

Weldon (FL)	White	Woolsey
Weldon (PA)	Whitfield	Wynn
Weller	Wicker	Yates
Wexler	Wise	Young (AK)
Weygand	Wolf	Young (FL)

NAYS—17

Bonior	Kucinich	Petri
Clayton	McDermott	Rahall
Conyers	Minge	Sununu
Dellums	Moran (VA)	Traficant
Dingell	Obey	Watt (NC)
Hamilton	Paul	

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—10

Blumenauer	Molinari	Schiff
Farr	Northup	Schumer
Flake	Pelosi	
Livingston	Pickett	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶62.27 PROVIDING FOR THE
CONSIDERATION OF H.J. RES. 54

Mr. GOSS, by direction of the Committee on Rules, reported (Rept. No. 105-126) the resolution (H. Res. 163) providing for the consideration of the joint resolution (H.J. Res. 54) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

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

¶62.28 PROVIDING FOR THE
CONSIDERATION OF H.R. 437

Mr. GOSS, by direction of the Committee on Rules, reported (Rept. No. 105-127) the resolution (H. Res. 164) providing for the consideration of the bill (H. R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes.

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

¶62.29 COMMUNICATION FROM THE
CLERK—MESSAGE FROM THE
PRESIDENT

The SPEAKER pro tempore, Mr. PEASE, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, June 9, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on June 9, 1997 at 2:34 p.m. and said to contain a message from the President whereby he returns without his approval, H.R. 1469, the "1997

Emergency Supplemental Appropriations Act."

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

¶62.30 VETO OF H.R. 1469

The Clerk then read the veto message from the President, as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 1469, the "Supplemental Appropriations and Rescissions Act, FY 1997." The congressional majority—despite the obvious and urgent need to speed critical relief to people in the Dakotas, Minnesota, California, and 29 other States ravaged by flooding and other natural disasters—has chosen to weigh down this legislation with a series of unacceptable provisions that it knows will draw my veto. The time has come to stop playing politics with the lives of Americans in need and to send me a clean, unencumbered disaster relief bill that I can and will sign the moment it reaches my desk.

On March 19, 1997, I sent the Congress a request for emergency disaster assistance and urged the Congress to approve it promptly. Both the House and Senate Appropriations Committees acted expeditiously to approve the legislation. The core of this bill, appropriately, provides \$5.8 billion of much-needed help to people in hard-hit States and, in addition, contains \$1.8 billion for the Department of Defense related to our peacekeeping efforts in Bosnia and Southwest Asia. Regrettably, the Republican leadership chose to include contentious issues totally unrelated to disaster assistance, needlessly delaying essential relief.

The bill contains a provision that would create an automatic continuing resolution for all of fiscal year 1998. While the goal of ensuring that the Government does not shut down again is a worthy one, this provision is ill-advised. The issue here is not about shutting down the Government. Last month, I reached agreement with the Bipartisan Leadership of Congress on a plan to balance the budget by 2002. That agreement is the right way to finish the job of putting our fiscal house in order, consistent with our values and principles. Putting the Government's finances on automatic pilot is not.

The backbone of the Bipartisan Budget Agreement is the plan to balance the budget while providing funds for critical investments in education, the environment, and other priorities. The automatic continuing resolution would provide resources for fiscal year 1998 that are \$18 billion below the level contained in the Bipartisan Budget Agreement, threatening such investments in our future. For example: college aid would be reduced by \$1.7 billion, eliminating nearly 375,000 students from the Pell Grant program; the number of women, infants, and children receiving food and other services through WIC would be cut by an average of 500,000 per month; up to 56,000

fewer children would participate in Head Start; the number of border patrol and FBI agents would be reduced, as would the number of air traffic controllers; and our goal of cleaning up 900 Superfund sites by the year 2000 could not be accomplished.

The bill also contains a provision that would permanently prohibit the Department of Commerce from using statistical sampling techniques in the 2000 decennial census for the purpose of apportioning Representatives in Congress among the States. Without sampling, the cost of the decennial census will increase as its accuracy, especially with regard to minorities and groups that are traditionally undercounted, decreases substantially. The National Academy of Sciences and other experts have recommended the use of statistical sampling for the 2000 decennial census.

The Department of Justice, under the Carter and Bush Administrations and during my Administration, has issued three opinions regarding the constitutionality and legality of sampling in the decennial census. All three opinions concluded that the Constitution and relevant statutes permit the use of sampling in the decennial census. Federal courts that have addressed the issue have held that the Constitution and Federal statutes allow sampling.

The enrolled bill contains an objectionable provision that would promote the conversion of certain claimed rights-of-way into paved highways across sensitive national parks, public lands, and military installations. Under the provision, a 13-member commission would study the issue and provide recommendations to resolve outstanding Revised Statute (R.S.) 2477 claims. R.S. 2477 was enacted in 1866 to grant rights-of-way for the construction of highways over public lands not already reserved for public uses. It was repealed in 1976, subject to "valid, existing rights."

