

Neal
Owens
Pallone
Quinn
Rangel

Sanders
Schiff
Souder
Stenholm
Stokes

Towns
Watkins
Wexler
Young (AK)
Young (FL)

□ 1725

Mr. SHIMKUS, Mr. HOYER, Ms. RIVERS, Mrs. MYRICK, and Mr. CUNNINGHAM changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, pursuant to the order of the House of September 26, 1997, I call up the resolution (H.J. Res. 94) making continuing appropriations for the fiscal year 1998, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 94 is as follows:

H.J. RES. 94

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1998, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1997 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998;

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 53 of the Arms Control and Disarmament Act;

The Department of Defense Appropriations Act, 1998, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1998, the House and Senate reported versions of which shall be deemed to have passed the House and the Senate respectively as of October 1, 1997, for the purposes of this joint resolution, unless a reported version is passed as of October 1, 1997, in which case the passed version shall be used in place of the reported version for the purposes of this joint resolution;

The Energy and Water Development Appropriations Act, 1998;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, notwithstanding section 10 of Public

Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1998;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998;

The Legislative Branch Appropriations Act, 1998;

The Military Construction Appropriations Act, 1998;

The Department of Transportation Appropriations Act, 1998;

The Treasury, Postal Service, and General Government Appropriations Act, 1998; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998:

Provided, That, whenever the amount which would be made available for the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 1997, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further*, That whenever the amount of the budget request is less than the amount for current operations and the amount which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and Senate as of October 1, 1997, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in these appropriations Acts: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 1997, for a continuing project or activity which was conducted in fiscal year 1997 and for which there is fiscal year 1998 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1997, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1997, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1998 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997: *Provided*, That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and the Senate as of October 1, 1997, are both less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the House or as passed by the Senate under the appropria-

tion, fund, or authority provided in the applicable appropriations Act for the fiscal year 1998 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of October 1, 1997, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997: *Provided*, That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in the appropriations Act as passed by the one House as of October 1, 1997, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the one House under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1998 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 1997, for a continuing project or activity which was conducted in fiscal year 1997 and for which there is fiscal year 1998 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1997.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1997 or prior years, for the increase in production rates above those sustained with fiscal year 1997 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1997: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1997.

SEC. 105. No provision which is included in an appropriations Act enumerated in section

101 but which was not included in the applicable appropriations Act for fiscal year 1997 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 23, 1997, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1998 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 1997 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 1998 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available to the Securities and Exchange Commission, under the heading Salaries and Expenses, shall include, in addition to direct appropriations, the amount it collects under the fee rate and offsetting collection authority contained in Public Law 104-208, which fee rate and offsetting collection authority shall remain in effect during the period of this joint resolution.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, shall be the amount provided by the provi-

sions of section 101 multiplied by the ratio of the number of days covered by this resolution to 365.

SEC. 115. Notwithstanding any other provision of this joint resolution, except section 106, the amounts made available for the following new programs authorized by the National Capital Revitalization and Self-Government Act of 1997, Public Law 105-33, shall be the higher of the amounts in the budget request or the House or Senate District of Columbia Appropriations Act, 1998, passed as of October 1, 1997, multiplied by the ratio of the number of days covered by this joint resolution to 365: Federal Contribution to the Operations of the Nation's Capital; Federal Payment to the District of Columbia Corrections Trustee Operations; Payment to the District of Columbia Corrections Trustee for Correctional Facilities, Construction and Repair, and Federal Payment to the District of Columbia Criminal Justice System: *Provided*, That the amounts made available for the last item shall be made available to the Joint Committee on Judicial Administration in the District of Columbia; the District of Columbia Truth in Sentencing Commission; the Pretrial Services, Defense Services, Parole, Adult Probation, and Offender Supervision Trustee; and the United States Parole Commission as appropriate.

SEC. 116. Notwithstanding any other provision of this joint resolution, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) shall remain in effect during the period of this Act, notwithstanding paragraphs (3) and (5) of said subsection.

