

Mr. RODRIGUEZ appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the U.S. House of Representatives.

□ 1145

WELCOME CIRO D. RODRIGUEZ

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, as the dean of the Texas delegation, it is a pleasure and a very great honor to introduce to the House our newest Member, the gentleman from Texas, CIRO D. RODRIGUEZ.

Not long ago, many of us mourned the tragic passing of our esteemed and loved colleague, Frank Tejeda. Yet, I think Frank would be happy to know that his work will be carried on by an individual like CIRO RODRIGUEZ.

Like Frank, Representative RODRIGUEZ has quite substantial legislative experience; and like Frank, he is a lifelong resident of the city of San Antonio. The gentleman also has that same deep commitment to the community, that same attachment to the people that he serves, and so I think we have in him a most worthy successor.

CIRO RODRIGUEZ served in the House of Representatives of the great State of Texas for 10 years and was an honored and valued member of that body right up to the time of his departure for today's swearing in. He was dean of the county's delegation and served with distinction on many committees, most particularly those that were related to public education.

He began his community service early. He was an educational consultant and he performed social work dealing with the problems of substance abuse and mental health concerns. He served on the local school board for 12 years before being elected to the Texas legislature.

Mr. Speaker, CIRO RODRIGUEZ brings to the House a deep knowledge of his community and long-seasoned experience in the House of Texas legislature. He brings to this House not only this knowledge and experience, but a heart filled with compassion and a soul filled with energy. He is ready to hit the ground running, and I feel certain that, beginning today, all of us will be finding that he is indeed a valued colleague and a very, very promising Member of the House.

I am very pleased and highly honored to introduce and welcome our newest Member.

READY TO BEGIN DUTIES AS NEW MEMBER OF HOUSE OF REPRESENTATIVES

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute.)

Mr. RODRIGUEZ. Mr. Speaker, I know my colleagues put this function together just for me; right?

Let me first of all introduce my wife and my daughter. I want to ask them to stand up. Carolina, my wife, is a teacher, and we are real proud she got Teacher of the Year in San Antonio last year.

My daughter, Xochil. And my daughter, Xochil, is a 14-year-old. I also want to recognize some of the other members that have been real supportive, and I ask them to stand up for me today.

Let me just briefly thank my colleagues. There is no doubt that I am here with mixed emotions. I had the pleasure of being in high school when Congressman Tejeda was there, in the same high school in Harlandale. I had the pleasure of being in classes with him when we were in Saint Mary's University.

I also had the pleasure of being in the Texas House when he was in the Texas Senate. And I have had the pleasure of working on a variety of projects with him. And we all mourn the loss of Congressman Tejeda.

Today, I am also humbled in having been elected to this body. I know that my colleagues probably felt the same way I feel now, coming in, kind of in awe. It has not hit me yet. But I do want to thank all my fellow colleagues for allowing me to come in today and allowing my family to come in.

I do want to just indicate a few things. As I ran for office, one of the key things, one of the basic principles I have always had, when I ran for the school board 12 years ago, and I spent 12 years on the school board when I ran for the legislature, was that education is key.

I know President Kennedy once commented, in this same body 35 years ago, on the importance of human development, the importance of recognizing the individual, and in being able to do whatever we can to enhance the quality of that individual. I have always worked from that perspective.

I want to continue to work on that principle, that as far as I am concerned, as we move on to the next century, what is going to be the strength of this country is going to be its people, and we need to invest in ourselves and in our people. With that, come the investment in human development and investment in education and investment in training.

I want to take this opportunity to say it was a big honor for me growing up in San Antonio and having as my Congressman the gentleman from Texas, Congressman HENRY B. GONZALEZ. And for him to have given the introduction, I just want to thank him very much. I have always admired his hard work and his dedication.

So I say to my colleagues, I will be here representing the 28th Congressional District of the State of Texas, and I am looking forward to working with my colleagues. I will try to hit it running as quickly as I can. Muchas gracias.

QUESTION OF PERSONAL PRIVILEGE

Mr. GINGRICH. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore. (Mr. KOLBE). The gentleman from Georgia [Mr. GINGRICH] is recognized for 1 hour.

Mr. GINGRICH. 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 perspective. 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.

21ST CENTURY PATENT SYSTEM IMPROVEMENT ACT

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 116 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

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".

□ 1215

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Texas will state her parliamentary inquiry.

Ms. JACKSON-LEE of Texas. Mr. Speaker, after the conciliatory remarks of the previous speaker, I have an inquiry to the Speaker as to his recollection: In the last 90 years of this House have we any time where this House has voted to censor a Member the entire day by rollcall vote?

I would appreciate a response on that inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair would advise the gentlewoman from Texas [Ms. JACKSON-LEE] in the House Manual on page 322, the Chair responded on June 25, 1992, to parliamentary inquiries relating in a practical sense to the pending proceedings but did not respond to requests to place them in historical context.

The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I might consume. During the consideration of this resolution all time is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 116 is a noncontroversial resolution. The proposed rule is an open rule providing for 1 hour of general debate divided equal-

ly between the chairman and the ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the 5-minute rule.

Furthermore, it shall be in order to consider as an original bill for the purpose of amendment under the 5-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 House Resolution 1616. The resolution waives all points of order against the committee amendment in the nature of a substitute, as modified, and provides that it shall be considered as read.

Furthermore, Mr. Speaker, the resolution allows the Chair to accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and the Chair may postpone votes in the Committee of the Whole and reduce votes to 5 minutes if those votes follow a 15-minute rule.

At the conclusion of the 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.

Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, this open rule was reported out of the Committee on Rules by a voice vote without any opposition. Under the proposed rule each Member has an opportunity to have their concerns addressed, debated and ultimately voted on, up or down, by this body.

I urge my colleagues to support the bill.

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

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

Mr. Speaker, I thank my colleague, my friend from Colorado [Mr. MCINNIS], for yielding me the customary half hour.

Mr. Speaker, I think this is a day for celebration. We have finally gotten an open rule here on the floor. One of the 13 bills brought to the House by a rule this session, only 3 of them have been open. And as all my colleagues know, Mr. Speaker, we were promised more open rules, so I certainly hope that this is the beginning of a trend and not just a one-time occurrence.

I do find it ironic, Mr. Speaker, however, that just 2 days ago, just 2 days ago my colleagues on the Republican side of the aisle spent an entire afternoon trying to pass a constitutional amendment to require a two-thirds vote for any tax increase. Now they are bringing to the floor a bill that would pose new taxes. They can call them user fees, but I have got a letter from the gentleman from Texas [Mr. ARCHER], chairman of the Committee on Ways and Means, which says these are taxes, and they still increase costs to the American people.