

So the amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore, Mrs. UNSOELD, pursuant to clause 2(d) of rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration, pursuant to House Resolution 331, of the joint resolution (H.J. Res. 103) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation.

Mr. SKAGGS, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

25.10 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. WISE:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

ARTICLE

SECTION 1. Total outlays of the operating funds of the United States for any fiscal year shall not exceed total receipts to those funds for that fiscal year.

SECTION 2. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House of Congress, that becomes law. If real economic growth has been or will be negative for two consecutive quarters, Congress may by law, passed by a majority of the whole number of each House of Congress, waive this article for the current and next fiscal year.

SECTION 3. Not later than the first Monday in February in each calendar year, the President shall transmit to the Congress a proposed budget for the United States Government for the fiscal year beginning in that calendar year in which total outlays of the operating funds of the United States for that fiscal year shall not exceed total receipts to those funds for that fiscal year.

SECTION 4. Total receipts of the operating funds shall exclude those derived from net borrowing. Total outlays of the operating funds of the United States shall exclude those for repayment of debt principal and for capital investments that provide long-term economic returns but shall include annual principal and interest payments for borrowing on capital investments. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as receipts or outlays for purposes of this article.

SECTION 5. Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

SECTION 6. This section and section 5 of this article shall take effect upon ratifica-

tion. All other sections of this article shall take effect beginning with fiscal year 2001 or the second fiscal year beginning after its ratification, whichever is later.

It was decided in the { Yeas ..... 111 negative ..... Nays ..... 318

25.11 [Roll No. 64] AYES—111

- Ackerman Hall (OH) Pomeroy
Andrews (ME) Hamilton Price (NC)
Andrews (NJ) Harman Reed
Applegate Hefner Regula
Barca Hilliard Reynolds
Barcia Hoagland Richardson
Barrett (WI) Hochbrueckner Roemer
Billray Holden Rogers
Bishop Hoyer Romero-Barcelo
Bonior Jefferson (PR)
Borski Johnson (SD) Rose
Boucher Kaptur Sawyer
Brown (OH) Kennedy Schenk
Bryant Kleczka Schroeder
Byrne Kopetski Schumer
Cantwell Lambert Scott
Carr Lancaster Sharp
Chapman Lantos Shepherd
Clinger Long Skaggs
Clyburn Maloney Smith (IA)
Coleman Mann Spence
Cooper Markey Strickland
Costello McCloskey Stupak
Danner McNulty Sweet
DeLauro Meehan Tejada
Deutsch Miller (CA) Thornton
Duncan Mineta Thurman
Durbin Mink Torres
Engel Moran Torricelli
Eshoo Murphy Volkmer
Fazio Neal (MA) Washington
Fields (LA) Oberstar Wheat
Fingerhut Obey Whitten
Ford (MI) Olver Williams
Frost Ortiz Wise
Furse Pallone Yates
Gejdenson Pastor
Gibbons Peterson (MN)

NOES—318

- Abercrombie Collins (MI) Franks (NJ)
Allard Combest Gallegly
Andrews (TX) Condit Gekas
Archer Conyers Gephardt
Army Coppersmith Geren
Bacchus (FL) Cox Gilchrist
Bachus (AL) Coyne Gillmor
Baesler Cramer Gilman
Baker (CA) Crane Gingrich
Baker (LA) Crapo Glickman
Ballenger Cunningham Gonzalez
Barlow Darden Goodlatte
Barrett (NE) de la Garza Goodling
Bartlett de Lugo (VI) Gordon
Barton Deal Goss
Bateman DeFazio Grams
Becerra DeLay Greenwood
Beilenson Dellums Gunderson
Bentley Derrick Gutierrez
Bereuter Diaz-Balart Hall (TX)
Berman Dickey Hancock
Bevill Dicks Hansen
Bilirakis Dingell Hastert
Blackwell Dixon Hayes
Bliley Dooley Hefley
Blute Doolittle Herger
Boehlert Dornan Hinchey
Boehner Dreier Hobson
Bonilla Dunn Hoekstra
Brewster Edwards (CA) Hoke
Brooks Edwards (TX) Horn
Browder Ehlers Houghton
Brown (CA) Emerson Huffington
Brown (FL) English Hughes
Bunning Evans Hunter
Burton Everett Hutchinson
Buyer Ewing Hutto
Callahan Faleomavaega Hyde
Calvert (AS) Inglis
Camp Fawell Inhofe
Canady Fields (TX) Inslee
Cardin Filner Istook
Castle Fish Jacobs
Clay Flake Johnson (CT)
Clayton Foglietta Johnson (GA)
Clement Ford (TN) Johnson, E.B.
Coble Fowler Johnson, Sam
Collins (GA) Frank (MA) Johnston
Collins (IL) Franks (CT) Kanjorski

