

Eshoo	Levin	Rahall
Etheridge	Lewis (GA)	Rangel
Evans	Lipinski	Reyes
Fattah	Lofgren	Rivers
Fazio	Lowey	Roemer
Filner	Luther	Rothman
Flake	Maloney (CT)	Roybal-Allard
Foglietta	Maloney (NY)	Rush
Ford	Manton	Sabo
Frank (MA)	Markey	Sanchez
Frost	Martinez	Sanders
Furse	Mascara	Sandlin
Gejdenson	Matsui	Sawyer
Gephardt	McCarthy (MO)	Schumer
Gonzalez	McCarthy (NY)	Scott
Goode	McDermott	Serrano
Gordon	McGovern	Sherman
Green	McHale	Sisisky
Gutierrez	McIntyre	Skaggs
Hall (OH)	McKinney	Skelton
Hall (TX)	McNulty	Slaughter
Hamilton	Meehan	Smith, Adam
Hastings (FL)	Meek	Snyder
Hefner	Menendez	Spratt
Hilliard	Millender-	Stabenow
Hinchey	McDonald	Stark
Hinojosa	Miller (CA)	Stenholm
Holden	Minge	Stokes
Hooley	Mink	Strickland
Hoyer	Moakley	Stupak
Jackson (IL)	Mollohan	Tanner
Jackson-Lee	Moran (VA)	Tauscher
(TX)	Murtha	Taylor (MS)
John	Nadler	Thompson
Johnson (WI)	Neal	Thurman
Johnson, E. B.	Oberstar	Torres
Kanjorski	Obey	Towns
Kaptur	Olver	Turner
Kennedy (MA)	Ortiz	Velazquez
Kennedy (RI)	Owens	Vento
Kennelly	Pallone	Visclosky
Kildee	Pascrell	Waters
Kilpatrick	Pastor	Watt (NC)
Kind (WI)	Payne	Waxman
Klecza	Pelosi	Wexler
Klink	Peterson (MN)	Weygand
Kucinich	Pickett	Wise
LaFalce	Pomeroy	Woolsey
Lampson	Poshard	Wynn
Lantos	Price (NC)	Yates

NOT VOTING—10

Andrews	Harman	Schiff
Costello	Istook	Tierney
Crane	Jefferson	
Farr	Morella	

So, the motion to lay on the table the motion for the gentleman of Georgia [Mr. LEWIS] to proceed in order was agreed to.

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

34.8 UNFINISHED BUSINESS—APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. KOLBE, pursuant to clause 5, rule I, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, April 16, 1997.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

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

Mr. DAVIS of Virginia demanded a recorded vote on the Chair's approval of the Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 317 Nays 100

34.9 [Roll No. 84]

