that this is not sufficient and, therefore, we should oppose this amendment. I would think half a loaf is better than no loaf. This, by the way, was not in the Iran Freedom and Support Act. This is one of the provisions Senator LEVIN mentioned that was added, frankly, out of respect for the concerns the Senator from New Jersey raised and has raised on the floor repeatedly.

This is an attempt to make a good-faith attempt—and I do mean that—a good-faith attempt to meet the Senator from New Jersey halfway and to take his policy and put it in place in a prospective manner. If that is not sufficient for the Senator from New Jersey, that is fine. He is welcome to oppose the amendment.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. SANTORUM. I will be happy to yield.

Mr. LAUTENBERG. Mr. President, is the Senator aware that the exemption in his amendment would make it almost impossible to hold a U.S. company liable for doing business with Iran through a foreign subsidiary?

Mr. SANTORUM. My understanding is that we crafted this language pursuant to the language the Senator from New Jersey used in the past and put a threshold we thought was—I think it was a $20 million threshold we put in place which we thought was a reasonable threshold of investment to reach the level of sanction.

If the Senator from New Jersey would like to toughen that language or change the threshold, I would be happy to sit down and talk with him about it. I am open to discussion.

My only point, and I think the point we have had in this discussion in the past, is I don't believe it is proper to penalize companies that have investments there, in many cases longstanding investments. What we want to do is discourage future investment. That is what we attempt to do in this amendment. If the Senator does not believe it has been effectively written, I will be happy to sit down with him, in all sincerity, and work to make it effective that future investments are discouraged.

Mr. LAUTENBERG. Mr. President, I have another question, if I may, and that is, would the Senator be willing to move the vote back, if we can do it, so we can discuss the language?

Mr. WARNER. Mr. President, we are under a unanimous consent agreement. The time, I believe, has expired.

The PRESIDING OFFICER. There is 6 seconds remaining.

Mr. WARNER. Will the Senator yield back the 6 seconds so we can get to the vote? I regret we have to move forward.

Mr. SANTORUM. The Senator has heard his answer.

Mr. WARNER. There are Senators who have to go to the Pentagon for a memorial service. The yeas and nays have been ordered.

Mr. LEVIN. Mr. President, there are a number of differences between S. 333 and the Santorum amendment. These differences include a number of new provisions in the amendment that are not in the S. 333. Some of them are:

Remove the requirement that a parent or a subsidiary of a person against whom sanctions have been issued must have actual knowledge of the activities before sanctions can be issued against them.

Remove the requirement that an affiliate of the Company against which sanctions have been issued must have actual knowledge of the activities before sanctions can be issued against them.

Remove Libya from the scope and title of the Iran Libya Sanctions Act.

Would impose an additional condition on the exercise of the President's waiver authority by imposing an additional element in the report that must be submitted to Congress prior to the waiver going into effect. Current law requires, among other elements of the report, an assessment of the significance of the assistance provided to the development of Iran's petroleum production. The new requirement would also require an assessment of the significance of the assistance to the development of Iran's weapons of mass destruction or other military capabilities.

Reduces operations and maintenance funding for the Army for Iraq and Afghanistan by $100 million.

In other instances, there are modifications to provisions in the amendment that are included in S. 333. For instance, both S. 333 and the Santorum amendment would expand the universe of persons against whom sanctions could be imposed to include a private or government lender, insurer, underwriter, reinsurer, or guarantor of a person sanctioned. S. 333 would require that these persons would have to have actual knowledge of the activities of the person sanctioned; the Santorum amendment does not include the requirement of actual knowledge.

Both S. 333 and the Santorum amendment would expand the definition of a person to include a financial instution, insurer, underwriter, reinsurer, guarantor. The Santorum amendment would also include any other business organization, including any foreign subsidiaries of the foregoing.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 4234. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—46

Allard	DeMint	McConnell
Allen	DeWine	Murkowski
Bayh	Dole	Nelson (FL)
Bond	Domenici	Roberts
Brownback	Ensign	Santorum
Bunning	Frist	Sessions
Burns	Graham	Snowe
Burr	Grassley	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Conrad	Kyl	Voinovich
Cornyn	Lieberman	Wyden
Craig	Lott	
Crapo	Martinez	

NAYS—53

Akaka	Feingold	Menendez
Alexander	Feinstein	Mikulski
Baucus	Gregg	Murray
Bennett	Hagel	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Landrieu	Shelby
Cochran	Lautenberg	Smith
Dayton	Leahy	Specter
Dodd	Levin	Stabenow
Dorgan	Lincoln	Thomas
Durbin	Lugar	Warner
Enzi	McCain	

NOT VOTING—1

Rockefeller

The amendment (No. 4234) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, at this moment we do want to honor the 2,500 Americans who have given their lives in Iraq, and their families. We ask all Senators to take their seats and offer that moment of silence.

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence out of respect for our fallen troops.

(The Senate observed a moment of silence.)

AMENDMENT NO. 4257

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to the vote on the Biden amendment.

Who yields time?

Mr. BIDEN. Will the manager yield me time to speak to my amendment?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. BIDEN. Mr. President, our amendment merely states that we support the President's efforts, in a nutshell. I only have a minute. We support the President's efforts in negotiations with our European allies, the Russians, and Chinese to both offer incentives and sanctions to Iran regarding its proceeding with construction of a nuclear weapon.

I yield the floor.

Mr. WARNER. Mr. President, I yield a minute to the distinguished senior

Senator from Pennsylvania, Mr. SANTORUM.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute in opposition.

Mr. SANTORUM. Mr. President, as I said during debate, this amendment simply says that we support the President's effort to negotiate a diplomatic resolution to Iran's garnering of nuclear weapons. I support the amendment. I wish the President and those efforts well. I suspect we will be back, talking about this again in the future.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—99

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Menendez
Baucus	Ensign	Mikulski
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hatch	Salazar
Byrd	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Vitter
DeMint	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wyden

NOT VOTING—1

Rockefeller

The amendment (No. 4257) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote, and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business for up to 25 minutes, and that after I have spoken Senator NELSON of Florida be recognized.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

(The remarks of Mr. GREGG and Mr. SESSIONS pertaining to the introduction of S. 3521 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SESSIONS. Mr. President, I see the Senator from Florida is here.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida is recognized.

AMENDMENT NO. 4265

Mr. NELSON of Florida. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. MENENDEZ, proposes an amendment numbered 4265.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States)

At the end of subtitle A of title XII, add the following:

SEC. 1209. SENSE OF CONGRESS ON THE GRANTING OF AMNESTY TO PERSONS KNOWN TO HAVE KILLED MEMBERS OF THE ARMED FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March of 2003.

(3) More than 2,500 members of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States; and

(2) the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.

