

both the Speech or Debate Clause of the Constitution, which is Congress's legislative privilege, and GAO's own deliberative process privilege. Northwest Airlines has chosen to contest GAO's assertion of privilege by moving in the U.S. District Court for the District of Columbia to compel GAO to produce the documents.

The records that Northwest Airlines is seeking were records that GAO, which is an investigative agency of Congress, collected or created while preparing testimony or reports in response to requests from committees and subcommittees of the Senate. Northwest has not given GAO, the Senate, or the Court any explanation for why it may defeat the privileges inhering in GAO internal work product and deliberative documents, including drafts of proposed testimony, to defend itself in this antitrust action. None of these internal records at issue in this matter has been provided to Northwest's adversary, the Justice Department. Nor are the final reports issued by GAO or GAO's congressional testimony at issue in this matter, as all parties to the litigation, including Northwest Airlines, have been given full access to these materials.

GAO is opposing Northwest's motion to compel, invoking its deliberative process privilege. But the legislative privilege that is grounded on the Constitution's Speech or Debate Clause belongs to the Congress. In order to ensure congressional independence from the other branches of the government, the Constitution affords Congress with an absolute privilege from compelled questioning through the courts about the performance of its legislative responsibilities, such as the gathering of information and preparation of hearings, the conduct of administrative oversight, and the consideration of legislation.

The Senate has a strong interest in the ability of its committees to receive testimony and analysis from GAO, which serves as its investigative arm, without fear that entities whose activities are the subject of that testimony and analysis will be allowed to root around in GAO's internal work papers, drafts, and deliberative documents seeking something of possible help to them in unrelated litigation. That kind of intrusion into the legislation process is precisely what the Speech or Debate Clause was intended to foreclose.

Because the Speech or Debate Clause privilege belongs to the Congress and because it is the committee of Congress that are the direct beneficiaries of GAO's contributions to their legislative work, it is appropriate that the court hear directly from those Senate committees for which GAO was providing analysis how Northwest's attempt to compel production of GAO's internal work product threatens their autonomous performance of legislative duties entrusted to them under the Constitution. Accordingly, this resolution authorizes the Senate Legal Coun-

sel to intervene in this matter in the name of the Committee on the Judiciary and the Committee on Appropriations to assert the Speech or Debate Clause as protection against compelled questioning of GAO, through compelled production of GAO's internal work product when responding to requests from Congress.

Mr. MURKOWSKI. 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 that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 283) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 283

Whereas, in the case of United States v. Northwest Airlines Corporation, et al., Misc. No. 99-424, pending in the United States District Court for the District of Columbia, defendant Northwest Airlines, by seeking to compel the production of documents of the United States General Accounting Office, has placed in issue the privileges of the United States Senate under the Speech or Debate Clause, Art. I, sec. 6, cl. 1, of the United States Constitution; and

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288f(a), the Senate may direct its counsel to intervene in the name of a committee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to intervene in the name of the Senate Committee on Appropriations and the Senate Committee on the Judiciary in the case of United States v. Northwest Airlines Corporation, et al., to protect the Senate's privileges under the Speech or Debate Clause of the Constitution.

#### MUHAMMAD ALI BOXING REFORM ACT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 421, H.R. 1832.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1832) to reform unfair and anti-competitive practices in the professional boxing industry.

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

#### AMENDMENT NO. 3082

(Purpose: To ensure that rules similar to the rules against coercive contracts between boxers and promoters apply to contracts between boxers and interstate broadcasters, and that casinos, hotels, resorts, etc., that are merely "associated" with a promoter are not subject to the rules applicable to promoters)

Mr. MURKOWSKI. Mr. President, Senators REID, BRYAN, and MCCAIN have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. REID, for himself, Mr. BRYAN, and Mr. MCCAIN, proposes an amendment numbered 3082.

The amendment is as follows:

On page 6, between lines 17 and 18, insert the following:

"(c) PROTECTION FROM COERCIVE CONTRACTS WITH BROADCASTERS.—Subsection (a) of this section applies to any contract between a commercial broadcaster and a boxer, or granting any rights with respect to that boxer, involving a broadcast in or affecting interstate commerce, regardless of the broadcast medium. For the purpose of this section, any reference in subsection (a)(1)(B) to "promoter" shall be considered a reference to "commercial broadcaster".

On page 17, after line 24, insert the following:

(1) in paragraph (9) by inserting after "match" the following: "The term 'promoter' does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

"(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

"(B) there is no other person primarily responsible for organizing, promoting, and producing the match.";

On page 18, line 1, strike "(1)" and insert "(2)".

On page 18, line 4, strike "(2)" and insert "(3)".

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3082) was agreed to.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

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

The bill (H.R. 1832), as amended, was read the third time and passed.

#### AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 284, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 284) to authorize testimony, document production, and legal representation in United States of America v. George Patrick Calhoun.

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

Mr. LOTT. Mr. President, this resolution concerns a request for testimony