AYES—317

Aderholt	Frelinghuysen	Mica
Allen	Galleghy	Miller (FL)
Archer	Ganske	Minge
Armey	Gejdenson	Mink
Bachus	Gibbons	Moakley
Baessler	Gilchrest	Molinari
Baker	Gillmor	Mollohan
Balleger	Gilman	Moran (KS)
Barr	Gonzalez	Moran (VA)
Barrett (NE)	Goodlatte	Murtha
Barrett (WI)	Goodling	Myrick
Bartlett	Gordon	Nadler
Barton	Goss	Nethercutt
Bass	Graham	Neumann
Bateman	Granger	Ney
Batesen	Greenwood	Northup
Bereuter	Gutknecht	Norwood
Berman	Hall (OH)	Nussle
Billbray	Hall (TX)	Obey
Bilirakis	Hamilton	Ortiz
Blagojevich	Hansen	Oxley
Bliley	Harman	Packard
Blumenauer	Hastert	Pappas
Blunt	Hastings (WA)	Parker
Boehlert	Hayworth	Pastor
Boehner	Hefner	Paul
Bonilla	Herger	Paxon
Boswell	Hill	Pease
Boucher	Hilleary	Pelosi
Boyd	Hinojosa	Peterson (MN)
Brady	Hobson	Peterson (PA)
Brown (FL)	Hoekstra	Petri
Bryant	Holden	Pickering
Bunning	Hooley	Pitts
Burr	Horn	Pombo
Burton	Hostettler	Porter
Calvert	Houghton	Portman
Camp	Hulshof	Price (NC)
Campbell	Hunter	Pryce (OH)
Canady	Hutchinson	Quinn
Cannon	Hyde	Radanovich
Capps	Inglis	Rahall
Cardin	Jenkins	Rangel
Carson	John	Regula
Castle	Johnson (CT)	Reyes
Chabot	Johnson, Sam	Riggs
Chambliss	Jones	Riley
Chenoweth	Kaptur	Rivers
Christensen	Kasich	Rogan
Clayton	Kelly	Rogers
Clement	Kennedy (MA)	Rohrabacher
Coble	Kildee	Ros-Lehtinen
Coburn	Kim	Rothman
Collins	Kind (WI)	Roukema
Combest	King (NY)	Roybal-Allard
Condit	Kingston	Royce
Conyers	Klecza	Ryun
Cook	Klink	Salmon
Cooksey	Klug	Sanders
Cox	Knollenberg	Sandlin
Coyne	Kolbe	Sanford
Cramer	LaHood	Sawyer
Crapo	Largent	Saxton
Cubin	Latham	Scarborough
Cummings	LaTourrette	Schaefer, Dan
Cunningham	Lazio	Schaffer, Bob
Danner	Leach	Schumer
Davis (IL)	Lewis (CA)	Scott
Davis (VA)	Lewis (KY)	Sensenbrenner
Deal	Linder	Serrano
DeLay	Livingston	Sessions
Diaz-Balart	LoBiondo	Shadegg
Dickey	Lofgren	Shaw
Dicks	Lucas	Shays
Dingell	Luther	Shimkus
Dixon	Maloney (CT)	Shuster
Dooley	Manton	Sisisky
Doolittle	Manzullo	Skelton
Doyle	Martinez	Smith (MI)
Dreier	Mascara	Smith (NJ)
Duncan	Matsui	Smith (OR)
Dunn	McCarthy (MO)	Smith (TX)
Ehlers	McCollum	Smith, Adam
Ehrlich	McCrery	Smith, Linda
Emerson	McDade	Snowbarger
Etheridge	McHale	Snyder
Evans	McHugh	Solomon
Everett	McInnis	Souder
Fawell	McIntosh	Spence
Foley	McIntyre	Spratt
Forbes	McKeon	Stearns
Fowler	McKinney	Stenholm
Fox	Metcalf	Stokes

Stump	Towns	Weldon (PA)
Sununu	Trafficant	Weygand
Talent	Turner	White
Tanner	Upton	Whitfield
Tauzin	Vento	Wicker
Taylor (NC)	Walsh	Wise
Thomas	Wamp	Wolf
Thornberry	Waters	Woolsey
Thune	Watkins	Wynn
Thurman	Watts (OK)	Young (AK)
Tiahrt	Waxman	Young (FL)
Torres	Weldon (FL)	

NOES—100

Abercrombie	Gephardt	Menendez
Ackerman	Goode	Millender-
Baldacci	Green	McDonald
Barcia	Gutierrez	Miller (CA)
Berry	Hastings (FL)	Neal
Bishop	Hefley	Oberstar
Bonior	Hilliard	Olver
Borski	Hinchey	Owens
Brown (OH)	Hoyer	Pallone
Buyer	Jackson (IL)	Pascrell
Callahan	Jackson-Lee	Payne
(TX)	Clay	Pickett
Clyburn	Jefferson	Pomeroy
Davis (FL)	Johnson (WI)	Poshard
DeFazio	Johnson, E. B.	Ramstad
DeGette	Kanjorski	Roemer
Delahunt	Kennedy (RI)	Rush
DeLauro	Kennelly	Sanchez
Dellums	Kilpatrick	Sherman
Deutsch	Kucinich	Skaggs
Doggett	LaFalce	Slaughter
Edwards	Lampson	Stabenow
Engel	Lantos	Stark
English	Levin	Strickland
Ensign	Lewis (GA)	Stupak
Fattah	Lipinski	Tauscher
Fazio	Maloney (NY)	Taylor (MS)
Filner	Markey	Thompson
Flake	McCarthy (NY)	Velazquez
Foglietta	McDermott	Visclosky
Ford	McGovern	Watt (NC)
Frank (MA)	McNulty	Weller
Frost	Meehan	Wexler
Furse	Meek	Yates

