

et I presented to the Congress by \$3.2 billion. It is exceedingly unlikely, if not impossible, that the Congress can fund the programs contained in H.R. 2507 while complying with the requirements of the Budget Enforcement Act. That being the case, the expectations that this bill will create are unreasonable. Those who suffer from the many diseases and disorders that are the subject of this unrealistic legislation will be sadly disappointed.

H.R. 2507 is also objectionable because its provisions regarding the appointment of "Ethics Advisory Boards" are inconsistent with the Appointments Clause of the Constitution. H.R. 2507 would effectively give these boards unilateral authority to make decisions concerning major research initiatives. As a policy matter, these decisions should be made by the President's chief officer on health issues: The Secretary of Health and Human Services. More fundamentally, however, the Appointments Clause requires that officers vested with this type of power be appointed by the President by and with the advice and consent of the Senate. Instead, H.R. 2507 provides that they are to be appointed by the Secretary of Health and Human Services and then purports to circumscribe the discretion of the appointing authority by imposing various requirements concerning the boards' composition. H.R. 2507's provisions regarding the Scientific and Technical Board on Biomedical and Behavioral Research Facilities and the Office of Research on Women's Health likewise raise Appointments Clause problems.

In addition, H.R. 2057 contains reporting requirements that impair the separation of powers. For example, the bill would require the Director of the National Cancer Institute to submit to specified committees of the Congress the original plan, and any revisions to that plan, regarding certain cancer research. This requirement to submit to the Congress what is in essence a draft plan without the prior review and approval of the executive branch clearly interferes with the deliberative process of the executive branch. The internal workings of the executive branch should be just that—internal. To require the executive branch to display each step in its deliberative process to the Congress would destroy my ability to speak as the single voice of a unitary executive.

I am also troubled by the increasingly frequent imposition of reporting requirements. H.R. 2507 imposes a significant number of new reporting requirements on an executive branch that already suffers under the burden of literally thousands of such requirements. Last October, I noted that "taken together such reports put a heavy burden on the reporting agencies at a time of scarce resources." Thus, I called for "an effort to minimize reporting requirements, both in terms of the number and frequency of reports that must be submitted, as well as the level of detail required." Bills such as

H.R. 2507 move us in the opposite direction.

For these reasons, I am returning H.R. 2507 without my approval, and I ask the Congress to adopt a simple extension of those appropriations authorizations for the National Institutes of Health that need to be extended.

GEORGE BUSH.

THE WHITE HOUSE, June 23, 1992.

The SPEAKER ordered that the veto message, together with the accompanying bill, be printed (H. Doc. 102-349) and spread upon the pages of the Journal of the House.

The question being on passage of the bill, the objections of the President to the contrary notwithstanding.

After debate,

By unanimous, the previous question was ordered on the bill.