Mr. NELSON of Florida. Mr. President, a significant hubbub has occurred as a result of stories that have appeared in this morning's Washington Post that directly affect the defense posture of this country. It is stated in the Washington Post that the Prime Minister of Iraq is expected to release within days a "plan [that] is likely to include pardons for those who had attacked only U.S. troops" in Iraq. That is according to a top adviser.

As a matter of fact, the Prime Minister of Iraq is quoted as saying—and I will get to the quote—reconciliation could include an amnesty for those "who weren't involved in the shedding of Iraqi blood." Ergo, there would be amnesty for those who would have been involved in the shedding of American blood.

Now, it is possible—and this Senator hopes that something was lost in the translation because I cannot imagine the Prime Minister of Iraq turning on his heel away from American troops and suddenly—as he is trying to bring about reconciliation in his country—trying to then say as part of that reconciliation we are going to give amnesty for anybody who killed American men and women.

Well, naturally the Government of the United States should not stand for this. That is why Senator MENENDEZ and I are offering this amendment to the Defense authorization bill, so that we can clearly set forth the policy—in this case, the sense of the Senate—that we will not stand for this.

By the adoption of this sense of the Senate amendment, clearly our President should speak to the Iraqi Prime Minister, who he just spoke with a couple of days ago, and he should speak with him immediately to get him to retract this statement. There should be no amnesty for those who murder American troops. American troops continue to serve bravely, and they are fighting for the freedom of all Iraqis. So it brings us to a point that is pretty clear. The Senate should go on record as having said that we repudiate that statement.

I will very clearly state what the Senate sense of the Congress is, that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States and that the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.

It is fairly straightforward. I could go on and on with comments. I am awaiting the arrival of Senator MENENDEZ because I want him to make some comments as well.

If you do what a number of us in this body have done in visiting either with the families of those who have borne the brunt of the fighting and have given the ultimate sacrifice or if you have visited with those who return wounded and maimed, then there is no question there should be no obfuscation as to the policy of granting amnesty to those who have killed Americans.

I remember going back to the time that I served as a captain in the Army, which was years and years ago. One of the most dread duties I had was to be the officer who was given the task of notifying the loved ones in the family of a service person who was killed. That, of course, is an exceptionally emotional event. And although it was decades ago, those experiences are seared in my memory because of the

trauma and the emotion when you meet with the grieving family of a loved one.

By the same token, there are over 18,000 of our service people who have been wounded. And many of them, because the body armor is working and saving the vital organs, their lives are being saved, but they have been maimed. The extremities are often the part of the body that is the casualty since the body armor is saving the vital organs. As a result, what we see is a lot of soldiers and sailors and Marines who come back, and they are just as optimistic as they can be in their outlook and yet think of the life that they will live with the maiming that has occurred. Their life was spared, but their life is going to be clearly different for the future.

Anyone who would dare suggest that in the formulation of a new government of Iraq, which we, the United States Government, clearly support, anyone who would even contemplate that that government have a policy that, as they try to build reconciliation, they are going to grant amnesty to those who have killed Americans, as we say in the South, they have to have another thing coming, because we are not going to tolerate it.

I offer a simple resolution on behalf of the Senate. I hope it is not going to be controversial. I hope it will be accepted.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I had my fourth trip to Iraq recently and met with a number of leaders over there. I have been impressed with them and have enjoyed them. I know Senator NELSON has also. He and I are the chair and ranking member respectively of the Strategic Forces Subcommittee. We have worked together on many important issues.

I wanted to say a couple things. First, the amendment he has is of value and will be something that can be accepted. I believe it should be. You worry a little bit that maybe language difficulties come into play in how miscommunications can occur. Even among those of us who speak English together, we can have misunderstandings.

I was just handed a CNN interview today. It just came across the wire. It was by a reporter, Daryn Kagan, with the new national security adviser to Prime Minister Maliki in Iraq. He was asked about this very subject because the reporter obviously felt some of the same concerns the Senator from Florida raised. He said this to him.

The reporter:

> Doctor, I know there's a big effort by your government in your country to try to prevent civil war. And as a part of that, the Washington Post reports today that your Prime Minister is considering offering amnesty to Sunnis or to others who perhaps attacked only U.S. troops. This, not surprisingly, is causing great consternation here in the U.S., even talking about it and being raised on the floor of the U.S. Senate today. Is this, indeed, the case? Is your government thinking about offering amnesty to those that attacked only U.S. military?

This is Dr. Rubaie's reply:

> This is not the case. I'm sorry to say that the prime minister of Iraq has been misquoted and misunderstood. He did not mean to give amnesty to those who killed Americans.
>
> As a matter of fact, if you go there in his meeting with the President Bush a couple of days ago, he looked the president in the eye and he said, thank you very, very much for liberating our country. Please thank the American wives and American women and American mothers for the treasure and blood they have invested in this country. It's well worth investing, of liberating 30 million people in this country. And we are ever so grateful.
>
> And we will—the blood of the Iraqi soldier and the blood of Iraqi civilian soldier is as sacred to us as the American soldier. We are fighting the same war, we are fighting together, and this is a joined responsibility. And we will never give amnesty to those who have killed American soldiers or killed Iraqi soldier or civilian.
>
> What the prime minister is going to give amnesty to are those who have not committed the crimes, rather they're against Iraqis or coalition. Those who have—still carry arms and they might have probably done some minor mistakes in storing some arms or allowing some terrorists to stay overnight or shelter, give shelter to some of these insurgents. That's it. Basically, it's a goodwill gesture he's extending to the Sunni community, to those who have committed some mistakes in the past.

I don't know exactly how it all came about or how the comments were made. Mr. Maliki is new to being Prime Minister. There are language difficulties. I hope this reflects the firm view of the people of Iraq. I find it consistent with the responses I have had when I talked to the Iraqi leadership.

I thank the Senator from Florida for raising the question. I am pleased to see this very strong response from the national security adviser, Prime Minister Maliki's top adviser on national security.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. SESSIONS. I will.

Mr. NELSON of Florida. This Senator hopes, too, as I said at the outset of this Senator's remarks, that there is something lost in the translation, a mistake. But if there is, it is time for Prime Minister Maliki to step forward and clarify it. He can easily clarify it. But that does not diminish the need for the sense of Congress that says that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

Mr. SESSIONS. I thank the Senator from Florida.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise in strong support of the amendment Senator NELSON and I have offered on this issue of amnesty for those who have killed American soldiers.

I know the latest statements that have come out. I hope that is ultimately where the intention is. But it became very clear to me. I hope my colleagues have had the opportunity to read today's Washington Post article. It says: ''Iraq Amnesty Plan May Cover Attacks On U.S. Military.'' When you read the statements there, I have to be honest, they were very unequivocal but unequivocal in a way that we could not accept as the U.S. Senate.

