

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL—S. RES. 213

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Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of two Senate resolutions which were submitted earlier today, S. Res. 213 and S. Res. 214.

The PRESIDING OFFICER. The clerk will report the resolutions by title, en bloc.

The legislative clerk read as follows:

A resolution (S. Res. 213) to authorize representation by the Senate Legal Counsel in the case of Keyter v. McCain, et al.

A resolution (S. Res. 214) to authorize representation by the Senate Legal Counsel in the case of Jones v. Salt River Pima-Maricopa Indian Community, et al.

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

Mr. FRIST. Mr. President, this resolution concerns a pro se civil action filed against Senators JOHN McCAIN and JON KYL. Plaintiff complains that the Senator defendants violated their duties under the common law and the Federal Criminal Code by failing to investigate or prosecute the alleged commission of 1.6 million unspecified crimes. Plaintiff seeks \$10 million in damages and an order compelling the Senator defendants to investigate or prosecute the alleged crimes.

This suit is subject to dismissal on numerous grounds, including lack of constitutional standing, legislative and qualified immunity, the political question doctrine, as well as on the merits. This resolution authorizes the Senate Legal Counsel to represent the Senator defendants in this suit and to move for its dismissal.

S. RES. 214

Mr. President, this resolution concerns a pro se civil action filed against Senators JOHN McCAIN, JON KYL, and “51 percent of the unnamed” Members of the United States Senate. Plaintiff complains that the Senator defendants violated their oath of office and various provisions of the Constitution by enacting laws contained in Title 25 of the United States Code that allegedly resulted in the denial of plaintiffs rights while employed by a community of Native American tribes. Plaintiff seeks declaratory relief and damages.

This suit is subject to dismissal on numerous grounds, including lack of constitutional standing, legislative and qualified immunity, and failure to state a claim upon which relief may be granted. This resolution authorizes the Senate Legal Counsel to represent the Senator defendants in this suit and to move for its dismissal.

Mr. SESSIONS. I ask unanimous consent that the resolutions be agreed to,

the preambles be agreed to, and the motions to reconsider be laid on the table en bloc.

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

The resolutions (S. Res. 213 and S. Res. 214) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 213

Whereas, in the case of Keyter v. McCain, et al., Civ. No. 05-1923, pending in the United States District Court for the District of Arizona, the plaintiff has named as defendants Senators John McCain and Jon Kyl;

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 Senators John McCain and Jon Kyl in the case of Keyter v. McCain, et al.

S. RES. 214

Whereas, in the case of Jones v. Salt River Pima-Maricopa Indian Community, et al., Civ. No. 05-1944, pending in the United States District Court for the District of Arizona, the plaintiff has named as defendants Senators John McCain and Jon Kyl;

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 Senators John McCain, Jon Kyl, and other unnamed Members of the Senate in the case of Jones v. Salt River Pima-Maricopa Indian Community, et al.

MEASURE READ THE FIRST TIME—H.R. 1797

Mr. SESSIONS. Mr. President, I understand that there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 1797) to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydro-power by the Grand Coulee Dam, and for other purposes.

Mr. SESSIONS. I now ask for its second reading, and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

PROVIDING FOR THE SECRETARY OF HOMELAND SECURITY TO BE INCLUDED IN THE LINE OF PRESIDENTIAL SUCCESSION

Mr. SESSIONS. I ask unanimous consent that the Committee on Rules be discharged from further consideration of S. 442 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 442) to provide for the Secretary of Homeland Security to be included in the line of Presidential succession.

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

Mr. SESSIONS. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (S. 442) was read the third time and passed, as follows:

S. 442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SECRETARY OF HOMELAND SECURITY IN PRESIDENTIAL LINE OF SUCCESSION.

Section 19(d)(1) of title 3, United States Code, is amended by inserting “Secretary of Homeland Security,” after “Attorney General.”

ORDERS FOR WEDNESDAY, JULY 27, 2005

Mr. SESSIONS. Mr. President, on behalf of our leader, BILL FRIST, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., on Wednesday, July 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the motion to proceed to S. 397. I further ask consent that the time from 10 a.m. to 2 p.m. be equally divided, with the majority controlling the first hour, the Democrats controlling the second hour, rotating in that fashion until 2 p.m. I further ask consent that at 2 p.m. the Senate proceed to a vote on the motion to proceed.

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

PROGRAM

Mr. SESSIONS. Tomorrow we will continue debate on the motion to pro-

ceed until 2. At 2 p.m. we will vote on the motion to proceed and begin consideration of the bill. As we stated since last week, there are a number of legislative matters to consider before we break for recess. I hope we can finish our work on this bill as expeditiously as possible. Members should be

reminded that rollcall votes are expected each day this week until our work is complete.

**ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW**

Mr. SESSIONS. If there is no further business to come before the Senate, I

ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Wednesday, July 27, at 9:30 a.m.