



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 143

WASHINGTON, FRIDAY, SEPTEMBER 26, 1997

No. 131

## House of Representatives

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we experience the diversity of people all about us with culture and philosophies and backgrounds representing every view, enable us to remember that each one of us has been created by You, O God, with a solidarity that transcends all our differences and all our disputes. As we represent our own aspirations and wishes, help us to understand other views and other people with the respect and consideration and esteem that we ought to have with all members of the human family. As we have one Creator and all share Your wonderful world, so may our thoughts and actions reflect the good will and respect that is Your gift to us. In Your name we pray. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. DAVIS] come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 1-minutes after legislative business.

### PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 94, CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of House Joint Resolution 94 when called up; and that it be in order any time on Monday, September 29, 1997, or any day thereafter, to consider the joint resolution in the House; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for not to exceed 1 hour, to be equally divided and controlled by myself and the gentleman from Wisconsin [Mr. OBEY]; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit, with or without instructions.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. ROHRABACHER. Mr. Speaker, reserving the right to object, I would like to ask the distinguished chairman whether or not in this provision is a provision entitled 245(i), dealing with immigration?

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would be happy to advise the gentleman there are several extensions of existing authorized law that are expiring, among them an extension of section 245(i) of the Immigration and Naturalization Act.

Mr. ROHRABACHER. Mr. Speaker, I would yield to my friend, the gentleman from New York [Mr. SOLOMON], and ask him whether there have been Members of this body who object to that and raise objections to that particular provision?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I will just say to the gentleman that my office has been deluged with calls over this matter. I personally am very much concerned with it. In my district alone, we have I do not know how many cases where people are able to pay \$1,000 and extend their stay in this country, where other people coming from Italy or Ireland or other places do not have the \$1,000 and they are not allowed to.

There is something wrong with this. I just am concerned about it being in this legislation. I do not know how this shows up in a CR. We were told this would be a clean CR with no riders. I am concerned about it on behalf of about 55 Members that called in.

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, this particular provision was only voted on in the House of Representatives once, and when it was voted on it was rejected with a substantial margin.

Instead, this was snuck into law based on agreements made behind closed doors in conference meetings, et cetera, that it would be a temporary measure, and that this would be the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper containing 100% post consumer waste

H7915

time when it would sunset. Now here we see another attempt to sneak through a major immigration loophole, which would permit tens of thousands, no, not tens of thousands, not even hundreds of thousands, perhaps millions of people, to stay in this country illegally.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman would yield further, let me simply attempt to clarify the record.

This authorization was included in the supplemental appropriations bill in the spring with the full knowledge of the Members of the House in order to avoid precipitous action and avoid immediate deportation of, as the gentleman has said, tens of thousands, perhaps even hundreds of thousands of people.

These are people who have been in the United States for a number of years, been here legally, presumably most of them working and paying taxes to the Treasury of the United States, and, by virtue of the expiration of previous law and change of law, were facing immediate deportation.

There has been an attempt by a number of proponents to give them an opportunity to either change the law or make their case that they should not be deported. All this provision does is extend that provision for about three weeks, so that we can determine whether or not it should be included in the long-term solution.

If the gentleman objects to this provision, it means in effect that extension will not go into effect for 3 weeks, and tens of thousands of people will face immediate deportation. It would seem that such an objection would be precipitous and unwarranted, and would cause undue hardship for a lot of innocent people. I urge the gentleman not to object.

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, I was notified that this is not a 3 week extension. First of all, I was notified this was not going to be in the bill; it was going to be a clean CR and this was not going to be there. I was informed 5 minutes ago as I was on the road here that it was in the bill.

Mr. LIVINGSTON. If the gentleman will yield further, just to clarify the record, so the gentleman understands, the gentleman and I have had discussions about this last night, and I have to say, I did not know too much about this either.

Mr. ROHRABACHER. It was not the gentleman who misinformed me.

Mr. LIVINGSTON. Mr. Speaker, I certainly thank the gentleman, because, if he will yield further, I do not intend to mislead him, but I want to make sure he fully understands the provision before us.

In the joint resolution, House Joint Resolution 94, section 123 reads specifically, "Section 506(c) of Public Law 103-317 is amended by striking September 30, 1997, and inserting October 23, 1997." In effect, we are talking about a three-week extension, not any extension beyond that.

Mr. ROHRABACHER. What would then happen?

Mr. LIVINGSTON. It means nothing happens. We have another 3 weeks. Existing law is extended for the purposes of this continuing resolution so that we can resolve the business of the Congress and adjourn at a reasonable time this year.