As I continued to reread this article, my anger grew. In the article it refers to the Prime Minister of Iraq acknowledging that reconciliation could include an amnesty for those ''who weren't involved in the shedding of Iraqi blood.'' That is where the quote ends. There is not one single mention of American blood. Is that a misinterpretation? Is that an oversight on the day on which we recognize the loss of 2,500 American soldiers and the thousands and thousands who have shed their blood and come back injured? Is that an oversight?

How about American blood and American lives, Mr. Prime Minister? Are you willing to have reconciliation on the pool of American blood that has been spilled to give your country and your people a chance for freedom? Is there so little value to the 2,500 American lives that have been lost and the over 18,000 wounded on behalf of your country that you wouldn't even think about including American lives when you were talking about Iraqi lives? No way. No way.

Then I look at the article and look at the quotes attributed to Adnan Kadhimi, a top adviser to Maliki. What does he say? He says:

> The government has in mind somehow to do reconciliation, and one way to do it is to offer an amnesty . . .

Then he goes on to talk about amnesty. He says:

> We can see if somehow those who are so-called resistance can be accepted if they have not been involved in any kind of criminal behavior, such as killing innocent people or damaging infrastructure, and even infrastructure, if it is minor, will be part of it.

So we have this elaborate plan that talks about even infrastructure, but doesn't talk about American lives. And then, when asked about clemency for those who attacked U.S. troops, he goes on to say—the adviser to the Prime Minister—that ''that's an area where we can see a green line.''

There is some sort of preliminary understanding between us and the U.S.-led multinational force in Iraq that there is ''a patriotic feeling among the Iraqi youth and the belief that those attacks are legitimate acts of resistance and defending their homeland. These people will be pardoned definitely, I believe.''

Well, who in the U.S.-led multinational force has an understanding

with the Iraqis that it is OK to offer amnesty for those who have killed Americans? I would like to know the answer to that question.

I do believe very strongly that Senator NELSON's and my amendment should be embraced by the entire Senate. We cannot allow to chance that those statements attributed on the record—one directly by the Prime Minister and one directly by his top adviser—can be equivocated on. We have to send a very strong message that we will not tolerate amnesty to those who have taken the lives of American soldiers and for those who have spilled American blood in defense of their country.

Just a little while ago, we had a moment of silence for the 2,500 American soldiers who have died in Iraq. Let's do much more than have a moment of silence in the face of these statements. Let's make sure the taking of American lives can never be rewarded with amnesty. The Senate has an opportunity to make a clear, unequivocal statement that it is unacceptable, and I believe that it should take this opportunity. It is not only with a moment of silence that we show our respect, it is with our deeds that we show our respect.

Let the Senate act unanimously and speak with one voice to make it very clear that this should not even be a thought on behalf of the Iraqi Government. Then we will have honored the lives of those people, our fellow Americans, who gave the ultimate sacrifice on behalf of their country.

With that, I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. Mr. President, yesterday afternoon, I placed a call to a Nevada mother, Jennifer Laybourn. These calls are not easy; they are hard. Like many other Nevada mothers, she lost a boy, 19 years old, her son David, in Iraq. He was performing his duties as a soldier when he was killed by an improvised explosive device. Again, he was 19 years old.

Nevada has lost 39 soldiers in Iraq. Nevada is a small, sparsely populated State. Thirty-nine is a lot of funerals, a lot of sorrow for those of us from Nevada. There is no way we can ever repay those 39 Nevada heroes and their parents, siblings, family, and friends for their sacrifices. But we must always make sure their service is honored, which is why today I compliment and applaud Senators NELSON from Florida and MENENDEZ from New Jersey, and to express my complete shock and outrage that the Iraqi Prime Minister has even considered granting amnesty to the insurgents who have killed our troops.

Up to this day, today, we have lost 2,500 soldiers in Iraq. The mere idea that this proposal would go forward is an insult to the brave Nevadans who have died in the name of Iraqi freedom, and this doesn't take into consideration those Nevadans who have been grievously wounded in battle. It is my hope the President will denounce this proposal immediately—not wait for a retraction by the Iraqis but denounce it immediately. We should remember that the majority of Nevadans killed in Iraq were not killed in acts of warfare, as we historically have known warfare. They were killed in acts of terror.

All of us who are committed to freedom and democracy should recognize that their murders, 39 Nevadans, deserve justice. While I support reconciliation efforts to bring Iraqi political factions together, I don't support amnesty for those who commit acts of terror against Americans.

It sends the wrong signal to our troops, the wrong signal to the Iraqis, and it sends the wrong signal to all Americans. It certainly sends a wrong signal to the insurgents who have now been given the message that they can attack our forces without consequence.

President Bush continually makes a point of saying that a free Iraq means the United States will have a friend in the Middle East. This amnesty proposal is no sign of friendship; it is a sign of hostility which dishonors the sacrifice of our troops. Our troops deserve better. Again, I urge the President to tell the new Iraqi Government to stand down. America will not stand as our troops are dishonored in this way.

It seems so unfortunate that after the President's visit in Iraq, a day later this is floated through the Iraqi Government. It is too bad. We deserve better.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I have listened with interest to my good friend from Nevada. I hope Senators will be more supportive of our elected allies who are the Government of Iraq. The national security adviser for the Government of Iraq just said a few hours ago:

> And we will never give amnesty to those who have killed American soldiers or killed Iraqi soldiers or civilians.

So this notion of amnesty about a new, duly-elected Iraqi Government is a sideshow, an effort to divert our attention away from the core issue. Over in the House of Representatives today, they are having a much needed debate on the Iraq war. I had hoped that we would have that debate in the Senate. I read that several of our colleagues on the other side of the aisle were interested in offering an amendment that would codify what they have said publicly, which is that the troops ought to be out by the end of this year. I hope they will come down and offer that amendment. I hope we will have that debate. I think it is a good time to have that debate.

It is a good time to remind the American people that it is no accident that we have not been attacked again since 9/11. Nobody would have predicted that in the fall of 2001. If we asked for a show of hands in the Senate of how many Senators thought we would be attacked again that year, I think every hand would have gone up. Certainly, the American people expected another attack. By going on the offense, which the President suggested we do shortly after 9/11, we have succeeded dramatically in the principal reason for advancing the war on terrorism, and that was to protect us at home. Almost 5 years later, we have not been attacked again. While nobody will predict that we will never be attacked again, it is noteworthy that we have not been attacked again. Believe me, it is not an accident. Why have we not been attacked again? Because we went into Afghanistan and into Iraq. We liberated 50 million people. A lot of the terrorists are dead. Several are at Guantanamo. Many are hiding in their caves. Yes, some are still around doing mischief in Baghdad rather than in Washington or New York.

This is the time we ought to be having the debate about Iraq strategy. We are on the Defense authorization bill. Colleagues on the other side have said they were going to offer an amendment to advocate withdrawal by the end of the year. Let's have that debate. I cannot think of a better time.

