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Mr. NADLER changed his vote from "aye" to "no."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PROVIDING FOR ADJOURNMENT OF THE HOUSE AND ADJOURNMENT OR RECESS OF THE SENATE TO A DATE CERTAIN.

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 169) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 169

*Resolved by the House of Representatives (the Senate concurring).* That when the House adjourns on the legislative day of Thursday, October 9, 1997, it stand adjourned until 10:30 a.m. on Tuesday, October 21, 1997, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, October 9, 1997, Friday, October 10, 1997, or Saturday, October 11, 1997, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, October 20, 1997, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. RANGEL. Mr. Speaker, on rollcall vote number 500, I was recorded as "yes"; however, my vote should have been recorded as a "no" vote.

#### PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, I was unavoidably detained during rollcall number 493, the Vento amendment. If I had been present, I would have voted in the affirmative.

#### THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

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

#### REAUTHORIZING THE ENDANGERED SPECIES ACT

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. DINGELL. Mr. Speaker, I want to commend my good friend and colleague from New Jersey, Mr. SAXTON for his leadership in the effort to renew the Endangered Species Act.

The authorization of this precious piece of legislation expired 5 years ago, leaving one of our most important conservation laws vulnerable to attacks and lacking proper congressional oversight. Several years of ideological fighting and Beltway politics have kept interest groups busy while precious species of animals and plants decline and disappear. In the meantime, public and private land conflicts continue to hamper recovery efforts.

The administration has implemented needed reforms. The other body is building a consensus with the administration for improving the act. Sponsors of that effort are aware that their bill is not perfect but it is a product of good consensus and such efforts is never perfect.

The gentleman from New Jersey [Mr. SAXTON] and I have been engaged for several months in discussions, hoping to lead to the enactment of an improved Endangered Species Act. The chairman of the committee, the gentleman from Alaska [Mr. YOUNG], is participating, as are the gentleman from California [Mr. POMBO] and the gentleman from Louisiana [Mr. TAUZIN], as well as the gentleman from California [Mr. MILLER], the ranking member, who has introduced a bill containing many common sense reforms. It is our hope that these talks will lead to enactment by this body of a bill which protects endangered species of wildlife for the future.

#### SAXTON, DINGELL URGE HOUSE TO REAUTHORIZE ENDANGERED SPECIES ACT

One week after a Senate Committee markup of changes to the federal Endangered Species Act, U.S. Rep. Jim Saxton (R-NJ) and U.S. Rep. John D. Dingell (D-MI) asked House colleagues for support to reauthorize the nation's most significant conservation law during the 105th Congress.

Saxton, who chairs the House Subcommittee on Fisheries, Conservation, Wildlife and Oceans, and Dingell, who authored the 1973 law, emphasized that reauthorization is five years overdue and further delay only places endangered species and other at-risk species in further danger of extinction.

Dingell and Saxton have participated for several months in bipartisan discussions to determine how the ESA should be improved. While not endorsing the Kempthorne-Chafee-Baucus-Reid compromise, both representatives expressed hope that adoption of a Senate bill would lead to accelerated efforts by the House to pass a bill the President can sign. A copy of their floor statements follows:

STATEMENT OF THE HONORABLE JIM SAXTON, OCTOBER 8, 1997

Mr. Speaker, I come before this body to discuss the need to reauthorize the Endangered Species Act.

I believe the time is now to reauthorize the grand daddy of all environmental laws. It is vital that any piece of legislation that is developed is done so in a bipartisan way. I congratulate the Senate in their effort to craft such a bill. Now, it is our turn in the House to find common ground that Democrats and Republicans alike can agree upon.

This process must recognize that people who are impacted by the ESA have legitimate concerns regarding the way it works. On the other hand our lack of progress in reauthorizing the act has seen the further decline of many species and the biological extinction of others. Now is the time to act.

I want to recognize Chairman Young and the ranking member on the Resources Committee, Congressman George Miller, for their recent efforts to craft a bipartisan bill in the House. The process has been supported by the involvement of Mr. Dingell, Mr. Tauzin and Mr. Pombo. We must set politics aside and do what's right for the people of this country and for the species in which this legislation protects.

STATEMENT OF THE HONORABLE JOHN D. DINGELL OCTOBER 8, 1997

Mr. Speaker, I want to commend my friend from New Jersey, Mr. Saxton, for talking about the need to renew the Endangered Species Act.

The authorization for the Endangered Species Act expired five years ago, leaving our most important conservation law vulnerable to piecemeal attacks and a lack of proper Congressional oversight. For several years, ideological fighting and beltway politics have kept interest groups busy while animals and plants decline and disappear. In the meantime, private and public land conflicts continue to hamper recovery efforts.

The Clinton Administration has implemented some needed reforms. And the other body is building a consensus with the Administration for improving the Act. Sponsors of that effort readily admit their bill is not perfect, but the product of good consensus is rarely perfect.

The gentleman from New Jersey and I have been engaged for several months in discussions about improving the Endangered Species Act. Chairman Young is participating as are Mr. Tauzin and Mr. Pombo; and so is Ranking Member Miller, who introduced a bill containing many common-sense reforms. It is our hope that these talks might give this House has a chance to pass a bill which makes a good law work better for species and landowners.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### MARRIAGE TAX ELIMINATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I was unable to attend last night the special order by the gentleman from Illinois [Mr. WELLER] and the gentleman from Indiana [Mr. MCINTOSH], who brought attention to our body, and to the people

who are interested in what goes on in this Chamber, about a very important piece of legislation. It is called the Marriage Tax Elimination Act.

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This is something that will be of interest to all Americans. We have a situation in this country now where, believe it or not, among the many other facts that we see in our tax system and the way it is handled by the IRS, we see the extraordinary fact that there is a penalty, a tax penalty for marriage.

