

Everett	Leach	Riley
Ewing	Lee	Rivers
Farr	Levin	Rodriguez
Fattah	Lewis (CA)	Roemer
Fawell	Linder	Rogan
Foley	Lipinski	Rogers
Forbes	Livingston	Rohrabacher
Ford	Lofgren	Ros-Lehtinen
Fossella	Lucas	Rothman
Fowler	Luther	Roukema
Frank (MA)	Maloney (CT)	Roybal-Allard
Franks (NJ)	Maloney (NY)	Royce
Frost	Manton	Rush
Furse	Manzullo	Ryun
Gallegly	Martinez	Salmon
Ganske	Mascara	Sanchez
Gejdenson	Matsui	Sanders
Gekas	McCarthy (MO)	Sandlin
Gilchrest	McCarthy (NY)	Sanford
Gillmor	McCrery	Sawyer
Gilman	McDade	Saxton
Goode	McGovern	Scarborough
Goodlatte	McHale	Schaefer, Dan
Gordon	McHugh	Sensenbrenner
Goss	McInnis	Serrano
Graham	McIntosh	Sessions
Greenwood	McIntyre	Shadegg
Hall (TX)	McKeon	Shaw
Hamilton	McKinney	Shays
Hansen	McNulty	Sherman
Hastert	Meehan	Shimkus
Hastings (WA)	Meek (FL)	Shuster
Hayworth	Metcalf	Sisisky
Hefner	Mica	Skeen
Herger	Millender-	Skelton
Hill	McDonald	Smith (MI)
Hinojosa	Miller (CA)	Smith (NJ)
Hobson	Miller (FL)	Smith (OR)
Hoekstra	Minge	Smith (TX)
Holden	Mink	Smith, Adam
Hooley	Moakley	Smith, Linda
Horn	Mollohan	Snowbarger
Hostettler	Moran (VA)	Snyder
Houghton	Morella	Solomon
Hoyer	Murtha	Souder
Hulshof	Myrick	Spence
Hunter	Nadler	Spratt
Hutchinson	Neal	Stabenow
Inglis	Nethercutt	Stark
Istook	Neumann	Stearns
Jackson (IL)	Ney	Stenholm
Jackson-Lee	Northup	Stokes
(TX)	Norwood	Strickland
Jefferson	Olver	Stump
Jenkins	Ortiz	Sununu
John	Oxley	Talent
Johnson (CT)	Packard	Tanner
Jones	Pappas	Tauscher
Kanjorski	Parker	Tauzin
Kaptur	Pascrell	Taylor (NC)
Kasich	Paul	Thomas
Kelly	Paxon	Thornberry
Kennedy (MA)	Payne	Thune
Kennedy (RI)	Pease	Tiahrt
Kennelly	Pelosi	Towns
Kildee	Peterson (MN)	Traficant
Kilpatrick	Peterson (PA)	Upton
Kim	Petri	Walsh
Kind (WI)	Pickering	Watkins
King (NY)	Pitts	Watt (NC)
Kingston	Pombo	Watts (OK)
Klecza	Porter	Waxman
Klink	Portman	Weldon (FL)
Klug	Price (NC)	Weldon (PA)
Knollenberg	Pryce (OH)	Weygand
LaFalce	Quinn	White
LaHood	Radanovich	Wise
Lampson	Rahall	Wolf
Lantos	Rangel	Woolsey
Largent	Redmond	Wynn
Latham	Regula	Yates
LaTourette	Reyes	Young (FL)
Lazio	Riggs	

NAYS—58

Aderholt	Gibbons	McDermott
Baldacci	Green	Menendez
Becerra	Gutierrez	Moran (KS)
Bonior	Gutknecht	Nussle
Borski	Hastings (FL)	Oberstar
Brown (CA)	Hefley	Obey
Clay	Hilleary	Pallone
Costello	Hilliard	Pastor
DeFazio	Hinchev	Pickett
English	Johnson, E. B.	Poshard
Ensign	Kucinich	Ramstad
Fazio	Lewis (GA)	Sabo
Filner	LoBiondo	Schaffer, Bob
Fox	Lowe	Scott
Gephardt	Markey	Slaughter

Stupak	Vento	Wexler
Taylor (MS)	Visclosky	Whitfield
Thompson	Wamp	Wicker
Thurman	Waters	
Velazquez	Weller	

ANSWERED "PRESENT"—2

Carson	Goodling
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NOT VOTING—33

Baker	Crapo	Lewis (KY)
Barr	Dixon	McCollum
Barton	Frelinghuysen	Meeks (NY)
Bass	Gonzalez	Owens
Bateman	Granger	Pomeroy
Bono	Hall (OH)	Schumer
Burr	Harman	Skaggs
Buyer	Hyde	Tierney
Chambliss	Johnson (WI)	Torres
Cox	Johnson, Sam	Turner
Crane	Kolbe	Young (AK)

So the Journal was approved.

