (NY)	Porter	Stenholm
McCollum	Portman	Strickland
McCotter	Price (NC)	Stupak
McCrary	Pryce (OH)	Sullivan
McDermott	Putnam	Sweeney
McGovern	Quinn	Tancredo
McHugh	Radanovich	Tanner
McInnis	Rahall	Tauscher
McIntyre	Ramstad	Tauzin
McKeon	Rangel	Taylor (MS)
McNulty	Regula	Taylor (NC)
Hayworth	Rehberg	Terry
Meek (FL)	Renzi	Thomas
Meeks (NY)	Reyes	Thompson (CA)
Menendez	Reynolds	Thompson (MS)
Mica	Rodriguez	Thornberry
Michaud	Rogers (AL)	Tiahrt
Millender-	Rogers (KY)	Tiberi
McDonald	Rogers (MI)	Toomey
Miller (FL)	Rohrabacher	Townes
Miller (MI)	Ros-Lehtinen	Turner (OH)
Miller (NC)	Ross	Turner (TX)
Miller, Gary	Rothman	Udall (CO)
Miller, George	Roybal-Allard	Udall (NM)
Mollohan	Royce	Upton
Moore	Ruppersberger	Van Hollen
Moran (KS)	Rush	Velazquez
Moran (VA)	Ryan (OH)	Visclosky
Murphy	Ryan (WI)	Vitter
Murtha	Sabo	Walden (OR)
Musgrave	Sanchez, Linda	Walsh
Myrick	T.	Wamp
Nadler	Sanchez, Loretta	Waters
Napolitano	Sanders	Watson
Neal (MA)	Sandlin	Watt
Nethercutt	Saxton	Waxman
Ney	Schakowsky	Weiner
Northup	Schiff	Weldon (FL)
Norwood	Schrock	Weldon (PA)
Nunes	Scott (GA)	Weller
Nussle	Scott (VA)	Wexler
Oberstar	Sensenbrenner	Whitfield
Obey	Serrano	Wicker
Olver	Sessions	Wilson (NM)
Ortiz	Shadegg	Wilson (SC)
Osborne	Shaw	Wolf
Ose	Shays	Woolsey
Otter	Sherman	Wu
Owens	Sherwood	Wynn
Oxley	Shimkus	Young (AK)
Pallone	Shuster	Young (FL)
Pallone	Simmons	
Pascrell	Simpson	
Pastor	Skelton	
Payne	Slaughter	

NAYS—1

Paul

NOT VOTING—8

Boyd	Houghton	McCarthy (MO)
Feeney	Hyde	Ryun (KS)
Gephardt	Lucas (OK)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST) (during the vote). Members are advised 2 minutes remain to vote.

□ 1803

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone fur-

ther proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

And record votes on postponed questions will be taken tomorrow.

ARMED FORCES TAX FAIRNESS ACT OF 2003

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1664) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The Clerk read as follows:

H.R. 1664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Armed Forces Tax Fairness Act of 2003”.

(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.

SEC. 2. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

“(10) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

“(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period referred to in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual’s spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service.

“(B) MAXIMUM PERIOD OF SUSPENSION.—Such 5-year period shall not be extended more than 5 years by reason of subparagraph (A).

“(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified official extended duty’ means any extended duty while serving at a duty station which is at least 150 miles from such property or while residing under Government orders in Government quarters.

“(ii) UNIFORMED SERVICES.—The term ‘uniformed services’ has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

“(iii) FOREIGN SERVICE.—The term ‘member of the Foreign Service’ has the meaning given the term ‘member of the Service’ by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.