

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

full disclosure consistent with principles of openness in governmental operations, all records or documents (including legal memoranda, briefs, and motions) relating to any claims of executive privilege asserted by the President should be immediately made publicly available.

When said resolution was considered. After debate,

Pursuant to House Resolution 436, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

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

Mr. DELAY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

It was decided in the affirmative	<table border="0"> <tr> <td>Yeas</td> <td>259</td> </tr> <tr> <td>Nays</td> <td>157</td> </tr> <tr> <td>Answered present</td> <td>6</td> </tr> </table>	Yeas	259	Nays	157	Answered present	6
		Yeas	259				
		Nays	157				
Answered present	6						

49.10 [Roll No. 176] YEAS—259

Abercrombie	Dickey	Jenkins
Aderholt	Doolittle	John
Archer	Dreier	Johnson (CT)
Armey	Duncan	Johnson, Sam
Bachus	Dunn	Jones
Baesler	Ehlers	Kasich
Baker	Ehrlich	Kelly
Ballenger	Emerson	Kildee
Barcia	English	Kim
Barr	Ensign	King (NY)
Barrett (NE)	Etheridge	Kingston
Bartlett	Evans	Klug
Barton	Everett	Knollenberg
Bass	Ewing	Kolbe
Bereuter	Fawell	LaHood
Berry	Foley	Largent
Bilbray	Forbes	Latham
Bilirakis	Fossella	LaTourette
Bilely	Fowler	Lazio
Blunt	Fox	Leach
Boehlert	Franks (NJ)	Lewis (CA)
Boehner	Frelinghuysen	Lewis (KY)
Bonilla	Gallely	Linder
Bono	Ganske	Lipinski
Boswell	Gekas	Livingston
Brady (TX)	Gibbons	LoBiondo
Bryant	Gilchrest	Lucas
Bunning	Gillmor	Maloney (CT)
Burr	Gilman	Manzullo
Burton	Goode	McCarthy (NY)
Buyer	Goodlatte	McCollum
Callahan	Goodling	McCrary
Calvert	Goss	McDade
Camp	Graham	McHale
Campbell	Granger	McHugh
Canady	Green	McInnis
Cannon	Greenwood	McIntosh
Castle	Gutknecht	McIntyre
Chabot	Hall (TX)	McKeon
Chambliss	Hamilton	McKinney
Chenoweth	Hansen	Metcalf
Christensen	Hastert	Mica
Coble	Hastings (WA)	Miller (FL)
Coburn	Hayworth	Mink
Collins	Hefley	Moran (KS)
Combest	Herger	Morella
Condit	Hill	Myrick
Cook	Hilleary	Nethercutt
Cooksey	Hobson	Neumann
Cox	Hoekstra	Ney
Cramer	Holden	Northup
Crane	Horn	Norwood
Cubin	Hostettler	Nussle
Cunningham	Hulshof	Oxley
Danner	Hunter	Packard
Davis (VA)	Hutchinson	Pappas
Deal	Hyde	Parker
DeLay	Inglis	Pascarell
Diaz-Balart	Istook	Paul

Paxon	Sanford	Stump
Pease	Saxton	Sununu
Peterson (MN)	Scarborough	Talent
Peterson (PA)	Schaefer, Dan	Tauzin
Petri	Schaffer, Bob	Taylor (MS)
Pickering	Sensenbrenner	Taylor (NC)
Pitts	Sessions	Thomas
Pombo	Shadegg	Thornberry
Porter	Shaw	Thune
Portman	Shays	Tiahrt
Price (NC)	Sherman	Traficant
Pryce (OH)	Shimkus	Turner
Quinn	Shuster	Upton
Radanovich	Sisisky	Walsh
Ramstad	Skeen	Wamp
Redmond	Smith (MI)	Watkins
Regula	Smith (NJ)	Watts (OK)
Riggs	Smith (OR)	Weldon (FL)
Riley	Smith (TX)	Weldon (PA)
Roemer	Smith, Linda	Weller
Rogan	Snowbarger	White
Rogers	Solomon	Whitfield
Rohrabacher	Souder	Wicker
Ros-Lehtinen	Spence	Wolf
Roukema	Stabenow	Young (AK)
Royce	Stearns	Young (FL)
Ryun	Stenholm	
Salmon	Strickland	