SEC. 117. Notwithstanding any other provision of this joint resolution, except section 106, the authorities provided under 217 of the Immigration and Nationality Act (8 U.S.C. 1187) shall remain in effect during the period of this joint resolution, notwithstanding subsection (f) of said section.

SEC. 118. The National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended in section 1319 by striking "September 30, 1997" and inserting "October 23, 1997" and in section 1336 by striking "September 30, 1996" and inserting "October 23, 1997".

SEC. 119. Notwithstanding section 204 of the Financial Responsibility and Management Assistance Act of 1995 related to the latest maturity date for the short-term Treasury advances, the District of Columbia government may delay repayment of the 1997 Treasury advances beyond October 1, 1997 until it receives the full year Federal contribution, as authorized by section 11601 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105-33. Any interest or penalties that would generally apply to such late payments are hereby waived under this provision.

SEC. 120. In addition to the amounts made available for the Veterans Health Administration, Medical Care account pursuant to section 101 of this joint resolution, this account is also available for necessary administrative and legal expenses of the Department for collecting and removing amounts owed the Department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.

SEC. 121. Notwithstanding section 235(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(3)), the authority of section 235(a)(1) and (2), of the same Act, shall remain in effect during the period of this joint resolution.

SEC. 122. Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "1997" and inserting "October 23, 1997".

SEC. 123. Section 506(c) of Public Law 103-317 is amended by striking "September 30, 1997" and inserting "October 23, 1997".

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, September 26, 1997, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 94 and that I might include tabular and extraneous material.

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

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, as a matter of a point of order, I would like to make sure I understood properly.

□ 1730

Mr. Speaker, did the Chair say that each side would be provided with 30 minutes to debate this issue?

The SPEAKER pro tempore (Mr. EWING). The gentleman is correct. The gentleman from Louisiana [Mr. LIVINGSTON] will control 30 minutes and the gentleman from Wisconsin [Mr. OBEY] will control 30 minutes.

Mr. LIVINGSTON. Mr. Speaker, I certainly do not anticipate using that time, but I ask unanimous consent that we each cede 5 minutes to the gentleman from California [Mr. ROHRBACHER], who has a concern about a provision in the bill.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. ROHRBACHER] will control 10 minutes.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, fiscal year 1998 begins tomorrow. The Congress has not presented all 13 regular appropriations bills to the President. Because these bills will not be enacted by tomorrow night, it is necessary now to proceed with a short term continuing resolution, and I emphasize that, short-term continuing resolution so that the Government can continue to operate while we finish our work.

Currently we have concluded a conference on five bills and six more are in conference and we are making good progress, but we need a little bit more time.

While I wish I were here today speaking on the last of the 13 conference reports that we will need to approve, unfortunately, I am not. But I am also not here to despair that the process is broken and that we are facing a stalemate or Government shutdown. Even though we are here with a continuing

resolution, this resolution will be signed and we will get our appropriations work completed in the near future.

Why are we not finished? Well, last year we passed our first bill on May 30, and this year we passed our first bill on July 8. This year, we withheld action on our appropriations bills pending the disposition of the budget agreement. It took awhile, but it finally came. And though we started late, it was worth it because the agreement gave us the confidence to develop bills within an overall funding agreement. This is also the reason that I believe we will be able to get our work completed in the near future.

This continuing resolution is slightly different than those of the past. The basic rate is the current rate of 1997 bills. Previous ones used were slightly more restrictive rates. However, this should not jeopardize final funding rates because the continuing resolution is a short-term one, and we take precautions to lower or restrict those current rates that might be too high or higher than finally agreed to. Also, the traditional restrictions such as no new starts and 1997 terms and conditions are included. The expiration date is October 23, 1997, and that should give us time to complete our work.