NOT VOTING—15

Andrews	Crane	Istook
Becerra	Eshoo	Morella
Bono	Ewing	Sabo
Brown (CA)	Farr	Schiff
Costello	Gekas	Tierney

So the Journal was approved.

34.10 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 17, 1997.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original certificate of election from the Honorable Antonio O. Garza, Jr., Secretary of State, State of Texas, indicating that, at a special run-off election held on Saturday, April 12, 1997, the Honorable Ciro D. Rodriguez was duly elected to the Office of Representative in Congress from the Twenty-eighth Congressional District, State of Texas.

With warm regards,
ROBIN H. CARLE.

34.11 MEMBER-ELECT SWORN

Mr. CIRO D. RODRIGUEZ of the 28th District of Texas, presented himself at the bar of the House and took the oath of office prescribed by law.

34.12 POINT OF PERSONAL PRIVILEGE

The SPEAKER rose to a question of personal privilege.

The SPEAKER pro tempore, Mr. KOLBE, pursuant to rule IX, recognized the SPEAKER for one hour.

The SPEAKER made the following statement:

Mr. Speaker, I am standing here in the People's House at the center of freedom, and it is clear to me that for America to be healthy, our House of Representatives must be healthy. The Speaker of the House has a unique responsibility in this regard.

When I became Speaker of the House, it was the most moving day I could have imagined. It was the culmination of a dream. Little did I know that only 2 years later, I would go through a very painful time.

During my first 2 years as Speaker, 81 charges were filed against me. Of the 81 charges, 80 were found not to have merit and were dismissed as virtually meaningless. But the American public might wonder what kind of man has 81 charges brought against him?

Under our system of government, attacks and charges can be brought with impunity against a Congressman, sometimes with or without foundation. Some of these charges involved a college course I taught about renewing American civilization.

I am a college teacher by background. After years of teaching, it never occurred to me that teaching a college course about American civilization and the core values that have made our country successful could become an issue. However, as a precaution, I received the Committee on Standards of Official Conduct's approval in advance for teaching the course, and I accepted no payment for teaching the course.

Nonetheless, the course became embroiled in controversy. The most significant problem surfaced not from teaching the course but from answering the Committee on Standards of Official Conduct's inquiries.

Before the 1994 election, the committee asked questions, and I submitted a letter in response. The committee agreed that this letter was accurate. Later, I hired a law firm to assist me in answering additional questions coming from the committee. A letter developed by the law firm became the heart of the problem. I signed that letter, and it became the basis for a later, longer letter signed by an attorney. I was deeply saddened to learn almost 2 years later that these letters were inaccurate and misleading.

While the letters were developed and drafted by my former attorneys, I bear the full responsibility for them, and I accept that responsibility.

Those letters should not have been submitted. The members of the Committee on Standards of Official Conduct should never have to worry about the quality and accuracy of information that that committee receives. Mainly because these two letters contradicted my own earlier and correct letter, the Committee on Standards of Official Conduct spent a great deal of time and money to figure out exactly what happened.

For this time and effort, for which I am deeply sorry and deeply regret, I

have agreed to reimburse the American taxpayers \$300,000 for legal expenses and costs incurred by the committee in its investigation.

It was the opinion of the committee and my own opinion that had accurate information been submitted in those two letters, the investigation would have ended much sooner with less cost to the taxpayer. It was not based on violation of any law or for the misuse of charitable contributions. There was no finding by the committee that I purposely tried to deceive anyone. To me, it simply seemed wrong to ask the taxpayers to pay for an investigation that should have been unnecessary. That is why I voluntarily agreed to reimburse the taxpayers.