If in fact the gentleman's objection is heard and this provision is struck, it means we do not have those 3 weeks to make this determination, and that immediately the Immigration and Naturalization Service has to go about the business of deporting tens of thousands of people for a short period of time.

Mr. ROHRABACHER. If I could be assured there would be a vote, an up or down vote on this particular issue on the floor, rather than having this included in a larger piece of legislation in which the Members of this body would not be able to express their will on this particular issue, if I could be assured that there will be an up or down vote, I would withdraw my objection.

Mr. LIVINGSTON. If the gentleman will yield further, I would simply say we are attempting to accommodate the authorizing committees that have direct jurisdiction over this particular law. This is not a provision that the Committee on Appropriations normally deals with. So I would not be able to give the gentleman assurances to that effect. But I am sure that under the proper circumstances, if we can have that opportunity to debate that issue in the next 3 weeks, it would be far more prudent to have that debate than the gentleman has requested than to entertain an objection at this time.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me simply reiterate what the chairman of the committee has said. This is an effort to simply extend this, along with a number of other provisions in the law, for 3 weeks, the same as all of the other items in the CR, so that there is more opportunity to deal with the issue.

The real live consequences for people if this is not done is that persons have to leave the country and they cannot return for 2 years. That would create an unacceptable disruption of human beings' lives if in fact the Congress were to decide in 3 weeks that they were entitled to stay here.

We are not prejudging the outcome of this. The committee is simply extending it for 3 weeks so that a proper resolution can be reached.

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, let me accept the idea that people want a proper solution to this. The proper solution was to not sneak this into law in the first place. The proper solution was to have an up or down vote on the floor on this issue.

We are not talking about just individual people's lives, we are talking

about people who came here and are here illegally in the United States of America. Most of these people were people whose visa had certain restrictions on it, and they decided just to flaunt the law and stay here illegally anyway, which gives everybody who gets a visa to come to the United States an incentive to just violate their visa agreement to come into the United States. So these are not just ordinary citizens.

However, and I would address this to the Chair, if the Chair can guarantee me there will be an up or down vote on this issue in the next 3 weeks, I will be very happy to withdraw my objection. But if the Chair, who happens to be the Speaker of the House, and we are very happy to have the Speaker with us today, cannot guarantee me that, I do not understand why I should withdraw my objection.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield further on that point, I do not want to speak for the Speaker because he certainly speaks for himself, but we have a Committee on Rules in this House, and I can just tell the gentleman that this contentious matter will not come to the floor without a rule that would allow a vote on it. Since this is only a 3-week extension, I guess I would recommend to the gentleman, and I have some strong feelings, as he knows, about it, that he not object, and then we will speak to the Committee on the Judiciary and we will make sure it goes through regular process. I think that would give the gentleman his guarantee.

□ 0915

Mr. ROHRABACHER. I would ask the Chair whether or not this Member has a commitment that there will be an up or down vote on this issue.

The SPEAKER. The Chair would not comment from the chair on that kind of question. There are procedures of the House that the gentleman has been advised of by the Committee on Rules chairman, steps that could be taken by the Committee on Rules. The gentleman has rights he can exercise as a Member, but the Chair does not engage in that kind of dialogue.

Mr. ROHRABACHER. All right. Let me note this. I do have a commitment from the chairman of the Committee on Rules that we will have an up or down vote on this issue.

Let me remind my fellow Members, the reason why there is a problem right at this time and these people's lives face disruption is only because this body was prevented from having an up or down vote on the issue.

I am not up here to try to prevent the democratic process from working; I want the democratic process to have a chance to work. We have a right, and our constituents have a right, to have a vote on the floor on issues of this magnitude. We are talking about 400,000 people who already stayed, they overstayed their visas, or they snuck into this country, so they are here illegally, and they have applied under this

program. I was told when the one debate that we won on the floor, the one vote that there was on this was lost by the other side, that there would only be several thousand, maybe 10,000 people applying. It is a major loophole. Now, if this body wants to do that, I have no objection. Well, I would object, I would vote against it, but that is fine.

I am only asking that we put ourselves on the record for our constituents on this particular issue. That is what democracy is all about, and I have some friends here, the gentleman from Florida [Mr. DIAZ-BALART] who is totally on the other side on this, who I understand feels very strongly. I just think we should all be on the record in saying that, and with this agreement by the chairman of the Committee on Rules that there will be an up-or-down vote on this within the next 3 weeks.

Mr. SOLOMON. Mr. Speaker, if the gentleman would yield, the gentleman cannot be guaranteed a vote up or down in the next 3 weeks on it. This is a 3-week extension. If nothing is done, it expires, and the gentleman has won his case. I simply said to the gentleman that if this is going to come before the floor, we would see to it in the Committee on Rules that there would be a vote on it, if there is going to be a further extension of permanent law.