This provision in the enrolled bill is objectionable because it is cumbersome, flawed, and duplicates the extensive public hearings conducted by the Department of the Interior over the last 4 years. In addition, the proposed commission excludes the Secretary of Defense, but military installations are among the Federal properties that would be affected by the recommendations of the commission. Furthermore, there is no assurance that the proposed commission would provide a balanced representation of views or proper public participation. Under the provision, the Secretary of the Interior can disapprove the commission's recommendations, preventing their submission to the Congress under "fast-track" procedures in the House and Senate. I believe—and my Administration has stated—that a better approach would be for Interior to submit a legislative proposal to the Congress within 180 days to clarify R.S. 2477 claim issues permanently, with full congressional and public consideration.

The enrolled bill contains an objectionable provision that funds the Commission for the Advancement of Federal Law Enforcement. I agree with the Fraternal Order of Police and other national law enforcement organizations that certain activities of the Commission, such as evaluating the handling of specific investigative cases, could interfere with Federal law enforcement policy and operations. This type of oversight is most properly the role of Congress, not an unelected review board. If external views about law enforcement programs are needed, a better approach would be to fund the National Commission to Support Law Enforcement.

I also object to two other items in the bill. One reduces funding for the Ounce of Prevention Council by roughly one-third. This reduction would substantially diminish the work of the Council in coordinating crime prevention efforts at the Federal level and assisting community efforts to make their neighborhoods safer. The Council is in the process of awarding \$1.8 million for grants to prevent youth substance abuse and of evaluating its existing grant programs. The Council has received over 300 applications from communities and community-based organizations from all across the country for these grants. In addition, the bill reduces funding for the Department of Defense Dual-Use Applications Program. That program helps to develop technologies used and tested by the cost-conscious commercial sector and to incorporate them into military systems. Reducing funding for this program would result in higher costs for future defense systems. The projects selected in this year's competition will save the Department of Defense an estimated \$3 billion.

Finally, by including extraneous issues in this bill, the Republican leadership has also delayed necessary funding for maintaining military readiness. The Secretary of Defense has written the Congress detailing the potential disruption of military training.

I urge the Congress to remove these extraneous provisions and to send me a straightforward disaster relief bill that I can sign promptly, so that we can help hard-hit American families and businesses as they struggle to rebuild. Americans in need should not have to endure further delay.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 9, 1997.

The SPEAKER pro tempore, Mr. PEASE, by unanimous consent, ordered that the veto message, together with the accompanying bill, be printed (H. Doc. 105-96) and spread upon the pages of the Journal of the House.

Mr. MCDADE moved that the veto message and accompanying bill be referred to the Committee on Appropriations.

After debate,

Mr. MCDADE moved the previous question on said motion.

The question being put, viva voce,

Will the House now order the previous question on said motion?

The SPEAKER pro tempore, Mr. PEASE, announced that the yeas had it.

Mr. OBEY 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 216
Nays 205

¶62.31 [Roll No. 177]
YEAS—216

Aderholt	Gekas	Nussle
Archer	Gibbons	Oxley
Armey	Gilchrest	Pappas
Bachus	Gillmor	Parker
Baker	Gilman	Park
Ballenger	Goodlatte	Paxon
Barr	Goodling	Pease
Barrett (NE)	Goss	Peterson (PA)
Bartlett	Graham	Petri
Barton	Granger	Pickering
Bass	Greenwood	Pitts
Bateman	Gutknecht	Pombo
Bereuter	Hansen	Porter
Bilbray	Hastert	Portman
Bilirakis	Hastings (WA)	Pryce (OH)
Bilely	Hayworth	Quinn
Blunt	Hefley	Radanovich
Boehler	Herger	Redmond
Boehner	Hill	Regula
Bonilla	Hilleary	Riggs
Bono	Hobson	Riley
Brady	Hoekstra	Rogan
Bryant	Horn	Rogers
Bunning	Hostettler	Rohrabacher
Burr	Houghton	Ros-Lehtinen
Burton	Hulshof	Royce
Buyer	Hunter	Ryun
Callahan	Hutchinson	Salmon
Calvert	Hyde	Sanford
Camp	Inglis	Saxton
Campbell	Istook	Scarborough
Canady	Jenkins	Schaefer, Dan
Cannon	Johnson (CT)	Schaffer, Bob
Castle	Johnson, Sam	Sensenbrenner
Chabot	Jones	Sessions
Chambliss	Kasich	Shadegg
Chenoweth	Kelly	Shaw
Christensen	Kim	Shays
Coble	King (NY)	Shimkus
Coburn	Kingston	Shuster
Collins	Klug	Skeen
Combest	Knollenberg	Smith (MI)
Cook	Kolbe	Smith (NJ)
Cooksey	LaHood	Smith (OR)
Cox	Largent	Smith (TX)
Crane	Latham	Smith, Linda
Crapo	LaTourette	Snowbarger
Cubin	Lazio	Solomon
Cunningham	Lewis (CA)	Souder
Davis (VA)	Lewis (KY)	Spence
Deal	Linder	Stearns
DeLay	Livingston	Stump
Diaz-Balart	LoBiondo	Sununu
Dickey	Lucas	Talent
Doolittle	Manzullo	Taylor (NC)
Dreier	McCollum	Thomas
Duncan	McCrery	Thornberry
Dunn	McDade	Tiahrt
Ehlers	McHugh	Upton
Ehrlich	McInnis	Walsh
English	McIntosh	Wamp
Ensign	McKeon	Watkins
Everett	Mica	Watts (OK)
Ewing	Miller (FL)	Weldon (FL)
Foley	Moran (KS)	Weldon (PA)
Forbes	Morella	Weller
Fowler	Myrick	White
Fox	Nethercutt	Whitfield
Franks (NJ)	Neumann	Wicker
Frelinghuysen	Ney	Wolf
Gallely	Northup	Young (AK)
Ganske	Norwood	Young (FL)

