

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

in a criminal action in the United States District Court for the Southern District of Texas. In a federal indictment, the defendant has been charged with threatening a public official in violation of federal law. The charge arises out of a threat telephoned to Senator PHIL GRAMM's office in Houston. At the request of the U.S. Attorney who is prosecuting this case, this resolution authorizes employees in Senator GRAMM's office who heard the threat to testify about the threat and produce documents at trial, with representation by the Senate Legal Counsel.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 284) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 284

Whereas, in the case of United States v. George Patrick Calhoun, Cr. No. H-99-111, pending in the United States District Court for the Southern District of Texas, testimony has been requested from Court Koenning and Patrick McCartney, employees in the office of Senator Phil Gramm;

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; and

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 Court Koenning, Patrick McCartney, and any other employee of Senator Gramm's office from whom testimony may be required, are authorized to testify and produce documents in the case of United States v. George Patrick Calhoun, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Court Koenning, Patrick McCartney, and any other employee of Senator Gramm's office in connection with the testimony and document production authorized in section 1 of this resolution.

ORDERS FOR MONDAY, APRIL 10, 2000

Mr. MURKOWSKI. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, April 10, 2000. I further ask consent that on Monday, immediately following the prayer, the

Journal of proceedings be approved to date, the morning hour be deemed 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, with Senators permitted to speak for up to 10 minutes each, with the following exceptions:

Senator DURBIN, or his designee, 12 noon to 1 o'clock; Senator MURKOWSKI, 1 o'clock to 1:30; Senator THOMAS, or his designee, 1:30 to 2 o'clock; Senator BROWNBACK, 30 minutes; and Senator CRAIG, 30 minutes.

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

PROGRAM

Mr. MURKOWSKI. For the information of all Senators, the Senate will convene at 12 noon on Monday and will be in a period of morning business throughout the day, with some debate on the gas tax repeal legislation. Cloture was filed on the gas tax legislation today, and that vote has been scheduled to occur on Tuesday at 2:25 p.m. That cloture vote will be the first vote of next week. Also, during next week's session, we expect to begin consideration of the marriage tax penalty legislation.

ADJOURNMENT UNTIL MONDAY,
APRIL 10, 2000

Mr. MURKOWSKI. Mr. President, I see no other Senator wishing to be recognized. 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.

It has been a relatively long and busy day. Let me wish the Presiding Officer and the collective professional staff a happy weekend.

There being no objection, the Senate, at 3:45 p.m., adjourned until Monday, April 10, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 7, 2000:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CRAIG B. ALLEN, OF WISCONSIN
CARMINE G. D'ALOISIO, OF MARYLAND
JOHN J. FORGARASI, OF TEXAS
BARRY I. FRIEDMAN, OF NEW YORK
DANIEL E. HARRIS, OF MARYLAND

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

C. FRANKLIN FOSTER, OF VIRGINIA
MICHAEL W. LIKALA, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL T. HARVEY, OF TEXAS
JANINA ANNE JARUZELSKI, OF NEW JERSEY

DEPARTMENT OF COMMERCE

CYNTHIA A. GRIFFIN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

VATHANI RAJARATNAM AMIRTHANAYAGAM, OF NEW YORK

MICHAEL LESTER HENNING, OF NEW YORK
MAUREEN A. SHAUKET, OF VIRGINIA
ELYSSA T. TRAN, OF TEXAS

DEPARTMENT OF COMMERCE

PATRICIA M. GONZALEZ, OF TEXAS
EDWIN KEITH KIRKHAM, OF MAINE
MITCHELL GREGORY LARSEN, OF CALIFORNIA
JULIA M. RAUNER-GUERRERO, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

