

117TH CONGRESS
2D SESSION

S. RES. 726

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

IN THE SENATE OF THE UNITED STATES

JULY 27, 2022

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. Herrera*.

Whereas, in the case of *United States v. Herrera*, Cr. No. 21-619, pending in the United States District Court for the District of Columbia, the prosecution has requested the production of testimony from Jeffrey Kent, Director of the Press Photographers' Gallery, and from Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio;

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 or 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 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 consistent with the privileges of the Senate; Now, therefore, be it

1 *Resolved*, That Jeffrey Kent, Director of the Press
2 Photographers' Gallery, and Nate Russell and Diego
3 Torres, custodians of records in the Senate Recording Studio,
4 are authorized to provide relevant testimony in the
5 case of *United States v. Herrera*, except concerning mat-
6 ters for which a privilege should be asserted.

7 SEC. 2. The Senate Legal Counsel is authorized to
8 represent Messrs. Kent, Russell, and Torres, and any cur-
9 rent or former officer or employee of their offices, in con-
10 nection with the production of evidence authorized in sec-
11 tion one of this resolution.

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