NAYS—157

Ackerman	Gordon	Neal
Allen	Hall (OH)	Oberstar
Andrews	Hastings (FL)	Olver
Baldacci	Hefner	Ortiz
Becerra	Hilliard	Owens
Bentsen	Hinchey	Pallone
Bishop	Hinojosa	Pastor
Blagojevich	Hooley	Payne
Blumenauer	Houghton	Pelosi
Bonior	Hoyer	Pickett
Borski	Jackson (IL)	Pomeroy
Boucher	Jackson-Lee	Poshard
Boyd	(TX)	Rahall
Brady (PA)	Jefferson	Rangel
Brown (CA)	Johnson, E.B.	Reyes
Brown (FL)	Kanjorski	Rodriguez
Brown (OH)	Kennedy (MA)	Rothman
Capps	Kennedy (RI)	Roybal-Allard
Cardin	Kennelly	Rush
Carson	Kilpatrick	Sabo
Clay	Klecza	Sanchez
Clayton	Klink	Sanders
Clement	Kucinich	Sandlin
Clyburn	LaFalce	Sawyer
Conyers	Lampson	Scott
Costello	Lantos	Serrano
Coyne	Lee	Skaggs
Cummings	Levin	Skelton
Davis (FL)	Lewis (GA)	Slaughter
Davis (IL)	Lofgren	Smith, Adam
DeFazio	Lowey	Snyder
DeGette	Luther	Spratt
Delahunt	Maloney (NY)	Stark
DeLauro	Manton	Stokes
Deutsch	Markey	Stupak
Dicks	Martinez	Tanner
Dingell	Mascara	Tauscher
Dixon	Matsui	Thompson
Doggett	McCarthy (MO)	Thurman
Dooley	McGovern	Tierney
Doyle	McNulty	Towns
Edwards	Meehan	Velazquez
Engel	Meeke (FL)	Vento
Eshoo	Menendez	Visclosky
Fattah	Millender	Waters
Fazio	McDonald	Watt (NC)
Filner	Miller (CA)	Waxman
Ford	Minge	Wexler
Frank (MA)	Moakley	Weygand
Frost	Mollohan	Wise
Furse	Moran (VA)	Woolsey
Gejdenson	Murtha	Wynn
Gephardt	Nadler	Yates

ANSWERED "PRESENT"—6

Barrett (WI)	Johnson (WI)	Obey
Berman	Kind (WI)	Rivers

NOT VOTING—11

Bateman	Gutierrez	Meeks (NY)
Crapo	Harman	Schumer
Farr	Kaptur	Torres
Gonzalez	McDermott	

So 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.

49.11 PRESIDENTIAL COOPERATION IN INVESTIGATION

Mr. ARMEY, pursuant to House Resolution 436, called up the following resolution (H. Res. 433):

Whereas approximately 90 witnesses in the campaign finance investigation have either asserted a fifth amendment privilege or fled the country to avoid testifying in congressional investigations;

Whereas prominent among those who have asserted the fifth amendment privilege or fled the country to avoid testifying are former political appointees and friends of the President of the United States, such as former Associate Attorney General Webster Hubbell; former Department of Commerce political appointee John Huang; former Presidential trade commission appointee Charlie Trie; former senior Presidential aide Mark Middleton; longtime Presidential friends James and Mochtar Riady, as well as family, friends, and associates of some of these individuals;

Whereas when the Director of the Federal Bureau of Investigation Louis Freeh testified before the House Government Reform and Oversight Committee on December 9, 1997, he had the following exchange with the Chairman of the Committee:

Mr. Burton: Mr. Freeh, over 65 (at that time) people have invoked the Fifth Amendment or fled the country in the course of the committee's investigation. Have you ever experienced so many unavailable witnesses in any matter in which you have prosecuted or in which you have been involved?

Mr. Freeh: Actually, I have.

Mr. Burton: You have. Give me a run-down on that real quickly.

Mr. Freeh: I spent about 16 years doing organized crime cases in New York City, and many people were frequently unavailable.

Whereas never in the recent history of congressional investigations has Congress been faced with so many witnesses who have asserted fifth amendment privileges or fled the country to avoid testifying in a congressional investigation; and

Whereas the unavailability of witnesses has severely limited the public's right to know about campaign finance violations which occurred over the past several years and related matters: Now, therefore, be it

Resolved, That—

(1) the House of Representatives urges the President of the United States to immediately call upon his friends, former associates and appointees, and the associates of those individuals, who have asserted fifth amendment privileges or fled the country to avoid testifying in congressional investigations, to come forward and testify fully and truthfully before the relevant committees of Congress; and

(2) that the President of the United States should use all legal means at his disposal to compel people who have left the country to return and cooperate with the investigation.

When said resolution was considered. After debate,

Pursuant to House Resolution 436, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House agree to said resolution?

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

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,