This is at a time when we realize the sanctity of marriage, how important it is to our family values, how important it is to the education of our youth, the well-being of our Nation in so many ways, and certainly just the quality of our life. We even talk here quite often about our family-friendly Congress and family values. So when we look at our Tax Code and we uncover the fact that there is a penalty for being married, we wonder why in the world that is.

The first thing you might want to say is, how much is this penalty? Is this really something that matters? The answer is yes.

I understand that the average penalty for marriage is \$1,400. That is a fair amount of money. It seems to me that would matter to most Americans, to have to pay \$1,400 more just because you were married. Then on top of that, if you say how many people does this really affect, clearly not everybody.

The answer is, when we take a look at statistics, it is about 21 million American couples which obviously means 42 million Americans. That is a huge amount of people to be impacted by a tax which we cannot quite figure out why we have got it.

So we now have a piece of legislation that we think is important to move forward and I am pleased to say that as a cosponsor, original cosponsor, that the Marriage Tax Elimination Act is going to see the light of day and we are going to, I believe, take action in this body to correct something that certainly needs to be corrected.

It is probably interesting to note for most Americans that the average family today pays more in taxes than for food, clothing and shelter combined. Many Members say that. But think about that, think about your hard-earned dollars, if you go out and go about your job, the sacrifices you make to work hard, the time away you have from your family, other pursuits you are interested in. You are giving away today in taxes more than you are paying for your food, your clothing and your shelter, which are of course the first areas of responsibility for those in the home. That is an amazing statistic and yet we just seem to sort of take it for granted.

We know now that we have got to completely overhaul our Tax Code and we are planning to do that. We are about to start a great debate across the Nation. Our colleagues, the gentleman from Texas [Mr. ARMEY], the gen-

tleman from Louisiana [Mr. TAUZIN], and perhaps others are going to go out and bring the tax debate to the people in a meaningful and understandable way in the next few weeks.

I am sure they will be saying the same responses as we hear in our offices and that we hear back in our districts when we go home, from people who say the present tax system is unfair, it is inequitable to Americans, it is not efficient, it is not a good way to collect revenues for the government, but most of all, it is absolutely incomprehensible. And we all know the story about putting all the experts in the room with the same set of facts and they will all come up with a different tax liability, a different tax conclusion after reading the reams and reams of documents that are supposed to guide us through how we pay our taxes and go about that responsibility.

So while we are talking about overhauling the Tax Code, while we are talking about reining in the abuses of the family-unfriendly and the consumer-unfriendly IRS, we are also talking about a very narrow specific slice of American life, and that is married people. I think it is very important that we send that message out, that for those people who are interested in fair treatment under the Tax Code and for those people who are interested in getting married and wanting to stay married, it seems to me they need to know that we are aware that there is a penalty. We think the penalty is wrong and unfair and we are going to do our best to remove that penalty.

The cloud on the horizon for us, sadly enough, is that we did this a few years ago in our Contract With America. Unfortunately President Clinton vetoed that. I hope if we give him a clearer picture of what is going on and how much this matters to Americans, that this time when we pass the legislation we will have his support to repeal the marriage tax rather than his veto.

The SPEAKER pro tempore (Mr. HEFLEY). Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

[Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### H.R. 7, THE CITIZENSHIP REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BILBRAY] is recognized for 5 minutes.

Mr. BILBRAY. Mr. Speaker, I rise today to address an item that is being considered by this body, at least for markup, very soon. That is the Citizenship Reform Act of 1997, H.R. 7. For many of us, we may think that under the 14th amendment, the privilege of automatic citizenship is something that is automatic and applies to everyone born on U.S. soil.

H.R. 7 clarifies the fact that under the 14th amendment not every one born on U.S. soil gets automatic citizenship; that there is a conditioning clause in the 14th amendment that says you must be "subject to the jurisdiction thereof".

To clarify this fact, consider that the children of diplomats here in Washington, DC, or back in New York do not get automatic citizenship at this time because their parents are not "subject to the jurisdiction"; the same way that native Americans did not get automatic citizenship until the 1920's because Congress granted it, because basically Indians who were in the tribal environment were not subject to the jurisdiction of the United States, because they owed loyalty and obedience to their tribe before the United States.

H.R. 7 clarifies the fact that illegal aliens do not fall into the category of "subject to the jurisdiction" of the United States, because they first of all are not obedient to the immigration laws, and are committing by their presence on U.S. soil a violation of national sovereignty; and, No. 2, they do not owe allegiance or loyalty to the United States. I think everybody would agree that if an illegal alien was tried for treason and brought before a court for treason, that the most liberal to the most conservative American would be outraged at the fact that somebody who was illegally in the country was now being required to be loyal.

Mr. Speaker, the same argument goes to automatic citizenship. If the child is born of parents who do not owe loyalty to the United States, if that basic obligation is not being met by the parents, the child should not get the automatic citizenship.

This is a thing of fairness, too. Let me remind all of my colleagues, there are people waiting patiently to come into this country legally, and while they are waiting patiently they are, some of them, having children. Those children, whose parents are playing by the rules, do not get automatic citizenship, but right, today we are rewarding those parents who violate the law in coming to this country illegally.

Some people may say it is not that big a deal, why even talk about it? Mr. Speaker, I am here to tell you it is a big enough deal that 96,000 births in California alone were the children of illegal aliens. We are talking about 40 percent of the Medicaid births in the State of California are children of illegal aliens. We are talking about hundreds of millions of dollars a year that one State is spending with Federal funds.

It is an issue that needs to be addressed, and it is first and foremost an issue of fairness. Why should we require the children of people who are legally waiting to immigrate, to go through the naturalization process and ask for permission from the United States to become U.S. citizens? When at the same time, we will reward the parents who have broken the law and