Never before in history has a Member of Congress agreed to be responsible for the cost of an investigation conducted by a committee of the House. This \$300,000 reimbursement is not a fine, as some have asserted. The settlement itself and the report of the Committee on Standards of Official Conduct makes it clear that it is a reimbursement of legal expenses and costs only.

The committee and its special counsel did not stipulate how the reimbursement should be paid. One option is to pay completely with campaign funds. As a matter of law, the attorneys tell me there is little question that my campaign has the legal authority under existing law and committee rules to pay the reimbursement.

The second option is to pay by means of a legal defense fund. The committee has previously determined that Members may set up such a fund.

A third option is to sue the law firm and apply the proceeds to the reimbursement.

And the fourth option is to pay completely with personal funds.

As we considered these options, we sought to do what was right for the House as it relates to future precedents and for reestablishing the trust of the American people in this vital institution. My campaign could have paid the entire amount, and it would have been legal and within past precedents of the House. Yet, on reflection, it was clear that many Americans would have regarded this as another example of politics as usual and of avoiding responsibility.

1200

A lawsuit against the lawyers who prepared the two documents is a future possibility for me as a citizen, but that option could take years in court. A legal trust fund was in many ways the most appealing. There is more than adequate precedent for such a fund. Many friends from across the entire country had called to offer contributions. Many of my colleagues on both sides of the aisle felt that this was the safest approach. Yet on reflection it was clear that a legal trust fund would simply lead to a new controversy over my role.

I have a higher responsibility as Speaker to do the right thing in the

right way and to serve responsibly. I also must consider what the personal payment precedent would mean to this House as an institution. Many Members in this Chamber, on both sides of the aisle, have raised serious concerns, citing the fear that a personal payment will establish a precedent that could financially ruin Members who were assessed costs incurred by special counsels. In the current environment, who could feel safe? There should be no precedent that penalizes the spouses and children of our Members, but that is what this option could effectively do. This is something we must address.

Yet the question still remains. What is the right decision for me and my wife personally, for my family, for this institution, and for the American people?

Marianne and I have spent hours and hours discussing these options. She is here too today. Let me just say that I have never been prouder of Marianne than over the last few months. Her ability to endure the press scrutiny, to live beyond the attacks, to enjoy life despite hostilities, has been a remarkable thing to observe and a wonderful thing to participate in. But she always came back to the same key question: What is the right thing to do for the right principles? Through the difficult days and weeks as we reviewed the options, it was the courage of her counsel which always led me to do my best. Marianne and I decided whatever the consequences, we had to do what was best, what was right, morally and spiritually. We had to put into perspective how our lives had been torn apart by the weight of this decision. We had to take into account the negative feelings that Americans have about government, Congress, and scandals. We had to take into account the responsibility that the Speaker of the House has to a higher standard.

That is why we came to the conclusion, of our own choice without being forced, that I have a moral obligation to pay the \$300,000 out of personal funds; that any other step would simply be seen as one more politician shirking his duty and one more example of failing to do the right thing.

Therefore, as a person of limited means, I have arranged to borrow the money from Bob Dole, a close personal friend of impeccable integrity, and I will personally pay it back. The taxpayers will be fully reimbursed. The agreement will be completely honored. The integrity of the House ethics process will have been protected. This is my duty as Speaker, and I will do it personally.

I will also ask the House to pass a resolution affirming that this is a voluntary action on my part and that it will establish no precedent for any other Member in the future. It is vital that we not go down the road of destroying middle-class Members by establishing any personal burden in a nonjudicial system.

It is important to put decisions about politics and Government in perspec-

tive. This past year I have experienced some personal losses. I lost my father, and my mother lost her husband of 50 years. My mother, due to serious health problems, is being forced to move into assisted living. My mother has lost her home, her husband, and her life as she knew it.

This week before making this decision I visited my mother in her hospital in Harrisburg. I should say she is now out and is in the assisted living facility. I asked her how she could handle these setbacks with such a positive attitude. She said,

Newtie—she still calls me that. I do not think I am ever going to get to Mr. Speaker with my mother—she says, Newtie, you just have to get on with life.

