

9264. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56-3, -3B, -3C, -5, -5B, and -5C Series Turbofan Engines [Docket No. 97-ANE-54-AD; Amendment 39-10523, AD 98-10-11] (RIN: 2120-AA64) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9265. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; REVO, Incorporated Models Colonial C-2, Lake LA-4, Lake LA-4A, Lake LA-4P, and Lake LA-4-200 Airplanes [Docket No. 98-CE-48-AD; Amendment 39-10524; AD 98-10-12] (RIN: 2120-AA64) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9266. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes [Docket No. 96-NM-257-AD; Amendment 39-10526; AD 98-10-14] (RIN: 2120-AA64) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9267. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98-28] received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9268. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—the domestic asset/liability and investment yield percentages of taxable years beginning after December 31, 1996, for foreign companies conducting insurance businesses in the United States [Revenue Procedure 98-31] received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9269. A letter from the Executive Director, Office of Compliance, transmitting notice of decision to terminate rulemaking for publication in the Congressional RECORD, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Oversight and Education and the Workforce.

¶49.5 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 3130) "An Act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes," disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Finance: Mr. ROTH, Mr. CHAFEE, Mr. GRASSLEY, Mr. MOYNIHAN, and Mr. BAUCUS; and from the Committee on Labor and Human Resources: Mr. JEFFORDS, Mr. COATS,

and Mr. KENNEDY, to be the conferees on the part of the Senate.

¶49.6 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

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

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 1998.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the unofficial results received from Dick Filling, Commissioner, Bureau of Commissions, Elections and Legislation, Commonwealth of Pennsylvania, indicating that, according to the unofficial returns of the Special Election held on May 19, 1998, the Honorable Robert A. Brady was elected to the Office of Representative in Congress, from the First Congressional District, Commonwealth of Pennsylvania.

With warm regards,

ROBIN H. CARLE,
Clerk.

¶49.7 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. Robert A. Brady, 1st District of the State of Pennsylvania, has not been received by the Clerk of the House of Representatives, Mr. BRADY be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. BRADY then presented himself at the bar of the House and took the oath of office prescribed by law.

¶49.8 PROVIDING FOR THE CONSIDERATION OF H. RES. 432 AND H. RES. 433

Mr. SOLOMON, by direction of the Committee on Rules, called up the following resolution (H. Res. 436):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 432) expressing the sense of the House of Representatives concerning the President's assertions of executive privilege. The resolution shall be considered as read for amendment. The resolution shall be debatable for one hour equally divided and controlled by the Majority Leader or his designee and a Member opposed to the resolution. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

SEC. 2. After disposition of or postponement of further proceedings on House Resolution 432, it shall be in order to consider in the House the resolution (H. Res. 433) calling upon the President of the United States to urge full cooperation by his former political appointees and friends and their associates with congressional investigations. The resolution shall be considered as read for amendment. The resolution shall be debatable for one hour equally divided and controlled by the Majority Leader or his designee and a Member opposed to the resolution. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

When said resolution was considered.

After debate,

On motion of Mr. SOLOMON, 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.

¶49.9 EXECUTIVE PRIVILEGE

Mr. ARMEY, pursuant to House Resolution 436, called up the following resolution (H. Res. 432):

Whereas a unanimous Supreme Court held in *United States v. Nixon* that "[a]bsent a claim of need to protect military, diplomatic, or sensitive national security secrets, we find it difficult to accept the argument that even the very important interest in confidentiality of Presidential communications is significantly diminished by production of such material" that is essential to the enforcement of criminal statutes (418 U.S. 683, 706 (1974));

Whereas during the Watergate investigation, the Supreme Court unanimously held in *United States v. Nixon* that the judicial need for the tapes of President Nixon "shown by a demonstrated, specific need for evidence in a pending criminal trial" outweighed the President's "generalized interest in confidentiality. . ." (418 U.S. 683, 713 (1974));

Whereas the Supreme Court further held in *United States v. Nixon* that "neither the doctrine of separation of powers, nor the need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified Presidential privilege of immunity from judicial process under all circumstances" (418 U.S. 683, 706 (1974));

Whereas executive privilege is qualified, not absolute, and should "never serve as a means of shielding information regarding governmental operations that do not call ultimately for direct decisionmaking by the President" (In re Sealed Case, 116 F.3d 550 (D.C. Cir. 1997), reissued in unredacted form, 121 F.3d 729, 752 (D.C. Cir. 1997));

Whereas on September 28, 1994, Special Counsel to the President Lloyd N. Cutler, in a memorandum to the general counsels of all executive departments and agencies, wrote, "[i]n circumstances involving communications relating to investigations of personal wrongdoing by Government officials, it is our practice not to assert executive privilege, either in judicial proceedings or in congressional investigations and hearings";

Whereas President Clinton is the first President since President Nixon (and the second in the history of the United States) to withhold information, under claims of executive privilege, from a grand jury investigating allegations of personal wrongdoing and possible crimes in the White House;

Whereas the President's assertions of executive privilege have recently been denied by a United States district court;

Whereas in January 1998, President Clinton said that the "American people have a right to get answers" regarding certain matters being investigated by the Office of the Independent Counsel;

Whereas President Clinton has promised to give "as many answers as we can, as soon as we can, at the appropriate time, consistent with our obligation to also cooperate with the investigations"; and

Whereas the people of the United States and their duly elected representatives have a right to judge for themselves the merits or demerits of the President's claim of executive privilege: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that, in the interests of