Earlier this year there was extensive debate about enacting an automatic continuing resolution so that we would not have to be here now on this bill. The argument went something like: If there is an automatic continuing resolution, then there will never be a controversial rider attached to a short-term continuing resolution that will cause a Government shutdown. My answer to that is if we do not want a Government shutdown, then develop non-controversial continuing resolutions. Besides, if any of the proposed automatic continuing resolutions, or CR's, had been enacted, we would still be here today because we would have needed some additional provisions because of funding anomalies.

Every CR that has ever been developed has had anomalies; it is just the nature of the beast. Account structures change, new initiatives need to be started, restrictions need to be imposed. Every CR needs to be fine-tuned for each circumstance. Automatic pilots will not work. Good-faith negotiations will work, and Government shutdowns do not need to occur in those situations.

I should point out that there is a provision in this CR that extends section 245(i) of the Immigration and Nationality Act for 23 days. There is some controversy about extending this provision, as will be noted by the gentleman from California [Mr. ROHRBACHER]. This CR would only provide a very limited extension, though, to that provision that would otherwise expire tomorrow night. This should give the Congress time to address this matter in a more direct way, given the fact that we are extending it only for 3 weeks.

For this reason, we have included it in this continuing resolution.

Mr. Speaker, while I am disappointed that we have to be here at all with a continuing resolution, this is the right kind of a short-term CR that we should be doing. It will be signed, and we can complete our work, so I urge adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations, and I rise to congratulate the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, and the ranking member.

Clearly, for those of us who represent large numbers of Federal employees, September 30 is always a traumatic day for them to face. In fact I think both sides of the aisle have agreed that we are not going to put them at risk as we move through the appropriations process trying to get our work done on time, and I just wanted to come to the floor to say that I, for one, and I know all of the other Members on both sides appreciate the fact that we are moving on when nobody intends to shut down the Federal Government, to do our business, to resolve our differences in an orderly and productive fashion. I thank the chairman and I thank the ranking member for this time.

Mr. ROHRBACHER. Mr. Speaker, I yield myself such time as I may consume.

Included in this continuing resolution is a 3-week extension of a temporary provision of the Immigration and Nationality Act known as section 245(i). This provision was snuck into the law 3 years ago. If we do not permit it to expire, it will destroy the integrity of the legal immigration process into the United States and nullify the Illegal Immigration Reform Act that we just passed last year.

Three years ago the Democrat leadership engaged in an undemocratic tactic to get this provision into law. At that time I begged the Committee on Rules not to waive points of order against putting into our immigration law section 245(i), or what I called the Kennedy loophole. This provision, establishing a 3-year period in which illegal aliens could become legal while staying in the United States, was not considered separately by either House of the Congress, but instead was inserted during conference negotiations on the Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill.

To date, there has only been one time in which either Chamber has voted on this provision. That was when the House adopted my amendment last year to repeal 245(i) a year before it was scheduled to expire on September

30, 1997. Ultimately, the conferees dropped my amendment, which, of course, was the only one that was ever voted on in this House, arguing that the other provisions of the Illegal Immigration Reform Act were being phased in and that 245(i) would expire anyway. I was stunned to learn that the continuing resolution, this continuing resolution, provides for an extension of 245(i).

Mr. Speaker, there are several reasons why 245(i) are bad for this country, and our Members should know about this. Number one, it contradicts the Illegal Immigration Reform Act passed last year by inviting people who are illegally in this country to participate in a system that will encourage even more people to come illegally into this country.

Mr. Speaker, 245(i) rewards individuals who either snuck across our borders or who overstayed their visas by allowing them to pay \$1,000 to the INS and have their status changed from illegal to legal. This is blatantly unfair to the millions of people around the world who abide by our laws, go through the proper screening process, and they are doing this in their own countries, they are waiting in line there, and wait their turn to become American residents.

Mr. Speaker, 245(i) is a slap in the face to these people who are obeying our laws and trying to come here legally. It makes a joke out of our legal immigration system and sends the clear message that if one is abiding by our laws and waiting one's turn in their own country to come here, that person is a fool. Why wait one's turn in one's own country when one can break the laws of the United States, come here and pay \$1,000 and basically be moved to the front of the line.