The question being put,

Will the House, upon reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

It was decided in the { Yeas 271
negative { Nays 156

¶76.7 [Roll No. 222] YEAS—271

Abercrombie	Donnelly	Johnson (SD)
Ackerman	Dooley	Johnston
Alexander	Dorgan (ND)	Jones (NC)
Anderson	Downey	Kaptur
Andrews (ME)	Durbin	Kennedy
Andrews (NJ)	Dwyer	Kennelly
Andrews (TX)	Dymally	Kildee
Annunzio	Early	Kildeck
Anthony	Eckart	Kleczka
Applegate	Edwards (CA)	Klug
Aspin	Edwards (TX)	Kolbe
Atkins	English	Kopetski
AuCoin	Erdreich	Kostmayer
Bacchus	Espy	Lancaster
Barnard	Evans	Lantos
Beilenson	Fascell	LaRocco
Bentley	Fawell	Laughlin
Berman	Fazio	Leach
Bevill	Feighan	Lehman (CA)
Billbray	Foglietta	Lehman (FL)
Blackwell	Foley	Levin (MI)
Boehlert	Ford (MI)	Levine (CA)
Borski	Ford (TN)	Lewis (FL)
Boucher	Frank (MA)	Lewis (GA)
Boxer	Franks (CT)	Lipinski
Brewster	Frost	Lloyd
Brooks	Gallo	Long
Browder	Gejdenson	Lowey (NY)
Brown	Gephardt	Machtley
Bruce	Geren	Markey
Bryant	Gibbons	Martinez
Bustamante	Gilchrest	Matsui
Byron	Gillmor	Mavroules
Campbell (CA)	Gilman	McCloskey
Campbell (CO)	Glickman	McCurdy
Cardin	Gonzalez	McDermott
Carper	Gordon	McHugh
Carr	Gradison	McMillen (MD)
Chandler	Green	Meyers
Chapman	Guarini	Mfume
Clay	Hall (TX)	Miller (CA)
Clement	Hamilton	Miller (WA)
Coleman (MO)	Harris	Mineta
Coleman (TX)	Hatcher	Mink
Collins (IL)	Hayes (IL)	Moakley
Collins (MI)	Henry	Molinari
Condit	Hertel	Montgomery
Conyers	Hoagland	Moody
Cooper	Hobson	Moran
Cox (IL)	Hochbrueckner	Morella
Coyne	Horn	Morrison
Cramer	Horton	Mrazek
Darden	Houghton	Murtha
DeFazio	Hoyer	Nagle
DeLauro	Hubbard	Natcher
Dellums	Huckaby	Neal (MA)
Derrick	Hughes	Neal (NC)
Dickinson	Jacobs	Oakar
Dicks	Jefferson	Obey
Dingell	Jenkins	Olin
Dixon	Johnson (CT)	Olver

Owens (NY)	Sanders	Tallon
Owens (UT)	Sangmeister	Tanner
Pallone	Savage	Thomas (CA)
Panetta	Sawyer	Thomas (GA)
Pastor	Scheuer	Torres
Patterson	Schroeder	Torricelli
Payne (NJ)	Serrano	Towns
Payne (VA)	Sharp	Traficant
Pease	Shaw	Traxler
Pelosi	Shays	Unsoeld
Perkins	Shuster	Upton
Peterson (FL)	Sikorski	Valentine
Pickett	Sisisky	Vento
Pickle	Skaggs	Visclosky
Porter	Skeen	Washington
Price	Slattery	Waters
Pursell	Slaughter	Waxman
Rangel	Smith (FL)	Weiss
Ravenel	Smith (IA)	Wheat
Reed	Smith (TX)	Whitten
Richardson	Snowe	Williams
Ridge	Solarz	Wilson
Riggs	Spratt	Wise
Rose	Staggers	Wolpe
Rostenkowski	Stark	Wyden
Roukema	Stokes	Yates
Rowland	Studds	Yatron
Roybal	Sweet	Zimmer
Russo	Swift	
Sabo	Synar	

NAYS—156

Allard	Hayes (LA)	Peterson (MN)
Allen	Hefley	Petri
Archer	Herger	Poshard
Army	Holloway	Quillen
Baker	Hopkins	Rahall
Ballenger	Hunter	Ramstad
Barrett	Hutto	Ray
Barton	Hyde	Regula
Bateman	Inhofe	Rhodes
Bennett	Ireland	Rinaldo
Bereuter	James	Ritter
Bilirakis	Johnson (TX)	Roberts
Bliley	Kanjorski	Roe
Boehner	Kasich	Roemer
Broomfield	Kolter	Rogers
Bunning	Kyl	Rohrabacher
Burton	LaFalce	Ros-Lehtinen
Callahan	Lagomarsino	Roth
Camp	Lent	Santorum
Clinger	Lewis (CA)	Sarpalious
Coble	Lightfoot	Saxton
Combust	Livingston	Schaefer
Costello	Lowery (CA)	Schiff
Coughlin	Luken	Schulze
Cox (CA)	Manton	Sensenbrenner
Crane	Marlenee	Skelton
Cunningham	Martin	Smith (NJ)
Dannemeyer	Mazzoli	Smith (OR)
Davis	McCandless	Solomon
de la Garza	McCollum	Spence
DeLay	McCrery	Stallings
Doolittle	McDade	Stearns
Dornan (CA)	McEwen	Stenholm
Dreier	McGrath	Stump
Duncan	McMillan (NC)	Sundquist
Emerson	Michel	Tauzin
Ewing	Miller (OH)	Taylor (MS)
Fields	Mollohan	Taylor (NC)
Fish	Moorhead	Thomas (WY)
Gallegly	Murphy	Thornton
Gaydos	Myers	Vander Jagt
Gekas	Nichols	Volkmer
Gingrich	Nowak	Vucanovich
Goodling	Nussle	Walker
Goss	Oberstar	Walsh
Grandy	Ortiz	Weber
Gunderson	Orton	Weldon
Hall (OH)	Oxley	Wolf
Hammerschmidt	Packard	Wylie
Hancock	Parker	Young (AK)
Hansen	Paxon	Young (FL)
Hastert	Penny	Zeliff

