

**AUTHORIZING TESTIMONY AND  
LEGAL REPRESENTATION**

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 297, submitted earlier by Senator LOTT and Senator DASCHLE. The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution, (S. Res. 297) to authorize testimony and legal representation in *Martin A. Lopow v. William J. Henderson*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a subpoena in a lawsuit brought by a resident of Connecticut who has sued the Postal Service alleging discrimination in the termination of his employment with the Postal Service. The plaintiff seeks to subpoena from Senator JOSEPH I. LIEBERMAN's deputy state director for constituent services copies of case-work files concerning another constituent of the Senator's who is not a party to this lawsuit.

Senator LIEBERMAN's deputy state director for constituent services informed the plaintiff that, out of concern for protecting the confidentiality of communications with the Senator's constituents, the Senator's policy does not permit sharing constituent files with third parties without the constituents' consent, which has not been given in this case. The plaintiff has also been advised that a search of the Senator's achieved constituent files turned up no file like that sought.

Nevertheless, the plaintiff has moved to compel the production of the document he is seeking. This resolution would permit the Senate Legal Counsel to represent the Senator's deputy state director for constituent services to oppose the motion to compel, and permit the submission of an affidavit describing the Senator's constituent confidentiality policy and the search for records in this case.

Mr. MACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 297) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 297**

Whereas, in the case of *Martin A. Lopow v. William J. Henderson*, Case No. 3:98CV1329-SRU, pending in the United States District Court for the District of Connecticut, a subpoena for the production of documents has been issued to Laura Cahill, an employee in the office of Senator Joseph I. Lieberman;

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 or administrative 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 Laura Cahill is authorized to testify in the case of *Martin A. Lopow v. William J. Henderson*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Laura Cahill in connection with the testimony authorized in section one of this resolution.

**ORDERS FOR THURSDAY, APRIL  
27, 2000**

Mr. MACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, April 27. I further ask consent that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12 noon with Senators speaking for up to 5 minutes

each, with the following exceptions: Senator LOTT, or his designee, from 9:30 a.m. to 10 a.m.; Senator DURBIN, or his designee, from 10 a.m. to 10:30 a.m.; Senator HUTCHISON of Texas for up to 30 minutes; Senator DASCHLE, or his designee, for up to 45 minutes; Senator THOMAS, or his designee, for up to 15 minutes.

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

Mr. MACK. Mr. President, I further ask unanimous consent that at 12 noon the Senate proceed to the cloture vote relative to the marriage tax penalty bill.

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

**PROGRAM**

Mr. MACK. Mr. President, tomorrow morning, following the period of morning business, the Senate will conduct a cloture vote relative to the marriage tax penalty bill. If cloture is invoked, the Senate will remain on the bill under the provisions of rule XXII. Senators are reminded that second-degree amendments must be filed at the desk by 11 a.m. Thursday, under rule XXII. However, if cloture is not invoked, the Senate will resume debate on the motion to proceed to S.J. Res. 3, proposing an amendment to the Constitution to protect the rights of victims. It is hoped that the Senate will be able to proceed to that bill at a reasonable hour tomorrow.

As a reminder, the Senate did receive the veto message with regard to the nuclear waste bill during today's session. By previous consent, debate on the veto override will begin on Tuesday, May 2, at 9:30 a.m., with a vote to occur at 3:15 that afternoon.

**ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW**

Mr. MACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:40 p.m., adjourned until Thursday, April 27, 2000, at 9:30 a.m.