Mr. ROHRBACHER. Mr. Speaker, I will accept that assurance, and I hope everybody understands that we came to this point where people's lives might be disrupted because the democratic process was ignored in the past, and this thing was put into law without a vote on the floor.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1211. An act to provide permanent authority for the administration of au pair programs.

S. Con. Res. 11. Concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965.

#### CONFERENCE REPORT ON H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes:

#### CONFERENCE REPORT (H. REPT. 105-271)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2203) "making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, for energy and water development, and for other purposes, namely:*

#### TITLE I

##### DEPARTMENT OF DEFENSE—CIVIL

##### DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL

*The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.*

##### GENERAL INVESTIGATIONS

*For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$156,804,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:*

*Delaware Bay Coastline, Delaware and New Jersey, \$456,000;*

*Tampa Harbor, Alafia Channel, Florida, \$270,000;*

*Laulaulei, Hawaii, \$200,000;*

*Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, \$400,000;*

*Brigantine Inlet to Great Egg Harbor Inlet, New Jersey, \$472,000;*

*Great Egg Harbor Inlet to Townsends Inlet, New Jersey, \$400,000;*

*Lower Cape May Meadows—Cape May Point, New Jersey, \$154,000;*

*Manasquan Inlet to Barnegat Inlet, New Jersey, \$400,000;*

*Raritan Bay to Sandy Hook Bay (Cliffwood Beach), New Jersey, \$300,000;*

*Townsends Inlet to Cape May Inlet, New Jersey, \$500,000; and*

*Monongahela River, Fairmont, West Virginia, \$350,000:*

*Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$600,000 of the funds appropriated in Public Law 102-377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$470,000 of the funds appropriated herein to initiate the feasibility phase for the Metropolitan Louisville, Southwest, Kentucky, study: Provided further, That the Secretary of the Army is directed to use \$500,000 of the funds appropriated herein to implement section 211(f)(7) of Public Law 104-303 (110 Stat. 3684) and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the Hunting Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas:*

*Provided further, That the Secretary of the Army is directed to use \$150,000 of the funds appropriated herein to implement section 211(f)(8) of Public Law 104-303 (110 Stat. 3684) and to reimburse the non-Federal sponsor a portion of the Federal share of project costs for the project for flood control, White Oak Bayou watershed, Texas.*

#### CONSTRUCTION, GENERAL

*For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,473,373,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota, projects, and of which funds are provided for the following projects in the amounts specified:*

*Arkansas River, Tucker Creek, Arkansas, \$300,000;*

*Norco Bluffs, California, \$1,000,000;*

*San Timoteo Creek (Santa Ana River Mainstem), California, \$5,000,000;*

*Panama City Beaches, Florida, \$5,000,000;*

*Tybee Island, Georgia, \$2,000,000;*

*Indianapolis Central Waterfront, Indiana, \$5,000,000;*

*Indiana Shoreline Erosion, Indiana, \$3,000,000;*

*Lake George, Hobart, Indiana, \$3,500,000;*

*Ohio River Flood Protection, Indiana, \$1,300,000;*

*Harlan, Williamsburg, and Middlesboro, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, \$26,390,000;*

*Martin County, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, \$5,000,000;*

*Pike County, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, \$5,300,000;*

*Town of Martin (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$700,000;*

*Salyserville, Kentucky, \$2,050,000;*

*Southern and Eastern Kentucky, Kentucky, \$3,000,000;*

*Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, \$22,920,000;*

*Lake Pontchartrain (Jefferson Parish) Stormwater Discharge, Louisiana, \$3,000,000;*

*Jackson County, Mississippi, \$3,000,000;*

*Natchez Bluff, Mississippi, \$4,000,000;*

*Pearl River, Mississippi (Walkiah Bluff), \$2,000,000;*

*Joseph G. Minish Passaic River Park, New Jersey, \$3,000,000;*

*Hudson River, Athens, New York, \$8,700,000;*

*Lackawanna River, Olyphant, Pennsylvania, \$1400,000;*

*Lackawanna River, Scranton, Pennsylvania, \$5,425,000;*

*Lycoming County, Pennsylvania, \$339,000;*

*South Central Pennsylvania Environment Improvement Program, \$30,000,000, of which \$10,000,000 shall be available only for water-related environmental infrastructure and resource protection and development projects in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe counties in Pennsylvania in accordance with the purposes of subsection (a) and requirements of subsection (b) through (e)*