NAYS—205

Abercrombie	Baesler	Berman
Ackerman	Baldacci	Berry
Allen	Barrett (WI)	Bishop
Andrews	Bentsen	Blagojevich

Blumenauer	Holden	Pallone
Bonior	Hooley	Pascrell
Borski	Hoyer	Pastor
Boswell	Jackson (IL)	Payne
Boyd	Jackson-Lee	Pelosi
Brown (CA)	(TX)	Peterson (MN)
Brown (FL)	Jefferson	Pickett
Brown (OH)	John	Pomeroy
Capps	Johnson (WI)	Poshard
Cardin	Johnson, E. B.	Price (NC)
Carson	Kanjorski	Rahall
Clay	Kaptur	Ramstad
Clayton	Kennedy (MA)	Rangel
Clement	Kennedy (RI)	Reyes
Clyburn	Kennelly	Rivers
Condit	Kildee	Rodriguez
Conyers	Kilpatrick	Roemer
Costello	Kind (WI)	Rothman
Coyne	Klecicka	Roukema
Cramer	Klink	Roybal-Allard
Cummings	Kucinich	Sabo
Danner	LaFalce	Sanchez
Davis (FL)	Lampson	Sanders
Davis (IL)	Lantos	Sandlin
DeFazio	Leach	Sawyer
DeGette	Levin	Scott
Delahunt	Lewis (GA)	Serrano
DeLauro	Lipinski	Sherman
Dellums	Lofgren	Sisisky
Deutsch	Lowey	Skaggs
Dicks	Luther	Skelton
Dingell	Maloney (CT)	Slaughter
Dixon	Maloney (NY)	Smith, Adam
Doggett	Manton	Snyder
Dooley	Markey	Spratt
Doyle	Martinez	Stabenow
Edwards	Mascara	Stark
Emerson	Matsui	Stenholm
Engel	McCarthy (MO)	Stokes
Eshoo	McCarthy (NY)	Strickland
Etheridge	McDermott	Stupak
Evans	McGovern	Tanner
Fazio	McHale	Tauscher
Filner	McIntyre	Taylor (MS)
Foglietta	McKinney	Thompson
Ford	McNulty	Thune
Frank (MA)	Meehan	Thurman
Frost	Meek	Tierney
Furse	Menendez	Torres
Gejdenson	Millender	Towns
Gephardt	McDonald	Trafficant
Gonzalez	Miller (CA)	Turner
Goode	Minge	Velazquez
Gordon	Mink	Vento
Green	Moakley	Visclosky
Gutierrez	Mollohan	Waters
Hall (OH)	Moran (VA)	Watt (NC)
Hall (TX)	Murtha	Waxman
Hamilton	Nadler	Wexler
Harman	Neal	Weygand
Hastings (FL)	Oberstar	Wise
Hefner	Obeys	Woolsey
Hilliard	Olver	Wynn
Hinchee	Ortiz	Yates
Hinojosa	Owens	

NOT VOTING—13

Barcia	Fawell	Schiff
Becerra	Flake	Schumer
Boucher	Metcalf	Tauzin
Farr	Molinari	
Fattah	Packard	

So the previous question on the motion to refer the veto message and accompanying bill was ordered.

The question being put, viva voce,

Will the House agree to the motion to refer the veto message and accompanying bill to the Committee on Appropriations?

The SPEAKER pro tempore, Mr. PEASE, announced that the yeas had it.

So the motion to refer was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.