Extending 245(i) also raises serious national security questions. Unlike those who enter the United States legally, 245(i) applicants are not required to go through the same criminal history checks as they do go through in their home countries when they are awaiting their turn to come here legally.

Consular officers located in the applicant's home country, along with foreign national employees working for the State Department, are in the best position to determine if an applicant has a criminal background or is some kind of a national security risk. Consulates abroad are more knowledgeable. They speak the local language; they know the different criminal justice systems in those countries. They are the ones who should be screening people before they come to the United States, so that we do not have criminals and terrorists coming to the United States, not being screened, and end up paying \$1,000 to be put in the front of the line.

This is absurd that we are doing this, and again, the only time we voted on this, we voted it down.

Those who support the extension of 245(i) maintain that allowing it to expire will force undue hardship on these illegal aliens by breaking up their families. Well, we are also breaking up the families of the people who are standing in line and have families here in the United States, who are waiting their turn and going through the legal processes. There are just as many families being broken up; we are just saying the people who come here illegally, we are going to care about them, but not the ones standing in line who want to come and join their families in the United States. Some of those people have been waiting years to come here legally.

Proponents of 245(i) also maintain that the provision only applies to those who are already eligible for permanent resident status. The same millions of people around the world, by the way, we are talking about, they are eligible for permanent residency status. These people have been waiting in line and waiting in line. All we are doing, again, is we are picking the people who have broken the law to move to the head of the line and giving them benefits that we are not giving to people who are obeying the law and waiting their turn in line.

It is time to be honest about this provision. The reason 245(i) still exists is because it raises money for the INS. Those are the people who get that \$1,000; and it lightens the caseload of our consulates abroad. Funding for the INS, and lightening the State Department's workload, these are separate issues. Sneaking provisions into the law to encourage illegal immigration is not the way that we should raise money for the INS or lighten the workload for the State Department.

Mr. Speaker, we are a nation of immigrants and the citizens of this country are a fair people and we welcome newcomers with open arms. This is not about legal immigration; this is about government-sponsored illegal activity so that the INS can make a buck.

Last year we promised our constituents that we would no longer take their money to pay for an immigration system that is unfair, randomly applied and contradictory. We told our constituents that we would no longer support a system which rewards those who break our law. That was the essence of what we were trying to do. We promised them that this country's immigration system would embody the principles that have drawn would-be Americans to our country for centuries, meaning fairness and equity.

Are we going to extend this provision which makes a mockery of fairness and equity? Are we going to break the promise that we made to the American people and provide this incredible loophole, in which hundreds of thousands if not over 1 million people who are in this country legally will be able to stay in this country at the expense of other people who have been waiting in line, waiting their legal turn?

□ 1745

Mr. Speaker, I ask my colleagues to consider voting "no" on the concurrent resolution.

Mr. Speaker, I yield 1 minute to my friend, the gentleman from San Diego, CA [Mr. HORN].

Mr. HORN. Mr. Speaker, I would like to congratulate the gentleman from California [Mr. ROHRABACHER] for the eloquence with which he has approached this subject. He is absolutely correct on every single point. It is shameful to have this provision in, where people illegally here, by paying \$1,000 or whatever, can now get into this country.

The gentleman is also correct, when we go around the world and see many of our friends in the Philippines, for example, long, long lines. They have pursued immigration here legally. This undercuts, of course, what we did in Simpson-Mazzoli, long before I got here. As everybody in this Chamber knows, it was a great law, but the implementation was gutted.

The result of that is that people come here illegally, and gain us more congressional districts in California, I will say to my friends east of the Sierras. If they do not want to help us on this, just plan on losing a few more seats out of New York, Pennsylvania, Kentucky. Last time I think we took two from Pennsylvania, one from Kentucky, and so on. So we need the Members' help. It is wrong. Let us straighten it out today.

