

testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now therefore, be it

*Resolved*, That Kevin Carvell, Judy Steffes, and any other former or current Senate employee from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Dirk S. Dixon, et al. v. Bruce Pearson, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Byron L. Dorgan, Kevin Carvell, Judy Steffes, and any other Member or employee of the Senate from whom testimony or document production may be required in connection with the case of *Dirk S. Dixon, et al. v. Bruce Pearson, et al.*

Mr. LOTT. Mr. President, S. Res. 65 concerns a request for testimony in a civil action pending in North Dakota state court. The plaintiffs in this case claim that defendant Pearson defrauded them into paying him money in return for promises to alleviate plaintiff tax liability on an investment. In particular, plaintiffs claim that defendant Pearson misrepresented the frequency and nature of his contacts with two members of Senator DORGAN's staff. Counsel for the plaintiffs wish to depose the two staff members to test the accuracy of the defendant's representations about their meetings. Senator DORGAN has approved testimony and, if necessary, production of relevant documents by his staff in connection with this action.

This resolution would permit these two members of Senator DORGAN's staff, or any other current or former employees of the Senate, to testify and produce documents for use in this case.

The resolution (S. Res. 66) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 66

Whereas, in the case of *United States v. Yah Lin "Charlie" Trie*, Criminal No. LR-CR-98-239, pending in the United States District Court for the Eastern District of Arkansas, documentary and testimonial evidence are being sought from the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate

may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the chairman and ranking minority member of the Committee on Governmental Affairs, acting jointly, are authorized to produce records of the Committee, and present and former employees of the Committee from whom testimony is required are authorized to testify, in the case of *United States v. Yah Lin "Charlie" Trie*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent present and former employees of the Senate in connection with the testimony authorized in section one.

Mr. LOTT. Mr. President, S. Res. 66 concerns a request for testimony in a criminal trial brought on behalf of the United States against Yah Lin "Charlie" Trie, in the United States District Court for the Eastern District of Arkansas. Mr. Trie, who was one of the principal subjects of the campaign finance investigation conducted by the Committee on Governmental Affairs in 1997, is under indictment for obstructing the Committee's investigation, according to the indictment, by instructing another individual to destroy and withhold documents under subpoena by the Committee.

This resolution would authorize present and former staff of the Committee to testify in this matter, which is scheduled for trial in April 1999, with representation by the Senate Legal Counsel, and would authorize the chairman and ranking minority member of the Committee, acting jointly, to produce records of the Committee, except where a privilege should be asserted.

The resolution (S. Res. 67) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 67

Whereas, in the case of *Bob Schaffer, et al. v. William Jefferson Clinton, et al.*, C.A. No. 99-K-201, pending in the United States District Court for the District of Colorado, the plaintiffs have named the Secretary of the Senate as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to represent the Secretary of the Senate in the Case of *Bob Schaffer, et al. v. William Jefferson Clinton, et al.*

Mr. LOTT. Mr. President, S. Res. 67 concerns a civil action commenced in the United States District Court for the District of Colorado by Representative BOB SCHAFFER and three other in-

dividuals against the President of the United States, the Secretary of the Treasury, the Secretary of the Senate, and the Clerk of the House, seeking judicial intervention in the payment of salaries to Members of both Houses.

The action seeks declaratory and injunctive relief against the operation of the Ethics Reform Act of 1989, which provides for the automatic adjustment of the compensation of Members of Congress on an annual basis to reflect changes in employment costs in the preceding year, as calculated by the Bureau of Labor Statistics. This is the same annual cost-of-living adjustment paid to Federal judges and senior executive branch officials and is timed to coincide with the annual January 1 adjustment of the general civil service schedule. The issue presented in this action was the subject of a lawsuit brought in 1992 by another Member of the House of Representatives, who sought unsuccessfully to enjoin the 1993 congressional COLA, based on the then newly-ratified 27th Amendment.

This resolution authorizes the Senate Legal Counsel to represent the Secretary of the Senate and to seek dismissal of this action in order to defend the Secretary's ability to continue to carry out his duty under the law to disburse congressional compensation payable pursuant to the Constitution and Federal statute.

CONTINUED CONSIDERATION OF THE NOMINATION OF DAVID WILLIAMS

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the Governmental Affairs Committee be allowed continued consideration of the nomination of David Williams for Treasury Inspector General for Tax Administration until April 6, 1999. I further ask that if the nomination is not reported on or by that date, the nomination be immediately discharged and placed back on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 8 and 14.

I finally ask unanimous consent that the nominations be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; There being no objection, the I21 was ordered to be printed in the RECORD; that the President be immediately notified of the