Right now in Iraq, according to the latest AP story, since we were able to get Zarqawi last week, we have carried out 452 raids; 104 insurgents were killed during those actions; we have discovered 28 significant arms caches; 255 of the raids were joint operations, with 143 of them carried out by Iraqi forces alone; and the raids resulted in casualties of 759 anti-Iraqi elements. That is just in the last week. So we have them on the run in Iraq.

Why would anybody want to suggest that we ought to run when we have them on the run? But I think that is a legitimate debate. I hoped that we would have it. It is 2:10. I have been waiting anxiously all day, assuming that we would have that amendment laid down by those on the other side of the aisle and get on about the debate. Maybe we should have it in any event because it is time to step up and be counted.

Do we want to stay and finish the job and continue to protect America or do we want to send a message to the terrorists, when we have them on the run, that we are about to cut and run and leave them there to their own devices? I don't know any responsible countries in the world at this point, regardless of how they may have initially felt about the decision to go into Iraq, that think it is a good idea to leave now—particularly as we are making dramatic progress with their new constitution; a new, fully staffed government; the death of the most notorious terrorist in the country; these successful raids that have been carried out in the last week; and the effort underway to clean Baghdad out.

Why in the world would we want to say to those elements in Iraq, which want the country to be a haven for terrorism forever, that you can count on

us to be out of here by the end of the year; that we are giving you adequate notice that we are leaving by the end of the year?

I see my colleague from Texas on the Senate floor. I wondered if he had a question.

Mr. CORNYN. Yes. Will the Senator yield for a question at this point?

Mr. MCCONNELL. I will.

Mr. CORNYN. Mr. President, I ask the distinguished majority whip, isn't the real difference between those of us who believe war is bad and must never be fought and those of us who believe that war is bad but must sometimes be fought for the right reasons? What is the alternative to fighting the good fight that our troops are fighting in Iraq now? I just ask whether the Senator has heard any alternatives offered by our friends on the other side of the aisle?

Mr. MCCONNELL. Mr. President, I say to my friend from Texas, the only alternative I heard suggested, I have read about it in the press—I have not heard it offered on the floor yet—is that we essentially give the terrorists advance notice that we are going to be out of the country by the end of the year.

Look, we all hate, as the Senator from Texas indicated, to read reports of the death of any of our troops. We value human life in this country greatly. We do not, however, honor those who have given their lives in this great cause by giving up when we are making dramatic progress. And it is also important to remember that while we value every single life, we have lost fewer of our soldiers liberating Afghanistan and Iraq—50 million people liberated—than we lost on 9/11 in one morning or in Normandy during the invasion in World War II.

So while we value every life and we regret the loss of each soldier, it is extremely difficult to fight a war and lose absolutely no one.

Mr. CORNYN. Mr. President, if the Senator will yield for an additional question, I ask the distinguished majority whip, what does he believe the consequences in Iraq to be—and not just to Iraq, but to America itself in terms of our own security—if we were to precipitously draw down our forces and leave a void there that might then be filled by enemies of our country and, indeed, terrorists akin to those who attacked our country on 9/11?

Mr. MCCONNELL. Mr. President, I say to my friend from Texas, I think one thing that is pretty obvious is the terrorists would have a haven from which to operate, once again, such as they had in Afghanistan for a number of years prior to our clearing that out and giving those folks an opportunity to set up a democratic government. They would have a base of operations right in the Middle East from which to attack our neighbors, to attack the Europeans, and probably attack us again. That would be the consequence of cutting and running just on the heels of making dramatic forward progress in Iraq.

Mr. CORNYN. If the Senator will yield for one final question, I just want to be sure I understood his earlier comments from the National Security Adviser for the Government of Iraq.

There had been some suggestion that the Iraqis were planning on granting amnesty to those who had killed American soldiers. But if I understood the distinguished majority whip, the National Security Adviser said:

> And we will never give amnesty to those who killed American soldiers or who killed Iraqi soldiers or civilians.

If that language is true, that they would never do that, would the Senator care to venture a guess as to what the reason for this supposed sense of the Senate is to condemn some amnesty that will never be given?

Mr. MCCONNELL. It sounds to me, I answer my good friend from Texas, as some kind of diversion from the core issue we ought to be debating in the Senate, which is these suggestions that have been made by a number of our colleagues that we ought to have all the troops out by the end of the year. It is time to have that debate in the Senate, not a sense-of-the-Senate resolution about a proposal, as the Senator from Texas points out, that has been shot down today by the National Security Adviser in Iraq who, as the Senator from Texas indicated, said today:

> And we will never give amnesty to those who have killed American soldiers or who killed Iraqi soldiers or civilians.

What part of ''never give amnesty'' do our colleagues not understand?

Mr. NELSON of Florida. Will the Senator yield?

Mr. REID addressed the floor.

Mr. MCCONNELL. I believe I have the floor. Would someone like to ask a question?

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. MCCONNELL. I yield to my friend from Florida for a question.

Mr. NELSON of Florida. This Senator clearly doesn't support pulling the troops out of Iraq by the end of the year. This Senator offered an amendment which is a sense-of-the-Senate amendment that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States based on this morning's story in this newspaper that indicates comments that were made by the Prime Minister.

Is the Senator suggesting that he does not agree with the sense-of-the-Senate resolution being expressed in this amendment as laid down by this Senator from Florida?

Mr. MCCONNELL. Mr. President, answering the question, let me just repeat what the National Security Adviser in Iraq has just said:

> And we will never give amnesty to those who killed American soldiers or who killed Iraqi soldiers or civilians.

Is it helpful to be passing resolutions condemning our allies in Iraq for positions that the National Security Adviser says the Government doesn't hold?

I am pleased to hear that my good friend from Florida opposes the amendment that I hope will be offered later today that calls for an American troop withdrawal by the end of the year. That is a debate I thought we were going to be having, rather than adopting resolutions condemning one part of the Iraqi Government or another—the Iraqi Government, of course, being a great ally of the United States in the war on terrorism.

Maybe that debate will occur later in the day, and I look forward to hearing from the Senator from Florida when we have that debate. I am sure he will be arguing the vote on that should be no, and the Senator from Florida, of course, will be entirely correct; that is exactly how that amendment should be dealt with. I hope it will be defeated overwhelmingly.

Mr. REID addressed the Chair.

Mr. MCCONNELL. Does the Senator have a question or is he seeking the floor?

Mr. REID. I thought the Senator was finished.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, my friend from Kentucky and my friend from Texas are involved in a debate that doesn't exist. The amendment before the Senate, which will require a vote, is based on a sense-of-the-Senate resolution offered by the Senator from Florida, Mr. NELSON, and the Senator from New Jersey, Mr. MENENDEZ. Here is what the matter pending before the Senate now says:

> Congress makes the following findings:
>
> (1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.
>
> (2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March of 2003.
>
> (3) More than 2,500 members of the Armed Forces of the United States and members of the coalition forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.
>
> (b) Sense of Congress.—It is the sense of Congress that
>
> (1) the Government of Iraq should not grant amnesty to persons known who have attacked, killed, or wounded members of the Armed forces of the United States; and
>
> (2) the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.