Mr. ROHRABACHER. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, this is an issue of fairness and of common sense. I know those words may seem extreme to some people in this House. Fairness is the issue. There are people who are playing by the rules waiting to enter this country legally. They do not get an option to buy their way into a fast track.

Common sense says we do not reward people for breaking the law, and do not give them vehicles for people breaking the law that are not available to those who play by the rules. I want every Member here who voted for the immigration reform bill last year to remember this provision is a veto of the most commonsense part of that bill that says we will stop rewarding people for breaking our laws and coming here illegally.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from San Diego, [Mr. DUKE CUNNINGHAM]. Perhaps if he has some other things to say some other Members might yield him another minute or two.

Mr. CUNNINGHAM. Mr. Speaker, first of all, we need to differentiate between legal and illegal. The United States of America has more legal entrants than all the other countries put together. That is good. However, where we must draw the line is illegal immigration. It is beyond me. The thing that both sides of the aisle fight over

all the time is legislation that slips in in the dark of night, when no one is around, by unanimous consent. That is how this was put into this bill.

That is wrong, Mr. Speaker. This provision to allow illegals to remain in this country, the only thing they should have is a ticket out of here, illegals out of the United States of America, period. If we take a look at how over the period of time that immigration has rewarded the United States, that is good.

I just returned from the Philippines. The State Department is overwhelmed by visas from people trying to come into this country legally. We need to support that, Mr. Speaker, and take out this provision. We do not have the votes to beat this, but we should have an up-or-down vote on this provision.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would simply say, this is not a piece of legislation to extend the Immigration Service. This is a piece of legislation to keep the Government open so we do not shut down the Government, either on purpose or by accident.

I would point out that the fiscal year starts in 2 days, and there are only 9 legislative days left between now and the expiration of the concurrent resolution, which we now have before us. So I think we need to find the fastest possible way to resolve differences and finish these bills.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply would add that the gentleman from Wisconsin [Mr. OBEY] is absolutely correct. This is a bill which extends the opportunity for Government to keep from shutting down because those appropriations bills which have not yet been signed into law can and will be within the 3 weeks allotted by this bill.

The fact that the immigration issue is involved only extends what has been lawful for the last several years for 3 specific weeks. In that 3 weeks, I hope that the opponents of these provisions can meet their demands and satisfy their concerns.

In any event, Mr. Speaker, I urge the adoption of this continuing resolution.

Mr. QUINN. Mr. Speaker, I would like to express my support for House Joint Resolution 94, making continuing appropriations for the fiscal year ending September 30, 1997.

This resolution provides temporary funding, beginning October 1, 1997, and lasting until either October 23 or when the relevant bill is signed into law, whichever comes first. The continuing resolution funds ongoing projects at current rates, except for those for which both the President and Congress have proposed reduced funding.

The joint resolution also allows payment for the administrative costs of the user fee program of the Veterans Administrative Medicare Care Program.

This short-term measure would allow the Congress to continue its important work of passing appropriations bills while not dangerously bringing the Government to a halt. I

strongly opposed the Government shutdowns of 1995 and 1996, as it had a direct effect on many of my constituents in western New York.

Last year, many Federal workers in my district were forced to stay home from work and did not receive a paycheck for months. This resolution will see to it that this type of situation is averted. Many of my constituents also were unable to obtain passports, iron out problems with their deserved benefits, or enjoy visiting our national parks while on vacation.

The SPEAKER pro tempore (Mr. EWING). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to the order of the House of Friday, September 26, 1997, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. ROHRABACHER. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was refused.