CHRISTINA JEANNE AGOR, OF NEW YORK
JEFFREY JONATHAN ANDERSON, OF PENNSYLVANIA
SUSAN ANMATHAN, OF VIRGINIA
KEVIN ANDREW AUSTIN, OF VIRGINIA
WILLIAM M. AYALA, OF CALIFORNIA
BRADFORD JOSEPH BELL, OF PENNSYLVANIA
SONIA BISWAS, OF THE DISTRICT OF COLUMBIA
RAYMOND E. BLACKARD, OF TEXAS
THOMAS E. BOTTS, OF VIRGINIA
NANCY BARICKMAN BRANNAMAN, OF IOWA
BELINDA L. BRODIE, OF VIRGINIA
NATHANIEL S. CLIFFORD, OF VIRGINIA
CELESTE A. CONNORS, OF HAWAII
JAMES T. CROW, OF ARIZONA
HAROLD G. CUNNINGHAM, OF VIRGINIA
JENNIFER D. DAVIS, OF GEORGIA
LINDA DERPARSEGHIAN, OF VIRGINIA
ANN ELIZABETH DONICK, OF NEW YORK
DAWN-MARIE J. DORE, OF VIRGINIA
SATUKI T. DOUGHERTY, OF VIRGINIA
JAY DOUGLAS DYKHOUSE, OF MICHIGAN
JOHN BRADLEY EMERY, OF MASSACHUSETTS
ANTHONY ENES, OF VIRGINIA
JASON FIELD, OF WASHINGTON
LISA L. NYOLA FITZNER, OF MARYLAND
MARC WILLIAM FUNGARD, OF PENNSYLVANIA
MICHAEL GOLDMAN, OF WASHINGTON
MICHAEL C. GONZALES, OF THE DISTRICT OF COLUMBIA
MOLLY ANN GOWER, OF MARYLAND
CHARLES J. GREEN, OF MARYLAND
PAT GRIEL, OF VIRGINIA
STEVEN C. HANNA, OF VIRGINIA
RIAN HARKER HARRIS, OF VIRGINIA
THOMAS R. HASTINGS, OF MARYLAND
SCOTT E. HEMBROUGH, OF THE DISTRICT OF COLUMBIA
ANDREA L. HILDEBRAND, OF VIRGINIA
REBECCA L. HOISINGTON, OF MICHIGAN
ANTHONY R. HOLLADAY, OF VIRGINIA
KEITH HUGHES, OF NEW YORK
JENNIFER LYNN IMREDDY, OF MARYLAND
JOSEPH F. INSAÑA, OF VIRGINIA
JEFFREY R. IZZO, OF NEW YORK
MICHAEL D. JAMES, OF VIRGINIA
L. ELAINE JONES, OF OHIO
SCOTT ENGLE JONES, OF TENNESSEE
JEANNETTE M. JURICIC, OF ILLINOIS
EUNJOO KENSINGER, OF VIRGINIA
LESLEY A. KERCHEVAL, OF VIRGINIA
KENNETH A. KERO, OF THE DISTRICT OF COLUMBIA
WILLIAM KLEIN, OF CALIFORNIA
DONALD J. KLUBA, OF VIRGINIA
BARBARA LANKFORD, OF MARYLAND
NORA H. LEE, OF VIRGINIA
MICHELLE M. LEONARD, OF VIRGINIA
KURT E. LICHTFUSS, OF MARYLAND
CHRISTOPHER ANTHONY LINGEMAN, OF MARYLAND
JEFFREY K. LISS, OF VIRGINIA
ANDREW ROBERT LORENZ, OF MINNESOTA
ALISON VICTORIA MAHER, OF FLORIDA
MARCOS CHRISTIAN MANDOJANA, OF TENNESSEE
PAPFILO MARQUEZ, OF CALIFORNIA
ANN MARIE ECKERT MCBRIDE, OF VIRGINIA
KATLEEN ANNE MCGOWAN, OF TEXAS
CRYSTAL KATHRYN MERIWETHER, OF MINNESOTA
EDWARD PETER MESSMER, OF VIRGINIA
GAYLE ANN MILLER, OF CALIFORNIA
PATRICK F. MILLER, OF VIRGINIA
LINDSAY ELIZABETH MORAN, OF MARYLAND
NARITH MICHAEL MUONG, OF VIRGINIA
DENNIS BLAINE NELSON, OF PENNSYLVANIA
ELIZABETH T. NELSON, OF PENNSYLVANIA
MICHAEL ANTHONY NEWBILL, OF THE DISTRICT OF COLUMBIA
ROBERT C. NEWSOME, OF WEST VIRGINIA
DAVID ALLAN OSGOOD, OF OREGON
J. MARK PASCALLE, OF VIRGINIA
JAMES E. PERLEY, OF VIRGINIA
ANH-HAO THI PHAN, OF VIRGINIA
KRISTEN L. PISANI, OF NEW YORK
CAMILLE CAMPBELL PURVIS, OF TEXAS
LINDA J. REID, OF VIRGINIA
ANGELA O. RICHARDSON, OF VIRGINIA
TRACY ELIZABETH ROBERTS, OF MISSOURI