Coming back from Harrisburg, I realized that she gave me strength and made me realize that for Marianne and myself, moving on with our lives, in the right way, by doing the right thing was our most important goal.

Let me make clear: We endure the difficulties, and the pain of the current political process, but we believe renewing America is the great challenge for our generation. I said on the day I became Speaker for the second time that we should focus on the challenges of race, drugs, ignorance and faith. Over the past few months, I have met with Americans of all backgrounds and all races as we discussed new approaches and new solutions. I am convinced that we can enter the 21st century with a renewed America of remarkable power and ability.

This is a great country, filled with good people. We do have the capacity to reform welfare and help every citizen move from welfare to work. We do have the potential to help our poorest citizens move from poverty to prosperity. We do have the potential to replace quotas with friendship and set-asides with volunteerism. We can reach out to every American child of every ethnic background, in every neighborhood, and help them achieve their Creator's endowed unalienable right to pursue happiness. We cannot guarantee happiness, but we can guarantee the right to pursue.

Recently, I had a chance to have breakfast with the fine young men and women of the 2d Infantry Division in Korea where my father had served. Today South Korea is free and prosperous because young Americans, for 47 years, have risked their lives in alliance with young Koreans.

I was reminded on that morning that freedom depends on courage and integrity; that honor, duty, country is not just a motto, it is a way of life. We in this House must live every day in that tradition. We have much to do to clean up our political and governmental processes. We have much to do to communicate with our citizens and with those around the world who believe in freedom and yearn for freedom. Everywhere I went recently, in Hong Kong, Beijing, Shanghai, Taipei, Seoul, and Tokyo, people talked about freedom of speech, free elections, the rule of law,

an independent judiciary, the right to own private property, and the right to pursue happiness through free markets.

We in this House are role models. People all over the world watch us and study us. When we fall short, they lose hope. When we fail, they despair.

To the degree I have made mistakes, they have been errors of implementation but never of intent. This House is at the center of freedom, and it deserves from all of us a commitment to be worthy of that honor.

Today, I am doing what I can to personally live up to that calling and that standard. I hope my colleagues will join me in that quest.

May God bless this House, and may God bless America.

¶34.13 PROVIDING FOR THE CONSIDERATION OF H.R. 400

Mr. MCINNIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 116):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 400) to amend title 35, United States Code, with respect to patents, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified as specified in section 2 of this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in H.R. 400 is modified as follows:

(a) page 14, line 19, after "at" insert "a rate not to exceed"; and

(b) page 46, line 15, strike "activities" and insert in lieu thereof "activities, subject to the submission of a plan to the Committees on Appropriations of the House and Senate in accordance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1997".

When said resolution was considered.

After debate,

On motion of Mr. MCINNIS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

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

¶34.14 PATENT SYSTEM IMPROVEMENTS

The SPEAKER pro tempore, Mr. HOBSON, pursuant to House Resolution 116 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 400) to amend title 35, United States Code, with respect to patents, and for other purposes.

The SPEAKER pro tempore, Mr. HOBSON, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. CAMP assumed the Chair; and after some time spent therein,

¶34.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. ROHRBACHER:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent Rights and Sovereignty Act of 1997".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the right of an inventor to secure a patent is assured through the authorization powers of the Congress contained in Article I, section 8 of the Constitution, has been consistently upheld by the Congress, and has been the stimulus to the unique technological innovativeness of the United States;

(2) the right must be assured for a guaranteed length of time in the term of the issued patent and be further secured by maintaining absolute confidentiality of all patent application data until the patent is granted if the applicant is timely prosecuting the patent;

(3) the quality of United States patents is also an essential stimulus for preserving the technological lead and economic well-being of the United States in the next century;

(4) the process of examining and issuing patents is an inherently governmental function that must be performed by Federal employees acting in their quasi-judicial roles under regular executive and legislative oversight; and

(5) the quality of United States patents is inextricably linked to the professionalism of