That is very clear. That is what we are going to be called to vote on.

Why do we have this before us? Because last night a man by the name of Adnan Ali al-Kadhimi, a top adviser to the Prime Minister of Iraq, said, among other things, the following:

> Asked about clemency for those who attacked U.S. troops, he said: ''That's an area

where we can see a green line. There's some sort of preliminary understanding between us and the MNF-I,'' the U.S.-led Multinational Force-Iraq, ''that there is a patriotic feeling among the Iraqi youth and the belief that those attacks are legitimate acts of resistance and defending their homeland. These people will be pardoned definitely.

That is the reason for this resolution. It is not about an amendment that will be offered and there will be some other debate. It is about whether the people of Iraq, who are running that government, should pardon those people, grant amnesty to the people who have attacked our forces either through snipers, armed combat, or explosive devices. It is a simple vote.

Further, the man went on to say they would consider taking a look at Iraqi forces who were attacked. They wouldn't necessarily be given amnesty like those who attacked Americans.

That is a pretty clear vote, Mr. President. And that is the issue before the Senate, not some make-believe thing that will come at some later time, maybe. The issue before the Senate today is whether this resolution will be approved, yes or no, based upon statements made by officials in Iraq.

Someone has since then said: We don't like that. Good. We should adopt this resolution anyway. This is no attack on the Iraqi Government other than to say: Be careful, don't tread on our soldiers' graves.

This is the debate before us. I talked about a woman I called yesterday in Nevada who lost her 19-year-old son in Iraq, and to think that anyone in the Iraqi Government—anyone in the Iraqi Government—should pardon an Iraqi who killed this young man is repulsive. That is what the debate is about today. It is not about these terms that my friends like to throw around—cut and run, tax and spend.

The American people know what is going on here. They know what is going on. We all want the Iraqi issue to proceed even though it is costing us $2.5 billion a week, 2,500 dead soldiers, 18,000 or 20,000 wounded, a third of them grievously wounded, 20 percent of them coming back from Iraq with post-traumatic stress syndrome with a Veterans' Administration that is underfunded.

That is what this is all about. It is not about some other issue. It is about whether the Government of Iraq, now or at any other time in the future, should pardon people who harm our soldiers.

Mr. SESSIONS. Mr. President, what is the agreement at this point?

The PRESIDING OFFICER. We are on the Nelson of Florida amendment.

Mr. SESSIONS. The Senator from Georgia is here. I think he would like to offer an amendment. I yield the floor.

Mr. CHAMBLISS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from Florida.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. There is no unanimous consent request pending.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the amendment be set aside and that I be allowed to call up an amendment of mine.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard to the unanimous consent request.

Who seeks recognition?

Then Senator from Texas.

Mr. CORNYN. Mr. President, since we are going to be on the amendment of the Senator from Florida for a few minutes, I have a couple other thoughts I would like to offer to our colleagues in response to those offered by the Democratic leader.

First of all, I don't know why, after the Iraqi officials have disclaimed any intent whatsoever to offer amnesty to those who have killed an American soldier, we would gratuitously offer a sense-of-the-Senate amendment to condemn them for doing something they said they are not going to do, unless we are engaged more in gamesmanship than we are in working and passing serious legislation.

The comment was made earlier that perhaps this is just a diversion. I thought we were going to have a serious debate about whether we were going to bring our troops back home and on what kind of timetable we were going to do that, whether it is some arbitrary timetable or, instead, whether it is based on conditions on the ground. I thought that was the kind of debate we were going to have today, not some sort of manufactured debate offering a sense-of-the-Senate resolution to divert public attention from an issue that does not exist about this amnesty that has been suggested which has been expressly disclaimed by the Iraqi leadership.

My suggestion is that we move on to the serious work that the people of this country sent us here to do and not to engage in sideshows, which is clearly what this sense-of-the-Senate proposition is designed to do.

Mr. NELSON of Florida. Will the Senator yield?

Mr. CORNYN. I will be glad to yield for a question.

Mr. NELSON of Florida. Mr. President, since this Senator from Florida is the author of the amendment, I would recall, for the consideration of the distinguished Senator from Texas, that there is nothing in this resolution that says anything about condemnation of the Iraqi Government. It says: It is the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

I would further call to the attention of the distinguished Senator that the yeas and nays have been ordered on the amendment, and as soon as the leadership is ready to dispose of the amendment, we can vote.

Mr. CORNYN. Mr. President, I don't know what the question was, but let me just respond to the distinguished Senator from Florida. It makes no sense for the Senate to shake its finger at the new Government of Iraq and to criticize them, whether it is a condemnation or a criticism or an admonishment or whatever you want to call it, for something that they have expressed that they have no intention of doing. I don't dispute from a procedural standpoint the Senator's right at some point, perhaps, to have a vote on the sense-of-the-Senate amendment, but I just question the wisdom of proceeding in this way when we are a nation at war.

We have done everything that we could to help the Iraqi people help themselves, from training their security forces to encouraging them and helping them in the development of a new government, something that is really a miracle to behold, if you think about it. Three years ago, they had a blood-thirsty dictator with his boot heel on the back of the neck of the Iraqi people, responsible for killing hundreds of thousands of Iraqis, and a threat to the entire world because of the potential partnerships with terrorists who might export their terror to places such as the United States. Why we would gratuitously take an occasion like this, to distract us from the important business that we are about, to criticize in one way, form, or fashion the new Iraqi Government which is just beginning to show that they are able to take the first small steps toward self-determination and self-governance, why we would take this occasion to admonish them for something they have expressly indicated no intention of doing is beyond me.

Mr. McCONNELL. Would the Senator yield for a question?

Mr. CORNYN. I would.

Mr. McCONNELL. I know the Senator from Texas and I covered this a few moments ago, but I would ask the Senator from Texas again if it is not the case that the national security adviser to the Iraqi Government just this very day said the following: And we will never give amnesty to those who have killed American soldiers or killed Iraqi soldiers or civilians?

Mr. CORNYN. Mr. President, I would answer the distinguished majority whip by saying, that is exactly the quotation. The same individuals went on to say that who the Prime Minister is going to give amnesty to are those who have not committed the crimes, whether against Iraqis or coalition forces. He went on to say, they might probably have done some minor mistakes in storing some arms or allowing some terrorist to stay overnight or provided shelter. But he has expressly said: We will never give amnesty to those who have killed American soldiers or killed Iraqi soldiers or civilians.

Mr. McCONNELL. Would the Senator from Texas yield for an additional question?

Mr. CORNYN. I would.

Mr. McCONNELL. Might it not be just as useful an exercise to try to pass a resolution commending the Iraqi Government for the position they have taken today with regard to this discussion of amnesty?