NOT VOTING—8

Bonior	Flake	McNulty
Edwards (OK)	Hefner	Schumer
Engel	Jones (GA)	

The SPEAKER announced that 271 Members had voted in the affirmative and 156 Members had voted in the negative.

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

The message and the bill were referred to the Committee on Energy and Commerce.

Ordered, That the Clerk notify the Senate thereof.

¶76.8 COMMITTEE AND SUBCOMMITTEE TO SIT

On motion of Mr. SWIFT, by unanimous consent, the Committee on Energy and Commerce and the Subcommittee on Transportation and Hazardous Materials of that Committee were granted permission to sit during the 5-minute rule today and subsequent days of this week.

¶76.9 ENROLLED BILL SIGNED

The SPEAKER announced that pursuant to clause 4, rule I, he signed the following enrolled bill Tuesday, June 23, 1992:

S. 2703. An Act to authorize the President to appoint General Thomas C. Richards to the Office of Administrator of the Federal Aviation Administration.

¶76.10 MESSAGE FROM THE PRESIDENT—U.S.-ESTONIA FISHERY AGREEMENT

The SPEAKER laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801, *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Estonia Concerning Fisheries off the Coasts of the United States, with annex, signed at Washington on June 1, 1992. The agreement constitutes a governing international fishery agreement within the requirements of section 201(c) of the Act.

Fishing industry interests of the United States have urged prompt implementation of this agreement to take advantage of opportunities for seasonal cooperative fishing ventures.

GEORGE BUSH.

THE WHITE HOUSE, June 23, 1992.

The message, together with the accompanying papers, was referred to the Committee on Merchant Marine and Fisheries and ordered to be printed (H. Doc. 102-349).

¶76.11 PROVIDING FOR THE CONSIDERATION OF H.R. 5427

Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 499):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5427) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes. The first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be consid-

ered for amendment under the five-minute rule. All points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. The amendment printed in section 2 shall be considered as adopted in the House and in the Committee of the Whole. No other amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Unless otherwise provided in this resolution, amendments shall be considered in the order and manner specified in the report except that an amendment in the form of a limitation or retrenchment shall remain subject to the provisions of clauses 2(c) and 2(d) of rule XXI. Unless otherwise specified in the report, each amendment may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Any time specified in the report for debate on an amendment shall be equally divided and controlled by the proponent and an opponent. All points of order under clause 2 of rule XXI against the amendments in the report numbered 1 and 9 are waived. When the Committee rises and reports the bill to the House with such amendments as may have been adopted, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SEC. 2. The amendment considered as adopted in the House and in the Committee of the Whole is as follows:

On page 34, strike line 17, beginning with "Notwithstanding" through line 20, ending with "amounts" and insert in lieu thereof "Amounts".

On page 34, insert on line 3 after "use" the following: " Provided, That no such amounts may be transferred before the date of the enactment of an Act authorizing the use of funds for that purpose."

When said resolution was considered.

After debate,

Mr. DERRICK 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. GIBBONS, announced that the nays had it.

Mr. DERRICK 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 254
Nays 171

¶76.12 [Roll No. 223] YEAS—254

Abercrombie	Blackwell	Clement
Ackerman	Borski	Coleman (TX)
Alexander	Boucher	Collins (IL)
Anderson	Boxer	Collins (MI)
Andrews (ME)	Brewster	Condit
Andrews (NJ)	Brooks	Conyers
Andrews (TX)	Browder	Cooper
Annunzio	Brown	Costello
Anthony	Bruce	Cox (IL)
Applegate	Bryant	Coyne
Aspin	Bustamante	Cramer
AuCoin	Byron	Darden
Bacchus	Campbell (CO)	de la Garza
Barnard	Cardin	DeFazio
Beilenson	Carper	DeLauro
Berman	Carr	Dellums
Bevill	Chapman	Derrick
Bilbray	Clay	Dicks

