

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Budapest, Hungary, May 26-30, 2000: The Senator from Iowa (Mr. GRASSLEY), Acting Chairman; the Senator from Pennsylvania (Mr. SPECTER); the Senator from Wyoming (Mr. ENZI); and the Senator from Ohio (Mr. VOINOVICH).

AUTHORIZING ACTION IN STATE OF INDIANA V. AMY HAN

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 312, 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. 312) to authorize testimony, document production, and legal representation in State of Indiana v. Amy Han.

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

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a criminal action in Indiana Superior Court for the County of Marion. In the case of State of Indiana v. Amy Han, the county prosecutor has charged the defendant with two counts of criminal trespass on Senator LUGAR's Indianapolis office. Pursuant to subpoenas issued on behalf of the county prosecutor, this resolution authorizes two employees in Senator LUGAR's office who witnessed the events giving rise to the trespass charges, and any other employee in the Senator's office from whom testimony may be required, to testify and produce documents at trial, with representation by the Senate Legal Counsel.

Mr. ALLARD. 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 be printed in the RECORD.

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

The resolution (S. Res. 312) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 312

Whereas, in the case of State of Indiana v. Amy Han, C. No. 99-148243, pending in the Indiana Superior Court of Marion County, Criminal Division, testimony has been requested from Lesley Reser and Lane Ralph, employees in the office of Senator Richard Lugar;

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 Lesley Reser and Lane Ralph, and any other employee of Senator Lugar's office from whom testimony may be required, are authorized to testify and produce documents in the case of State of Indiana v. Amy Han, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Lesley Reser, Lane Ralph, and any other employee of Senator Lugar's office in connection with the testimony and document production authorized in section one of this resolution.

AUTHORIZING ACTION IN HAROLD A. JOHNSON V. MAX CLELAND, ET AL.

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 313, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 313) to authorize representation by the Senate Legal Counsel in Harold A. Johnson v. Max Cleland, et al.

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

Mr. LOTT. Mr. President, a pro se plaintiff has commenced a civil action against Senator CLELAND and a state official in Georgia state court seeking an order removing them from office on the purported ground that their election by plurality vote, while expressly authorized by Georgia statutes, violates the Georgia Constitution. This suit is the plaintiff's second challenge to Georgia's current election laws. Having lost his first challenge against the State Board of Elections, the plaintiff now is bringing an identical challenge to the Georgia election laws through the use of the ancient writ of quo warranto.

Senator CLELAND, who was elected to the Senate almost four years ago, in 1996, in an election that was not the subject of any election contest brought before the Senate, is sued solely because of his official capacity as a sitting Senator. This quo warranto action in essence challenges his taking of the oath of office, as well as the Senate's action in seating him. As such, it falls appropriately within the Senate Legal Counsel's statutory responsibility to represent Members of the Senate in

civil actions in which they are sued in their official capacity.

The writ of quo warranto can have no applicability to United States Senators or Representatives, as Article I, section 5 of the United States Constitution commits to each House of Congress the sole power to seat and remove its Members. This action is also barred by the speech or debate clause.

This resolution would authorize the Senate Legal Counsel to represent Senator CLELAND to seek his dismissal from this matter.

Mr. ALLARD. 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 be printed in the RECORD.

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

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 313

Whereas, Senator Max Cleland has been named as a defendant in the case of Harold A. Johnson v. Max Cleland, et al., Case No. 2000CV22443, now pending in the Superior Court of Fulton County, Georgia;

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)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Max Cleland in the case of Harold A. Johnson v. Max Cleland, et al.

NATIONAL CHILD'S DAY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 561, S. Res. 296.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 296) designating the first Sunday in June of each calendar year as "National Child's Day".

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in *italic*.)

S. RES. 296

Whereas the first Sunday of June falls between Mother's Day and Father's Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and