Mr. CORNYN. I would answer the distinguished majority whip and say, I would feel much better about something that was constructive and encouraging in assisting the Iraqi Government in their determination not to give amnesty than I would in offering criticism where it appears to be gratuitous and where it is a distraction from the debate that I think the American people would want us to have; that is, under what conditions do we want to leave Iraq, and are some of the proposals that some of our colleagues on the Senate floor have made about setting timetables, are those in the best interests of the American people or do they endanger America by allowing perhaps those who are America's enemies, the enemies of all civilization, to plot and plan, and then use that failed state as a platform to export their terrorist activities to other parts of the world?

AMENDMENT NO. 4269 TO AMENDMENT NO. 4265

Mr. McCONNELL. Mr. President, I send an amendment to the desk to the underlying amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 4269 to amendment No. 4265.

Mr. McCONNELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the withdrawal of United States Armed Forces from Iraq and urge the convening of an Iraq summit)

At the end of the amendment add the following:

SEC. ___. UNITED STATES POLICY ON IRAQ.

(a) WITHDRAWAL OF TROOPS FROM IRAQ.—

(1) SCHEDULE FOR WITHDRAWAL.—The President shall reach an agreement as soon as possible with the Government of Iraq on a schedule for the withdrawal of United States combat troops from Iraq by December 31, 2006, leaving only forces that are critical to completing the mission of standing up Iraqi security forces.

(2) CONSULTATION WITH CONGRESS REQUIRED.—The President shall consult with Congress regarding such schedule and shall present such withdrawal agreement to Congress immediately upon the completion of the agreement.

(3) MAINTENANCE OF OVER-THE-HORIZON TROOP PRESENCE.—The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests.

(b) IRAQ SUMMIT.—The President should convene a summit as soon as possible that includes the leaders of the Government of Iraq, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that addresses fundamental issues including federalism, oil revenues, the militias, security guarantees, reconstruction, economic assistance, and border security.

Mr. McCONNELL. Mr. President, the amendment I have sent to the desk is the amendment that I believe the Senator from Massachusetts, Mr. KERRY, had indicated he was going to be offering today so that we can have an appropriate debate on this very important day about whether it is appropriate to withdraw American troops by the end of 2006. That is the second-degree amendment that I just sent to the desk.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I don't have a dog in this fight, you might say, but I have been listening to this debate, and I wonder about history. I wonder about the amendment of the Senator from Florida. I remember reading so clearly that after the War Between the States, the North lined up those from the South and took their guns and let some of them take them home. I remember so well that after World War II, we went through a process of trying to urge the governments involved in the access to obtain a pledge from the former members of the military that they would support the new democracy. That was amnesty.

In Japan, we certainly had a period under General MacArthur which was probably the greatest period of amnesty that has ever been known. We helped that country immediately to form a democracy and we never prosecuted the people who killed Americans.

I wonder seriously about what the Senator from Florida is doing by telling this new fledgling democracy that they cannot go through the process of cleansing, go through the process of trying to get people who were misguided, who were part of coalitions that they now are willing to recant, if they are, to come forward and support this new democracy. What are we doing anyway on the floor of the Senate trying to tell the new democracy what they can and can't do? I didn't like that story when I read it in the paper this morning, but I was happy to see the new statement from the security people that clarified what they intend to do.

But the time will come, if that democracy is going to succeed, when they are going to have to fold into their population those who are willing now to give up terrorism, those who are willing to put aside the activities of the past which led them to attack Americans as well as any other—there are 34 other nations over there. Are we saying just those who did kill Americans, they can't get amnesty, but the rest of them can?

What are we doing on the floor of the Senate trying to debate an issue as to how this country is going to come back together again? I am sort of appalled at it, really. I don't know if anyone else is. But it seems to me that we ought to do everything we can to encourage them to bring their people together, to forget the sins of the past, to forget the terrorists of the past, and to pledge themselves to a new future of democracy and have people come forward and say: I am willing to support this new democracy. And if they do, and demonstrate that they do after a period of time, shouldn't they be recognized as being loyal citizens of the new democracy?

This is a debate that disturbs me. It disturbs me to think we are willing to just seize the moment and make a political point—seize the moment and make a point—and not think. It is time we started thinking about how we can assure and take steps to help this country survive as a democracy. If it becomes a democracy in that part of the world, it will be a marvelous success, and I think it will lead to greater consideration by other countries of liberalization of their concepts and giving the people more power.

I believe we ought to try to find some way to encourage that country, to demonstrate to those people who have been opposed to what we are trying to do, that it is worthwhile for them and their children to come forward and support this democracy. And if that is amnesty, I am for it, I would be for it. And if those people who come forward and want to obtain a better life for their families in the future are willing to support that democracy—if they bear arms against our people, what is the difference between those people who bore arms against the Union in the War Between the States? What is the difference between the Germans and the Japanese and all the people we have forgiven?

When I left the war and came home, I had a deep hatred for the Japanese. Today, Mr. President, I have a granddaughter who is Japanese. I have a daughter-in-law who is Japanese. And her parents were involved in World War II. Now, are we to understand that time can heal, heal the pain of the past?

I really wish the Senator from Florida would have the courage to withdraw the amendment, just withdraw it and say it was a political effort. This is nothing but politics. I will vote to table it or vote against it in good conscience.

Mr. CHAMBLISS. Mr. President, will the Senator from Alaska yield for a question?

Mr. STEVENS. Yes.

Mr. CHAMBLISS. Is it not true, Mr. President, that today we have Iraqis who are fighting the war against the

insurgents who at one time fought against American troops and other coalition troops as they were marching to Baghdad, who have now come over to our side and are doing one heck of a job of fighting alongside the Americans and coalition forces, attacking and killing insurgents on a daily basis?

Mr. STEVENS. That is absolutely true. I would say to the Senator, I was there and participated in the conversation with some of our military people who were trying to find ways to help the Iraqis take into the regular armed services some of those people who served in the Red Guard under Saddam Hussein. But they are willing to come forward now and see that there is a country they would like to support. And if they asked my opinion about that, I would say I would encourage it. I would encourage it. I think if there is anything that can bring about stability in that country and have them support this new democracy, we should encourage it.

Mr. ALEXANDER. Mr. President, will the Senator from Alaska yield for a question?

Mr. STEVENS. I will, Mr. President.

Mr. ALEXANDER. Mr. President, I wonder if the Senator from Alaska would agree that as he goes through the history of countries that have been torn apart by war, including our country in the Civil War and Japan, after the Second World War, and the processes of reconciliation, whether South Africa might not be an example. And is it not true that Nelson Mandela's courage and his ability to create a process of reconciliation and forgiveness was a major factor in what has been a political miracle in Africa, where White and Black people now are able to live together in a democracy? Is not that process of reconciliation one of the most admired processes in the last century? Nelson Mandela, the winner of a Nobel Peace Prize just for this sort of gesture, would he not fit into the series of examples that the Senator from Alaska used a few moments ago?