- Kasich Molinari Shuster
Kennedy Mollohan Sisisky
Kildee Montgomery Skeen
Kim Moorhead Skelton
King Morella Slattery
Kingston Murtha Slaughter
Klein Myers Smith (MI)
Klink Nadler Smith (NJ)
Klug Neal (NC) Smith (OR)
Knollenberg Norton (DC) Smith (TX)
Kolbe Nussle Snowe
Kreidler Orton Solomon
Kyl Owens Spratt
LaFalce Oxley Stark
LaRocco Packard Stearns
Laughlin Parker Stenholm
Lazio Paxon Stokes
Leach Payne (VA) Studds
Lehman Pelosi Stump
Levin Penny Sundquist
Levy Peterson (FL) Swift
Lewis (CA) Petri Synar
Lewis (FL) Pickett Talent
Lewis (GA) Pickle Tanner
Lightfoot Pombo Tauzin
Linder Porter Taylor (MS)
Lipinski Portman Taylor (NC)
Livingston Poshard Thomas (CA)
Lloyd Pryce (OH) Thomas (WY)
Lowey Quillen Thompson
Machtley Quinn Torkildsen
Manzullo Rahall Towns
Margolies-Ramstad Traficant
Mezvinsky Rangel Tucker
Martinez Ravenel Underwood (GU)
Matsui Ridge Unsoeld
Mazzoli Roberts Upton
McCandless Rohrabacher Valentine
McCollum Ros-Lehtinen Velazquez
McCrery Rostenkowski Vento
McCurdy Roth Visclosky
McDade Roukema Vucanovich
McDermott Rowland Walker
McHale Roybal-Allard Walsh
McHugh Royce Waters
McInnis Rush Watt
McKeon Sabo Waxman
McKinney Sanders Weldon
McMillan Sangmeister Wilson
Meek Santorum Wolf
Menendez Sarpalius Woolsey
Meyers Saxton Wyden
Mfume Schaefer Wynn
Mica Schiff Young (AK)
Michel Sensenbrenner Young (FL)
Miller (FL) Serrano Zeliff
Minge Shaw Zimмер
Moakley Shays

NOT VOTING—9

- Farr Green Manton
Gallo Hamburg Natcher
Grandy Hastings Payne (NJ)

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

After some further time, The SPEAKER resumed the Chair.

When Mr. SKAGGS, Chairman, pursuant to House Resolution 331, reported the joint resolution back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the resolving clause and insert:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

ARTICLE—

SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that

fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

“SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for an increase by a rollcall vote.

“SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

“SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

“SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

“SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

“SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

“SECTION 8. This article shall take effect beginning with fiscal year 2001 or with the second fiscal year beginning after its ratification, whichever is later.”

The joint resolution, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*, Will the House pass said joint resolution?

The SPEAKER announced that two-thirds of the Members present having voted in favor thereof, the joint resolution was passed.

Mr. WISE 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 ..... 271  
Nays ..... 153

¶25.12

[Roll No. 65]  
YEAS—271

Allard	Bishop	Clinger
Andrews (NJ)	Bliley	Coble
Andrews (TX)	Blute	Collins (GA)
Archer	Boehlert	Combust
Army	Boehner	Condit
Bacchus (FL)	Bonilla	Cooper
Bachus (AL)	Brewster	Coppersmith
Baesler	Browder	Costello
Baker (CA)	Brown (OH)	Cox
Baker (LA)	Bryant	Cramer
Ballenger	Bunning	Crane
Barcia	Burton	Crapo
Barrett (NE)	Buyer	Cunningham
Bartlett	Callahan	Danner
Barton	Calvert	Darden
Bateman	Camp	de la Garza
Bentley	Canady	Deal
Bereuter	Carr	DeFazio
Bevill	Castle	DeLay
Bilbray	Chapman	Derrick
Bilirakis	Clement	Deutsch