49.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

9213. A letter from the Deputy Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Chicago Board of Trade Futures Contracts in Corn and Soybeans; Order to Designate Contract Markets and Amending Order of November 7, 1997, as Applied to Such Contracts— received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9214. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Bacillus Thuringiensis Subspecies tolworthi Cry9C Protein and the Genetic Material Necessary for its Production in Corn; Exemption from the Requirement of a Tolerance [OPP-300659; FRL-5790-3] (RIN-2070-AB78) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9215. A letter from the Director, Office of Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule—Hydroxyethylidene Diphosphonic Acid; Exemption From the Requirement of a Tolerance [OPP-300658; FRL-5790-1] (RIN: 2070-AB78) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9216. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Rental Voucher and Certificate Programs; Restrictions on Leasing to Relatives [Docket No. FR-4149-F-02] (RIN: 2577-AB73) received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9217. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendment of Affordable Housing Program Regulation [Docket No. 98-18] (RIN: 3069-AA73) received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9218. A letter from the Acting Assistant Secretary, Department of Labor, transmitting the Department's final rule—Prevailing Wage Policy for Researchers Employed by Colleges and Universities, College and University Operated Federally Funded Research and Development Centers, and Certain Federal Agencies—received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9219. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Metric Conversion of Tire Standards [Docket No. NHTSA-98-3837, Notice 1] (RIN: 2127-AH07) received May

18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9220. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Metric Conversion [NHTSA-98-3836] (RIN: 2127-AG55) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9221. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions of Air Pollution from New CI Marine Engines at or above 37 Kilowatts [FRL-6014-4] (RIN: 2060-AH65) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9222. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Number Under The Paperwork Reduction Act [FRL-6013-2] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9223. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tolerance Processing Fees [Opp-30114; FRL-5775-4] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9224. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—a revision of the Enforcement Policy (NUREG-1600, Rev. 1) received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9225. A letter from the General Counsel, Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of the three joint statements negotiated by the Joint Compliance and Inspection Commission and concluded during JCIC-XVII; to the Committee on International Relations.

9226. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report, determination and certification on a chemical weapons proliferation sanctions matter, pursuant to section 81(b)(3) of the Arms Export Control Act, as amended, and section 11C(b)(3) of the Export Administration Act of 1979, as amended; to the Committee on International Relations.

9227. A letter from the Service Federal Register Liaison Officer, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Emergency Rule to Establish and Additional Manatee Sanctuary in Kings Bay, Crystal River, Florida [RIN: 1018-AE47] received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9228. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Wrightstown, NJ [Airspace Docket No. 98-AEA-01] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9229. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Downingtown, PA [Airspace Docket No. 98-AEA-04] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9230. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, Maryland [CGD 05-98-031]

(RIN: 2115-AE46) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9231. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Martin, SD [Airspace Docket No. 97-AGL-62] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9232. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Casey, IL [Airspace Docket No. 98-AGL-10] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9233. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; New Rochelle Harbor, New York [CGD1-95-002] (RIN: 2115-AE47) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9234. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Nauvoo, IL [Airspace Docket No. 98-AGL-12] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9235. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; San Juan, Puerto Rico [COTP SAN JUAN 97-045] (RIN: 2115-AA97) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9236. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Lakeview, MI [Airspace Docket No. 98-AGL-14] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9237. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; FLEET WEEK Air/Sea Demonstrations, Hudson River, New York [CGD01-98-041] (RIN: 2121-AA97) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9238. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Milwaukee, WI [Airspace Docket No. 98-AGL-5] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9239. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Eastland Municipal, TX [98-ASW-20] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9240. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Gallup, NM [Airspace Docket No. 98-ASW-19] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9241. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cleveland, OK [Airspace Docket No. 97-ASW-29] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9242. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Pawnee, OK [Airspace Docket No. 98-ASW-02] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9243. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wagoner, OK [Airspace Docket No. 98-ASW-031] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9244. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Coalgate, OK [Airspace Docket No. 98-ASW-01] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9245. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bristow, OK [Airspace Docket No. 98-ASW-04] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9246. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Claremore, OK [Airspace Docket No. 98-ASW-05] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9247. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Shawnee, OK [Airspace Docket No. 98-ASW-06] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9248. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wautoma, WI [Airspace Docket No. 98-AGL-7] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9249. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Muskogee, OK [Airspace Docket No. 98-ASW-12] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9250. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Portland, IN [Airspace Docket No. 98-AGL-8] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9251. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Poteau, OK [Airspace Docket No. 98-ASW-13] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9252. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Pryor, OK [Airspace Docket No. 98-ASW-14] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9253. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Revision of Class E Airspace; Stillwater, OK [Airspace Docket No. 98-ASW-15] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9254. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Millersburg, OH [Airspace Docket No. 98-AGL-9] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9255. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Tahlequah, OK [Airspace Docket No. 98-ASW-16] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9256. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Grove, OK [Airspace Docket No. 98-ASW-07] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9257. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Chicago, IL [Airspace Docket No. 98-AGL-11] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9258. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Henryetta, OK [Airspace Docket No. 98-ASW-08] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9259. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Watford City, ND, and modification of Class E Airspace; Williston, ND [Airspace Docket No. 98-AGL-15] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9260. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Idabel, OK [Airspace Docket No. 98-ASW-09] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9261. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; McAlester, OK [Airspace Docket No. 98-ASW-10] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9262. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Miami, OK [Airspace Docket No. 98-ASW-11] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9263. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models B200, B200C, and B200T Airplanes [Docket No. 97-CE-72-AD; Amendment 39-10516; AD 98-10-05] (RIN: 2120-AA64) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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