Mr. STEVENS. Absolutely. Mr. President, I would say it falls under the concept of the Christian ethic. We are people who believe that you can be converted. You can be a nonbeliever and then become a believer. What is the difference between that and amnesty, between those people who may have been on the wrong side and then will come forward and belong to this new government? And if they pledge and demonstrate to do it, I think it is up to the Iraqis to determine when and how they become full-fledged citizens of the new democracy.

But this amendment would have us say if they indicate they are going to grant amnesty to them, that is wrong. Amnesty ought to be a reward for a pledge of cooperation and support. In this context, the military context, I think you can go through history and find time after time after time where it was successful. But this amendment is a political amendment, and I am tired of these political things coming on the floor. The minute something comes in the paper, before it can even be corrected by the country, we have an amendment saying, oh, here, let's force the majority to vote against this amendment. Baloney. I am proud to vote against it.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I just came to the Chamber a few moments ago. I understand the pending amendment is the Kerry amendment, and although I have not reviewed it in its entirety, I see that it reads that the President——

The PRESIDING OFFICER. The majority leader will be corrected; the pending amendment is the McConnell amendment.

Mr. FRIST. Mr. President, I understand. I will speak to the Kerry amendment. I will read that amendment just so my colleagues will be clear what I am talking to. The amendment says:

> The President shall reach an agreement as soon as possible with the Government of Iraq on a schedule for the withdrawal of United States combat troops from Iraq by December 31, 2006, leaving only forces that are critical to completing the mission of standing up Iraqi security forces.

As I look at this amendment, as we evaluate it, I think the first thing we must do is say: What if we did cut and run? I know we hear that discussion of a rapid withdrawal. In many ways, I am glad this amendment has come to the floor, that it has been put on the floor by Senator KERRY. I think we do have to grasp what is at stake, and if we withdraw from Iraq——

Mr. REID. Parliamentary inquiry, Mr. President?

The PRESIDING OFFICER. The Senator will suspend.

Does the majority leader yield for a parliamentary inquiry?

Mr. FRIST. I will shortly. Let me finish my statement because I think it is important to look at the issue that has been put on the floor. I will be very brief. Then we can do the parliamentary inquiries back and forth.

If we withdraw from Iraq before the Iraqi Government and the Iraqi people are capable of defending their new democracy, I am absolutely convinced that the terrorists would see this as a vindication, a vindication of their strategy of intimidation, of confrontation, and that they would take that vindication and continue to challenge us elsewhere in the world—in Afghanistan, in other countries in the region, overseas, and, indeed, right here at home. If we were to cut and run, the violence in Iraq would certainly increase.

We know there is violence there, and we know how tough it is on our troops who are there and the American people who watch this violence. But I am absolutely convinced that if we cut and run, violence will increase in Iraq, terrorists will increase their attacks on the Iraqi people and on that brandnew Iraqi Government. Clearly, it has only been 5 days. Clearly, the Government itself is not able, completely alone, to defend itself. Chaos would result. Bloody civil war would result. Terrorists and rival militia would tear the country apart. They would kill thousands of innocent Iraqis, and that terrorism would spread through that region, around the world, and, indeed, I believe right here at home.

The unity of Iraq that we celebrated on this floor, the unity of Iraq that has resulted from a democratically elected government through three elections, would be destroyed, would be torn apart; sectarian violence would ensue and would explode. It would split the country apart into segments that, yes, probably would be controlled, but they would be controlled by terrorists, ethnic militias, tribal militias. I am convinced parts of Iraq would become safe havens for terrorists who have spelled out—and we think of the letters and the words of Zarqawi—who have spelled out what their intentions are in terms of us here, right here in the United States.

I believe terrorist bases in Iraq would threaten Middle East security. Although it may be a secondary issue, we do know that energy supplies ultimately would be disrupted. We have seen supply go down, demand go up, and a disruption of energy sources all over the country. Indeed, I believe it would result in a skyrocketing of gas prices in this country.

The terrorists affiliated with bin Laden and Zarqawi have stated in crystal clear terms what their objectives are, their aim of overthrowing moderate governments.

Given the presence in Iraq of many of Saddam Hussein's former weapons scientists—remember Saddam Hussein? Forget about weapons of mass destruction right now, but we actually know that Saddam Hussein and his scientists have developed weapons of mass destruction, chemical and biological weapons, and he has used both of those on his own people. Those scientists are still around. If we cut and run, I believe those scientists once again will pursue and will have the freedom to pursue those weapons of mass destruction: saran gas, anthrax, biological weapons.

President Bush has repeatedly stated that the potential combination of terrorism and weapons of mass destruction does pose the greatest threats to the United States. I believe cutting and running would allow those weapons of mass destruction and that terrorism intent to come back together, to endanger the people of the region but also the people right here in the United States of America.

In some ways, I am glad this amendment has come to the floor, this modification of the amendment. It is clear that those calling for an early withdrawal of American troops from Iraq failed to fully play out, to fully understand the potential implications of

leaving prematurely. Cutting and running before Iraq can really defend itself threatens the American people.

The PRESIDING OFFICER. The minority reader.

Mr. REID. Mr. President, two things that do not exist in Iraq and have not are weapons of mass destruction and cutting and running.

This is the McConnell amendment. It is not the Kerry amendment. People have the right to file amendments. They can decide whether they want to offer them or modify them or change them.

I move to table the McConnell amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. 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. I reoffer my motion to table. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—93

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Frist	Obama
Bingaman	Graham	Pryor
Bond	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kohl	Snowe
Cochran	Kyl	Specter
Coleman	Landrieu	Stabenow
Collins	Lautenberg	Stevens
Conrad	Leahy	Sununu
Cornyn	Levin	Talent
Craig	Lieberman	Thomas
Crapo	Lincoln	Thune
Dayton	Lott	Vitter
DeMint	Lugar	Voinovich
DeWine	Martinez	Warner
Dodd	McCain	Wyden

NAYS—6

Boxer	Feingold	Kennedy
Byrd	Harkin	Kerry

NOT VOTING—1

Rockefeller

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, my understanding is the Senate now turns to the measure by the Senator from Florida, is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts.

The Senator from Virginia is recognized.

Mr. KERRY. I understand that. I ask the indulgence of the Senator if, after he has finished his business, I could just have a moment.

Mr. WARNER. No objection.

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

Mr. MCCAIN. Reserving the right to object, what is ''a moment''?

If the Senator propounds a unanimous consent for an amount of time, I would be glad to not object. I wonder what a moment is?

Mr. KERRY. I ask unanimous consent I be permitted to have 5 minutes.

I thought the concept of ''a moment'' was not incomprehensible even in the Senate.