Mr. ROHRABACHER. 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 pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 57, not voting 21, as follows:

[Roll No. 461]

YEAS—355

| | | |
|--------------|-------------|---------------|
| Abercrombie | Brown (OH) | Delahunt |
| Ackerman | Bryant | DeLauro |
| Aderholt | Bunning | Dellums |
| Allen | Burr | Deutsch |
| Andrews | Burton | Diaz-Balart |
| Archer | Buyer | Dickey |
| Armey | Callahan | Dicks |
| Bachus | Calvert | Dingell |
| Baesler | Camp | Dixon |
| Baldacci | Canady | Doggett |
| Ballenger | Cannon | Dooley |
| Barrett (NE) | Capps | Doyle |
| Barrett (WI) | Cardin | Dreier |
| Bass | Carson | Dunn |
| Bateman | Castle | Edwards |
| Becerra | Chabot | Ehlers |
| Bentsen | Christensen | Ehrlich |
| Bereuter | Clay | Emerson |
| Berman | Clayton | Engel |
| Berry | Clement | English |
| Bilirakis | Clyburn | Eshoo |
| Bishop | Condit | Etheridge |
| Blagojevich | Cook | Evans |
| Bliley | Costello | Farr |
| Blumenauer | Cox | Fawell |
| Blunt | Coyne | Fazio |
| Boehlert | Cramer | Filner |
| Boehner | Crane | Foley |
| Bonilla | Crapo | Forbes |
| Bonior | Cummings | Ford |
| Borski | Cunningham | Fowler |
| Boswell | Danner | Fox |
| Boucher | Davis (FL) | Frank (MA) |
| Boyd | Davis (IL) | Franks (NJ) |
| Brady | Davis (VA) | Frelinghuysen |
| Brown (CA) | DeFazio | Frost |
| Brown (FL) | DeGette | Furse |

| | | |
|----------------|---------------|---------------|
| Ganske | Lucas | Rogers |
| Gejdenson | Luther | Ros-Lehtinen |
| Gekas | Maloney (CT) | Rothman |
| Gibbons | Maloney (NY) | Roybal-Allard |
| Gilchrest | Manton | Rush |
| Gilman | Markley | Ryun |
| Goodlatte | Martinez | Sabo |
| Goodling | Mascara | Sanchez |
| Gordon | Matsui | Sanders |
| Goss | McCarthy (MO) | Sandlin |
| Granger | McCarthy (NY) | Sawyer |
| Green | McCollum | Saxton |
| Greenwood | McCrery | Schumer |
| Gutierrez | McDade | Scott |
| Gutknecht | McDermott | Serrano |
| Hall (OH) | McGovern | Sessions |
| Hamilton | McHale | Shaw |
| Hansen | McHugh | Shays |
| Hastert | McIntosh | Sherman |
| Hastings (FL) | McIntyre | Shimkus |
| Hastings (WA) | McKinney | Shuster |
| Hill | McNulty | Sisisky |
| Hilliard | Meehan | Skaggs |
| Hinojosa | Meek | Skeen |
| Hobson | Menendez | Skelton |
| Hoekstra | Mica | Slaughter |
| Holden | Millender- | Smith (MI) |
| Hooley | McDonald | Smith (NJ) |
| Hostettler | Miller (CA) | Smith (OR) |
| Houghton | Miller (FL) | Smith (TX) |
| Hoyer | Minge | Smith, Adam |
| Hulshof | Mink | Smith, Linda |
| Hutchinson | Moakley | Snowbarger |
| Hyde | Mollohan | Snyder |
| Inglis | Moran (KS) | Solomon |
| Istook | Moran (VA) | Souder |
| Jackson (IL) | Morella | Spence |
| Jackson-Lee | Murtha | Spratt |
| (TX) | Myrick | Stabenow |
| Jefferson | Nadler | Stark |
| John | Nethercutt | Stokes |
| Johnson (CT) | Ney | Strickland |
| Johnson (WI) | Northup | Stupak |
| Johnson, E. B. | Nussle | Sununu |
| Johnson, Sam | Oberstar | Talent |
| Kanjorski | Obey | Tanner |
| Kaptur | Olver | Tauscher |
| Kasich | Ortiz | Tauzin |
| Kelly | Owens | Taylor (NC) |
| Kennedy (MA) | Oxley | Thomas |
| Kennedy (RI) | Packard | Thompson |
| Kennelly | Pappas | Thornberry |
| Kildee | Parker | Thune |
| Kilpatrick | Pascrell | Thurman |
| Kim | Pastor | Tiahrt |
| Kind (WI) | Paxon | Tierney |
| King (NY) | Payne | Torres |
| Kingston | Pease | Towns |
| Klecza | Pelosi | Turner |
| Klink | Peterson (MN) | Upton |
| Klug | Peterson (PA) | Velazquez |
| Knollenberg | Petri | Vento |
| Kolbe | Pickering | Visclosky |
| Kucinich | Pitts | Walsh |
| LaFalce | Pombo | Waters |
| LaHood | Pomeroy | Watt (NC) |
| Lampson | Porter | Watts (OK) |
| Lantos | Portman | Waxman |
| Latham | Poshard | Weldon (FL) |
| LaTourette | Price (NC) | Weldon (PA) |
| Lazio | Pryce (OH) | Weller |
| Leach | Radanovich | Wexler |
| Levin | Rahall | Weygand |
| Lewis (CA) | Ramstad | White |
| Lewis (GA) | Redmond | Whitfield |
| Lewis (KY) | Regula | Wicker |
| Linder | Reyes | Wise |
| Lipinski | Riggs | Wolf |
| Livingston | Rivers | Woolsey |
| LoBiondo | Rodriguez | Wynn |
| Lofgren | Roemer | Yates |
| Lowey | Rogan | Young (AK) |

