There is no way we will deny you a vote, if we fail to work it out.

Mr. REED. I will endeavor to reach an understanding, and hopefully we can.

Mr. LEVIN. Mr. President, parliamentary inquiry. Is the Reed amendment now laid aside? Has that action been taken?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. So that we now at this point have three amendments which are laid aside, and there is no amendment which is pending before the Senate, is that correct?

The PRESIDING OFFICER. I believe there are two first degrees and a second-degree amendment laid aside.

Mr. LEVIN. Did the Chair say two first-degree amendments and one second degree?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Is the Republican manager of the bill ready to move forward on any unanimous consent requests?

Mr. WARNER. We are about to work out a timing for the vote on the Daschle-Graham or Graham-Daschle amendment. I simply ask that the 5 minutes equally divided be expanded to 10 minutes, so I think we are prepared to go ahead and set that, if that is the desire of the leader.

Mr. REID. That would be certainly fine.

Mr. WARNER. I believe we will propound that UC in a moment. In the meantime I will attend to some other housekeeping matters.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

AUTHORIZING LEGAL COUNSEL REPRESENTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 147 which was submitted earlier today and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 147) to authorize representation by the Senate Legal Counsel in the case of John Jenkel v. Bill Frist.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 147) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 147

Whereas, Senator Bill Frist has been named as a defendant in the case of John Jenkel v. Bill Frist, No. C–03–1235 (MEJ), now pending in the United States District Court for the Northern District of California;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Frist in the case of John Jenkel v. Bill Frist.

AUTHORIZING LEGAL COUNSEL REPRESENTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 148 which was submitted earlier today and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 148) to authorize representation by the Senate Legal Counsel in the case of John Jenkel v. 77 U.S. Senators.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 148) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 148

Whereas, in the case of John Jenkel v. 77 U.S. Senators, No. C–03–1234 (VRW), pending in the United States District Court for the Northern District of California, the plaintiff has named as defendants seventy-seven Members of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Members of the Senate who are defendants in the case of John Jenkel v. 77 U.S. Senators.

Mr. MCCONNELL. Mr. President, these resolutions concern pro se civil actions commenced in the United States District Court for the Northern District of California by the same plaintiff. The first resolution concerns a suit that the plaintiff has brought against seventy-seven Members of the Senate claiming that their votes approving the joint resolution authorizing the use of military force against Iraq violated the law. Included among the 77 defendants plaintiff has sued are the new Members who were not even in the Senate at the time of the vote on the resolution authorizing the use of force.

This suit is without merit as the court has no jurisdiction over the matter and the Speech or Debate Clause bars suits against legislators for the performance of their legislative duties under the Constitution. There is simply no legal basis for suing Senators for their role in authorizing the use of military force against Iraq. While a Senator's vote on whether to authorize the use of military force by the President is an appropriate subject for political debate, it cannot be the basis for filing a lawsuit against the Senator in court.

The second resolution concerns a lawsuit filed by the same plaintiff against Senator FRIST for allegedly failing to schedule for consideration by the Senate the repeal of provisions enacted as part of the Homeland Security Act of 2002. This suit is also without any merit as the court has no jurisdiction over the matter and the suit is barred by the Speech or Debate Clause. Senator FRIST's decisions on the agenda and schedule for the legislative business of this body do not present a justiciable issue for the courts.

These resolutions authorize the Senate Legal Counsel to represent the Senate defendants in these two actions.

Mr. REID. Before we go into the quorum call, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. I yield the floor.

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

The Senator from Nevada.

IRAQI AND AFGHAN WOMEN

Mr. REID. Mr. President, over the past year and a half I have spoken on many occasions of including women in the reconstruction of Afghanistan. Since then we have seen the inclusion of two women cabinet members give hope to the women of Afghanistan. We have also learned the inclusion of only two women is certainly not enough. Greater representation of women is necessary in Afghanistan. Likewise, Iraqi women should play some part, and I believe an important one, in the rebuilding of their country. Iraqi