

118TH CONGRESS
1ST SESSION

S. RES. 178

To authorize testimony and representation in *United States v. Kelly*.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2023

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

RESOLUTION

To authorize testimony and representation in *United States v. Kelly*.

Whereas, in the case of *United States v. Kelly*, Cr. No. 21-708, pending in the United States District Court for the District of Columbia, the prosecution has requested the production of testimony from Daniel Schwager, a former employee of the Office of the Secretary 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 current and former officers and employees of the Senate with respect to any subpoena, order, or request for evidence 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 evi-

dence 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 consistent with the privileges of the Senate: Now, therefore, be it

1 *Resolved*, That Daniel Schwager, a former employee
 2 of the Office of the Secretary of the Senate, is authorized
 3 to provide relevant testimony in the case of *United States*
 4 *v. Kelly*, except concerning matters for which a privilege
 5 should be asserted.

6 SEC. 2. The Senate Legal Counsel is authorized to
 7 represent Mr. Schwager, and any current or former officer
 8 or employee of the Secretary's office, in connection with
 9 the production of evidence authorized in section one of this
 10 resolution.

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