Diaz-Balart	King
Dickey	Kingston
Dooley	Klug
Doolittle	Knollenberg
Dornan	Kolbe
Dreier	Kyl
Duncan	Lambert
Dunn	Lancaster
Edwards (TX)	Lantos
Ehlers	LaRocco
Emerson	Laughlin
English	Lazio
Everett	Leach
Ewing	Levy
Fawell	Lewis (CA)
Fields (TX)	Lewis (FL)
Fingerhut	Lightfoot
Fish	Linder
Fowler	Lipinski
Franks (CT)	Livingston
Franks (NJ)	Lloyd
Frost	Long
Galleghy	Machtley
Gekas	Mann
Geren	Manzullo
Gilchrest	Martinez
Gillmor	Mazzoli
Gingrich	McCandless
Glickman	McCloskey
Goodlatte	McCollum
Goodling	McCrery
Gordon	McCurdy
Goss	McDade
Grams	McHale
Greenwood	McHugh
Gunderson	McInnis
Hall (TX)	McKeon
Hancock	McMillan
Hansen	McNulty
Harman	Meehan
Hastert	Meyers
Hayes	Mica
Hefley	Miller (FL)
Hefner	Minge
Herger	Molinari
Hoagland	Montgomery
Hobson	Moorhead
Hoekstra	Moran
Hoke	Morella
Horn	Myers
Houghton	Neal (NC)
Hoyer	Nussle
Huffington	Ortiz
Hunter	Orton
Hutchinson	Oxley
Hutto	Packard
Hyde	Pallone
Inglis	Parker
Inhofe	Paxon
Inslee	Payne (VA)
Istook	Penny
Jacobs	Peterson (FL)
Johnson (CT)	Peterson (MN)
Johnson (GA)	Petri
Johnson (SD)	Pickle
Johnson, Sam	Pombo
Johnston	Porter
Kasich	Portman
Kennedy	Poshard
Kim	Pryce (OH)

NAYS—153

Abercrombie	DeLauro	Hilliard
Ackerman	Dellums	Hinchey
Andrews (ME)	Dicks	Hochbrueckner
Applegate	Dingell	Holden
Barca	Dixon	Hughes
Barlow	Durbin	Jefferson
Barrett (WI)	Edwards (CA)	Johnson, E. B.
Becerra	Engel	Kanjorski
Beilenson	Eshoo	Kaptur
Berman	Evans	Kennelly
Blackwell	Fazio	Kildee
Bonior	Fields (LA)	Kleczka
Borski	Filner	Klein
Boucher	Flake	Klink
Brooks	Foglietta	Kopetski
Brown (CA)	Ford (MI)	Kreidler
Brown (FL)	Ford (TN)	LaFalce
Byrne	Frank (MA)	Lehman
Cantwell	Furse	Levin
Cardin	Gejdenson	Lewis (GA)
Clay	Gephardt	Lowey
Clayton	Gibbons	Maloney
Clyburn	Gilman	Margolies-
Coleman	Gonzalez	Mezvinsky
Collins (IL)	Gutierrez	Markey
Collins (MI)	Hall (OH)	Matsui
Conyers	Hamburg	McDermott
Coyne	Hamilton	McKinney

Meek	Reynolds	Thompson
Menendez	Rose	Thornton
Mfume	Rostenkowski	Thorman
Miller (CA)	Roybal-Allard	Torres
Mineta	Rush	Towns
Mink	Sabo	Trafcant
Moakley	Sanders	Tucker
Mollohan	Sawyer	Unsoeld
Murphy	Schroeder	Velazquez
Murtha	Schumer	Vento
Nadler	Scott	Visclosky
Neal (MA)	Serrano	Washington
Oberstar	Skaggs	Waters
Obey	Slattery	Watt
Olver	Slaughter	Waxman
Owens	Smith (IA)	Wheat
Pastor	Stark	Williams
Pelosi	Stokes	Wise
Pickett	Strickland	Woolsey
Pomeroy	Studds	Wyden
Price (NC)	Stupak	Wynn
Rahall	Swift	Yates
Rangel	Synar	
Reed	Tejeda	

NOT VOTING—9

Farr	Green	Michel
Gallo	Hastings	Natcher
Grandy	Manton	Payne (NJ)

So, two-thirds of the Members present not having voted in favor thereof, the joint resolution was not passed.

A motion to reconsider the vote whereby said joint resolution was not passed was, by unanimous consent, laid on the table.

¶25.13 REQUESTING CONFERENCE WITH SENATE TO HOUSE AMENDMENT ON S. 636

Mr. MOAKLEY, by direction of the Committee on Rules, called up the following resolution (H. Res. 374):

*Resolved*, That upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes, and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 796 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 636 and request a conference with the Senate thereon.

When said resolution was considered.

After debate, Ms. SLAUGHTER 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. STUDDS, announced that the yeas had it.

On a division demanded by Mr. SENBRENNER, there appeared, yeas—5, nays—16.

Ms. SLAUGHTER 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.