

White House employees from appearing, testifying and producing documents related to this investigation and directed Mr. Bolten, along with other current and former White House employees, to comply immediately with the Committee's subpoenas by producing documents and testifying;

Whereas, Mr. Bolten has not complied with the Committee's subpoenas or made any offer to cure his previous noncompliance;

Whereas, the Committee's investigation is pursuant to the constitutional legislative, oversight and investigative powers of Congress and the responsibilities of this Committee to the Senate and the American people; including the power to: (1) investigate the administration of existing laws, and obtain executive branch information in order to consider new legislation, within the Committee's jurisdiction, including legislation related to the appointment of U.S. Attorneys; (2) expose any corruption, inefficiency, and waste within the executive branch; (3) protect the Committee's role in evaluating nominations pursuant to the Senate's constitutional responsibility to provide advice and consent; and (4) examine whether inaccurate, incomplete, or misleading testimony or other information was provided to the Committee: Therefore be it

Resolved, That the President of the Senate certify the facts in connection with the failure of Joshua Bolten, as the Custodian of Records at the White House, though duly summoned, to appear and to produce documents lawfully subpoenaed to be produced before the Committee, under the seal of the United States Senate, to the United States Attorney for the District of Columbia, to the end that Joshua Bolten may be proceeded against in the manner and form provided by law.

SENATE RESOLUTION 708—AUTHORIZING THE PRESIDENT OF THE SENATE TO CERTIFY THE FACTS OF THE FAILURE OF KARL ROVE TO APPEAR AND TESTIFY BEFORE THE COMMITTEE ON THE JUDICIARY AND TO PRODUCE DOCUMENTS AS REQUIRED BY COMMITTEE SUBPOENA

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was placed on the calendar:

S. RES. 708

Whereas, since the beginning of this Congress, the Senate Judiciary Committee has conducted an investigation into the removal of United States Attorneys;

Whereas, the Committee's requests for information related to its investigation, including documents and testimony from the White House and White House personnel, were denied;

Whereas, the White House has not offered any accommodation or compromise to provide the requested information that is acceptable to the Committee;

Whereas, on March 22, 2007, pursuant to its authority under Rule 26 of the Standing Rules of the Senate, the Senate Committee on the Judiciary authorized issuance to Karl Rove, Deputy Chief of Staff to the President, subpoenas in connection with the Committee's investigation;

Whereas, on June 28, 2007, in response to subpoenas for documents issued by the Senate and House Judiciary Committees, White House Counsel Fred Fielding conveyed the President's claim of executive privilege over all information in the custody and control of

the White House related to the Committee's investigation;

Whereas, on June 29, 2007, the Chairmen of the House and Senate Judiciary Committees provided the White House with an opportunity to substantiate its privilege claims by providing the Committees with the specific factual and legal bases for its privilege claims regarding each document withheld and a privilege log to demonstrate to the Committees which documents, and which parts of those documents, are covered by any privilege that is asserted to apply and why;

Whereas, the White House declined this opportunity in a July 9, 2007, letter to the Committee Chairmen from Mr. Fielding, while reiterating the blanket privilege claims;

Whereas, on July 26, 2007, the Chairman issued a subpoena authorized March 22 to Mr. Rove for documents and testimony related to the Committee's investigation, with a return date of August 2;

Whereas, the Chairman noticed an August 2, 2007, Judiciary Committee hearing under its Rules at which Mr. Rove was subpoenaed to testify;

Whereas, Mr. Fielding, in an August 1, 2007 letter to the Chairman and Ranking Member, informed the Committee that the President would invoke a claim of executive privilege and a claim of immunity from congressional testimony for Mr. Rove, and directed Mr. Rove not to produce responsive documents or testify before the Committee about the firings, and that Mr. Rove would not appear in response to the Committee's subpoena;

Whereas, based on these claims of executive privilege and absolute immunity, Mr. Rove refused to appear or to produce documents or to testify at the Committee's August 2, 2007, hearing in compliance with the subpoena;

Whereas, on August 17, 2007, Mr. Fielding rejected the Chairman's request for a meeting with the President to work out an accommodation for the information sought by the Committee;

Whereas, on November 29, 2007, the Chairman ruled that the White House's claims of executive privilege and immunity are not legally valid to excuse current and former White House employees from appearing, testifying and producing documents related to this investigation and directed Mr. Rove, along with other current and former White House employees, to comply immediately with the Committee's subpoenas by producing documents and testifying;

Whereas, Mr. Rove has not complied with the Committee's subpoenas or made any offer to cure his previous noncompliance;

Whereas, the Committee's investigation is pursuant to the constitutional legislative, oversight and investigative powers of Congress and the responsibilities of this Committee to the Senate and the American people; including the power to: 1) investigate the administration of existing laws, and obtain executive branch information in order to consider new legislation, within the Committee's jurisdiction, including legislation related to the appointment of U.S. Attorneys; 2) expose any corruption, inefficiency, and waste within the executive branch; 3) protect the Committee's role in evaluating nominations pursuant to the Senate's constitutional responsibility to provide advice and consent; and 4) examine whether inaccurate, incomplete, or misleading testimony or other information was provided to the Committee: Now, therefore, be it

Resolved, That the President of the Senate certify the facts in connection with the failure of Karl Rove, though duly summoned, to appear and testify before the Judiciary Committee and to produce documents lawfully subpoenaed to be produced before the Com-

mittee, under the seal of the United States Senate, to the United States Attorney for the District of Columbia, to the end that Karl Rove may be proceeded against in the manner and form provided by law.

SENATE RESOLUTION 709—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PURSUE THE ADOPTION OF BLUEFIN TUNA CONSERVATION AND MANAGEMENT MEASURES AT THE 16TH SPECIAL MEETING OF THE INTERNATIONAL COMMISSION ON THE CONSERVATION OF ATLANTIC TUNAS

Mr. KERRY (for himself, Ms. SNOWE, Mrs. BOXER, Ms. CANTWELL, and Mr. REED) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 709

Whereas Atlantic bluefin tuna fishery is valuable commercially and recreationally in the United States and many other countries;

Whereas the International Convention for the Conservation of Atlantic Tunas entered into force on March 21, 1969;

Whereas the Convention established the International Commission for the Conservation of Atlantic Tunas to coordinate international research and develop, implement, and enforce compliance of the conservation and management recommendations on the Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the adjacent seas, including the Mediterranean Sea;

Whereas in 1974, the Commission adopted its first conservation and management recommendation to ensure the sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea, while allowing for the maximum sustainable catch for food and other purposes;

Whereas in 1981, for management purposes, the Commission adopted a working hypothesis of 2 Atlantic bluefin tuna stocks, with 1 occurring west of 45 degrees west longitude (hereinafter referred to as the "western Atlantic stock") and the other occurring east of 45 degrees west longitude (hereinafter referred to as the "eastern Atlantic and Mediterranean stock");

Whereas, despite scientific recommendations intended to maintain bluefin tuna populations at levels that will permit the maximum sustainable yield and ensure the future of the stocks, the total allowable catch quotas have been consistently set at levels significantly higher than the recommended levels for the eastern Atlantic and Mediterranean stock;

Whereas despite the establishment by the Commission of fishing quotas based on total allowable catch levels for the eastern Atlantic and Mediterranean bluefin tuna fishery that exceed scientific recommendations, compliance with such quotas by parties to the Convention that harvest that stock has been extremely poor, most recently with harvests exceeding such total allowable catch levels by more than 50 percent for each of the last 4 years;

Whereas insufficient data reporting in combination with unreliable national catch statistics has frequently undermined efforts by the Commission to assign quota overharvests to specific countries;