

The ACTING PRESIDENT pro tempore. The unanimous consent request is withdrawn.

Mr. REID. I apologize to my friend. It was the wrong unanimous consent request.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President we had a shuffling of unanimous consent requests, and obviously the wrong one was shuffled to me. I apologize for holding up my friends.

UNANIMOUS-CONSENT REQUESTS— AMENDMENT NO. 1401

Mr. REID. I ask unanimous consent that the second-degree amendment to the Levin-Reed amendment be withdrawn and that there be 6 hours of debate on the Levin-Reed amendment; at the conclusion or yielding back of that time, the Senate vote on the Levin-Reed amendment with no second-degree amendments in order thereto.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, I apologize. If I could ask the distinguished leader, was this with respect to the Levin-Reed amendment No. 1401?

Mr. REID. Yes. I did propound that request asking, basically, that we have an up-or-down vote on it. I have suggested 6 hours, but we would take any reasonable time.

Mr. KYL. Mr. President, if I could respond, and reserving the right to object, I assume that if the Cornyn amendment, which was designed to be a side-by-side amendment, and the Levin-Reed amendment could both be voted on and both had a 60-vote threshold, a time agreement could be worked out. I ask the majority leader, could the unanimous consent request be modified to incorporate that principle so that there wouldn't have to be cloture, but there could be a vote on both of those amendments?

Mr. REID. Mr. President, I have said earlier that we had to file cloture on the initial amendment of Senator JIM WEBB, which was an amendment that simply called for the proper rotation of our troops: 15 months in country, 15 months out of country. We wanted the Senate to speak its will on that with a simple majority, and we were unable to get it. We feel the same way about Levin-Reed. It is a very important policy decision this Senate needs to make. Not to change—I don't know what Cornyn is, but I am sure it is something that is much different than Levin-Reed. Therefore, if there is a suggestion that I amend my unanimous consent request to have some side-by-

side, 60-vote margins, I would object to that. I believe we should have in that instance an up-or-down vote. I have no problem giving Senator CORNYN a majority vote, which I think would be very appropriate. I think that is where we need to be on this issue; that is, this issue of the Defense authorization bill. It is very unusual to have on the Defense authorization bill, even issues dealing with Iraq—in times passed, we haven't had a 60-vote margin.

So I would not accept my friend's suggestion that there be side by sides. I renew my request that there be a time for an up-or-down vote on the Levin-Reed amendment. I have suggested 6 hours.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Yes, Mr. President, unfortunately, under that circumstance, I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

Mr. REID. Mr. President, I want to express my apology to my friends because I held them up for a few minutes on their being able to speak. I apologize for that, but they do have a full hour.

Mr. President, my worst fears on this bill, the Defense authorization bill, have been realized. We have just seen the Republican leadership again resort to this technical maneuver to block progress on this crucial amendment. It would be one thing for the minority to vote against this bill. If they honestly believe that "stay the course" is the right strategy, they have the right to vote no. Now Republicans are using a filibuster to block us from even voting on the amendment that could bring this war to a responsible end. They are blocking this like they did the Webb amendment. They are protecting the President rather than protecting our troops by denying us an up-or-down, yes-or-no vote on the most important issue our country faces.

So I say through you to my Democratic and Republican colleagues that we are going to work on this amendment until we get an up-or-down vote on it. If that means staying in session—we have no votes, of course, tonight, but if it means staying in session all day tomorrow and all tomorrow night, that is what we will have to do. I will file cloture so that we can have a Wednesday vote, if this continues. I certainly hope during the next few hours and tomorrow that we will have a change of mind so we can have a vote and then move on to the other amendments. The American people deserve an honest debate on this war and deserve an up-or-down vote on this amendment which we believe will bring a responsible end to this intractable war in Iraq.

UNANIMOUS-CONSENT REQUEST— H.R. 1

Mr. REID. Mr. President, I have another unanimous-consent request, and

this is the one I tried to offer earlier. I ask unanimous consent that if the House further amends H.R. 1 with the text of H.R. 1401 and requests a conference with the Senate, the Senate agree to the request and appoint the same conferees which the Senate has already appointed to H.R. 1.

The ACTING PRESIDENT pro tempore. Is there objection?

The PRESIDING OFFICER (Mr. SALAZAR). Is there objection?

Mr. KYL. Reserving the right to object, we have already agreed to the previous consent to go to conference on the 9/11 Commission legislation. We have named conferees on the part of the Senate.

As I understand it, the House wants to add a new bill to the conference, which includes provisions that were not included in either Chambers' 9/11 bill. I am not familiar with all the provisions of H.R. 1401, but I know the Senate has not acted on that bill, and we don't believe it was part of the 9/11 Commission recommendations.

Having said that, we need to object to this request at this time.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Arizona is recognized.

ORDER OF PROCEDURE

Mr. KYL. Mr. President, I understand there has been an informal agreement that I would have up to 15 minutes, and Senator FEINSTEIN would then have 30 minutes. I would like to propound this as a unanimous consent agreement and also add that Senator ALLARD speak after that; that if there is time remaining from the time Senator ALLARD and I have of the 30 minutes, that be reserved for any other Republican Senator who may wish to speak.

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

DETAINEES IN IRAQ AND AFGHANISTAN

Mr. KYL. Mr. President, I wish to address a subject that I hope we will be able to address soon and that is an amendment that Senator GRAHAM of South Carolina has filed and, hopefully, we will debate soon. It relates to conditions that have been placed in the underlying bill, relating to the treatment of detainees captured in Afghanistan and Iraq.

I urge my colleagues to think very carefully about the damage that would