Dingell	Lantos	Rangel
Dixon	LaRocco	Ray
Donnelly	Laughlin	Reed
Dooley	Lehman (CA)	Richardson
Dorgan (ND)	Lehman (FL)	Roe
Downey	Levin (MI)	Roemer
Durbin	Levine (CA)	Rose
Dwyer	Lewis (GA)	Rostenkowski
Dymally	Lipinski	Rowland
Eckart	Lloyd	Roybal
Edwards (CA)	Long	Russo
Edwards (TX)	Lowey (NY)	Sabo
Engel	Luken	Sanders
English	Manton	Sangmeister
Espy	Markey	Sarpaluis
Evans	Martinez	Sawyer
Fascell	Matsui	Scheuer
Fazio	Mavroules	Schroeder
Feighan	Mazzoli	Serrano
Flake	McCloskey	Sharp
Foglietta	McCurdy	Sikorski
Ford (MI)	McDermott	Sisisky
Ford (TN)	McHugh	Skaggs
Frank (MA)	McMillen (MD)	Skelton
Frost	Mfume	Slattery
Gaydos	Miller (CA)	Slaughter
Gejdenson	Mineta	Smith (FL)
Gephardt	Mink	Smith (IA)
Geren	Moakley	Spratt
Gibbons	Mollohan	Staggers
Glickman	Montgomery	Stallings
Gonzalez	Moody	Stark
Gordon	Moran	Stenholm
Guarini	Mrazek	Stokes
Hall (OH)	Murphy	Studds
Hall (TX)	Murtha	Swett
Hamilton	Nagle	Swift
Harris	Natcher	Synar
Hatcher	Neal (MA)	Tallon
Hayes (IL)	Neal (NC)	Tanner
Hayes (LA)	Nowak	Tauzin
Hertel	Oakar	Taylor (MS)
Hoagland	Oberstar	Thomas (GA)
Hochbrueckner	Obey	Thornton
Horn	Olin	Torres
Hoyer	Olver	Torricelli
Hubbard	Ortiz	Towns
Huckaby	Orton	Trafcant
Hughes	Owens (NY)	Traxler
Hutto	Owens (UT)	Unsoeld
Jefferson	Pallone	Valentine
Jenkins	Parker	Vento
Johnson (SD)	Pastor	Visclosky
Johnston	Patterson	Volkmer
Jones (NC)	Payne (NJ)	Waters
Jontz	Payne (VA)	Waxman
Kanjorski	Pease	Weiss
Kaptur	Pelosi	Wheat
Kennedy	Penny	Whitten
Kennelly	Perkins	Williams
Kildee	Peterson (FL)	Wilson
Klecзка	Peterson (MN)	Wise
Kolter	Pickett	Wolpe
Kopetski	Pickle	Wyden
Kostmayer	Poshard	Yates
LaFalce	Price	Yatron
Lancaster	Rahall	

NAYS—171

Allard	Cunningham	Hammerschmidt
Allen	Dannemeyer	Hancock
Archer	Davis	Hansen
Armey	DeLay	Hastert
Atkins	Dickinson	Hefley
Baker	Doolittle	Henry
Ballenger	Dornan (CA)	Herger
Barrett	Dreier	Hobson
Barton	Duncan	Hopkins
Bateman	Early	Horton
Bennett	Edwards (OK)	Houghton
Bentley	Emerson	Hunter
Bereuter	Erdreich	Hyde
Bilirakis	Ewing	Inhofe
Bliley	Fawell	Ireland
Boehlert	Fields	Jacobs
Boehner	Fish	James
Broomfield	Franks (CT)	Johnson (CT)
Bunning	Gallely	Johnson (TX)
Burton	Gallo	Kasich
Callahan	Gekas	Klug
Camp	Gilchrest	Kolbe
Campbell (CA)	Gillmor	Kyl
Chandler	Gilman	Lagomarsino
Clinger	Gingrich	Leach
Coble	Goodling	Lent
Coleman (MO)	Goss	Lewis (CA)
Combest	Gradison	Lewis (FL)
Coughlin	Grandy	Lightfoot
Cox (CA)	Green	Livingston
Crane	Gunderson	Lowery (CA)