NAYS—57

| | | |
|-----------|-----------|-------------|
| Baker | DeLay | Hunter |
| Barr | Doolittle | Jones |
| Bartlett | Duncan | Largent |
| Barton | Everett | Manzullo |
| Bilbray | Ewing | McInnis |
| Bono | Galleghy | McKeon |
| Campbell | Gillmor | Metcalf |
| Chambliss | Goode | Neumann |
| Chenoweth | Graham | Norwood |
| Coble | Hall (TX) | Paul |
| Coburn | Hayworth | Pickett |
| Collins | Hefley | Riley |
| Combest | Herger | Rohrabacher |
| Cubin | Hilleary | Roukema |
| Deal | Horn | Royce |

Salmon
Sanford
Scarborough
Schaefer, Dan

Schaffer, Bob
Sensenbrenner
Shadegg
Stearns

Stump
Taylor (MS)
Traficant
Wamp

NOT VOTING—21

Barcia
Conyers
Cooksey
Ensign
Fattah
Flake
Foglietta

Gephardt
Gonzalez
Harman
Hefner
Hinchey
Jenkins
Neal

Pallone
Quinn
Rangel
Schiff
Stenholm
Watkins
Young (FL)

□ 1809

Mr. MCINNIS, Mr. MANZULLO, Mrs. CHENOWETH, and Mr. CAMPBELL changed their vote from "yea" to "nay."

Mr. HASTINGS of Florida and Mr. SANDLIN changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, due to airline cancellations, I was unable to make rollcall vote No. 461. Had I been present I would have voted "Yea." I would have voted "No" on vote No. 460.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the following motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 1211, de novo;
H.R. 2261, de novo;
H.R. 2472, de novo.

Further proceedings on the remaining motions to suspend the rules will be postponed until a subsequent legislative day.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PROVIDING PERMANENT AUTHORITY FOR THE ADMINISTRATION OF AU PAIR PROGRAMS

The SPEAKER. The pending business is the question of suspending the rules and passing the Senate bill, S. 1211.

The Clerk read the title of the Senate bill.

The SPEAKER. The question is on the motion offered by the gentleman from California [Mr. CAMPBELL] that the House suspend the rules and pass the Senate bill, S. 1211.

The question was taken.

RECORDED VOTE

Mr. DOGGETT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 377, noes 33, not voting 23, as follows: