

105TH CONGRESS
2D SESSION

S. RES. 178

To authorize production of Senate documents and representation by Senate Legal Counsel in United States f.u.b.o. Kimberly Industries, Inc., et al. v. Trafalgar House Construction, Inc., et al.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 1998

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution;
which was considered and agreed to

RESOLUTION

To authorize production of Senate documents and representation by Senate Legal Counsel in United States f.u.b.o. Kimberly Industries, Inc., et al. v. Trafalgar House Construction, Inc., et al.

Whereas, in the case of United States f.u.b.o. Kimberly Industries v. Trafalgar House Construction, Civil Case No. 97–0462, pending in the United States District Court for the Southern District of West Virginia, documents have been requested from the offices of Senator Robert C. Byrd and Senator John D. Rockefeller IV;

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 Sen-

ate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

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 evidence relating to their official responsibilities; 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

1 *Resolved*, That the offices of Senator Byrd and Sen-
 2 ator Rockefeller are authorized to produce documents in
 3 the case of United States f.u.b.o. Kimberly Industries v.
 4 Trafalgar House Construction, except concerning matters
 5 for which a privilege or objection should be asserted.

6 SEC. 2. That the Senate Legal Counsel is authorized
 7 to represent employees of Senator Byrd and Senator
 8 Rockefeller in connection with any subpoena or request for
 9 documents or testimony in United States f.u.b.o. Kimberly
 10 Industries v. Trafalgar House Construction.

○