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

Mr. WARNER. Mr. President, following that, I ask unanimous consent the Senator from Arizona be recognized.

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

The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me just say if I may, earlier today, the distinguished chairman and manager of this legislation came to me and asked me if I was prepared to put my amendment in. I told him then, as he knows, that I said no, because a number of Members were talking, as is the right of the Senator with respect to any amendment filed. So the chairman, the manager, was on notice that we were, in fact, in the process of working on this.

I voted no on this because any Senator reserves that right, No. 1; and No. 2, this is a debate I look forward to. This is a debate I want to have on the floor of the Senate. This is a debate we will have on the floor of the Senate.

I resent the fact that some Senators think the business of the United States is somehow better done by calling up another Senator's amendment, that may or may not be the language presented to the Senate, and having a fictitious vote on it. It is not unlike the war itself where we are in the third war: The first being about Saddam Hussein and weapons of mass destruction; the second being about al-Qaida; and the third, now, the sectarian violence.

I look forward to having a debate on the floor of the Senate. But I look forward to having a debate on the language that I, as a U.S. Senator, present to the Senate in an amendment that bears my name and the name of other Senators that joined me. That has always been the prerogative of the Senator, and it is one that ought to be protected.

I respect and I understand completely what the distinguished minority leader did. He did it in consultation with me. I think it was the appropriate measure for him to take to protect my interests and the interests of those on our side.

The Senate ought to give a more appropriate kind of seriousness of purpose to debate of this kind of consequence. This will be the first time in some time that we will have debated this issue. I suggest some of my colleagues go back and reread the resolution which gave the President the authority to go into Iraq. There is nothing in that resolution that gives authority for what we are doing today.

So, in effect, this is a war of evolution, a war of transformation, and it deserves the kind of serious debate that it will get next week in the Senate.

I thank the Chair.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Arizona is recognized.

Mr. WARNER. Would the Senator from Arizona yield to me for a few minutes?

Mr. MCCAIN. For a moment.

Mr. WARNER. Mr. President, the Senator from Massachusetts and I did have a brief conversation just before the conclusion of the vote in the middle of the noon hour. I, in an effort to try and keep momentum on the bill, did inquire of the desire to move forward with his amendment. I only conveyed his response to me, which was not at this time—he was in consultation with colleagues—to my distinguished ranking member, advising him we best look at other amendments to keep the momentum going forward. I then departed for the memorial services at the Department of Defense honoring those who lost their lives on 9/11. And, therefore, when I arrived back we were in the middle of the debate that has been described by the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank you for the recognition, and I thank the distinguished chairman for his explanation of what just transpired.

Mr. President, I rise to discuss the pending Nelson amendment. I think it is very important that, first of all, we try not to react on the floor of the Senate to the headlines that appear in the morning paper—whether they happen to be totally accurate or not.

The second thing I want to point out is that all of us—all of us—are pained

when a brave American is killed in this terrible, long, drawn-out conflict which has divided America and cost us so much in American blood and treasure. All of us—no matter where we stand on this conflict—feel the utmost sorrow and regret at the loss or wounding of a single brave, young American man or woman. So this debate is certainly not about the enormous sacrifice that has already been made and probably will be made in the course of this conflict.

But I think we have to be realistic about the way out of this conflict, the way out we have seen time after time throughout history of other conflicts, especially those that in many respects are civil wars.

Nelson Mandela probably had the greatest reason to seek revenge and full accounting not only for the years of imprisonment and mistreatment he personally received but also because of the hundreds if not thousands of his countrymen who were brutalized, mistreated, kept in inferior status, and, in some cases, even massacred by the minority government that ruled his country.

When Nelson Mandela was awarded the Nobel Peace Prize, it was not only because of his bravery and courage while he underwent unspeakable unpleasantries and indignities as a prisoner—I believe the number was 27 years—but primarily because Nelson Mandela realized he had to knit and heal the wounds that had so badly scarred his nation.

Nelson Mandela, in the spirit of forgiveness, for the good of his country, put his personal injuries aside because he realized the only way his nation could move forward is to put those terrible things that happened behind him.

We also saw terrible things happen in El Salvador's civil war. Jose Napoleon Duarte, a name that some of us have forgotten, was elected President of the country. And he did two things. He vigorously prosecuted the insurgency, and then he reached out his hand to the insurgents because he knew if they did not forgive and even try to forget, that nation would continue a bloodletting that had afflicted it for a long period of time.

In Colombia, the President of Colombia has just attested that 40,000 people—paramilitaries and guerrillas who, again, have carried out these same kinds of attacks and murder and mayhem in their country—have laid down their arms because of an amnesty program that he has extended to them.

I could go on about many of the conflicts in our history. But the fact is that wars end when enemies stop killing each other. After Pearl Harbor we talked with the Japanese. After years of war in Vietnam, we talked to the North Vietnamese in Paris. Time and again, there reaches a point where enemies must if not be forgiven at least be included, as hostilities come to an end and peace begins.

Our brave men and women are working with Iraqis to build a new country, and by co-opting the insurgents, perhaps we can save the lives and fortunes of our own and those who we support.

Things are very difficult in Iraq. And we are angered when we hear of an IED that blows up and kills and maims innocent Americans. We are sometimes driven to frustration and incredible—incredible—sorrow when we hear of the loss of these precious young men and women.

But we also know that the insurgency does not end until the insurgents stop fighting. And the sooner the new Prime Minister, freely elected—freely elected—Mr. Maliki, is able to bring his country back together, the sooner we will find peace, and the sooner Americans can be withdrawn, and the sooner American casualties will end.

I am confident the amendment by the Senator from Florida amendment is well-meaning, and I understand the intentions behind it. But I think it is important we look back and recognize that not only do times change, as in the case of Vietnam—our Secretary of Defense just in the last week visited Vietnam, as we have renewed our relationships, as we have healed the wounds of the Vietnam war, and moved forward in partnership with the Vietnamese.

Mr. President, from a personal standpoint, there are a few Vietnamese I would very much like to see again, people I may not have the most peaceful intentions toward. But the reality is—the reality is—we must heal the wounds of war if we are going to unite a nation and move forward. And that is the case with Iraq, as it has been with almost every other nation in history.

I finally add, as a footnote, I am not sure we here in the U.S. Senate should be dictating to the leaders of Iraq how they should conduct their affairs as they, the freely elected leaders of that nation, attempt to bring about peace and reconciliation in their nation.

But the larger issue here is, I believe, that our goal is to bring an end to the conflict as quickly as possible in Iraq. If that means, in return for laying down their arms, that some are allowed an amnesty or allowed to reenter the society of Iraq, in a peaceful manner, in a productive manner, as has happened in South Africa, El Salvador—and is happening in Colombia—and many other insurgencies throughout history, then I think we should welcome it. And as we place our confidence in the new Government of Iraq, perhaps we should give them some latitude.

I would also like to add, by the way, that that quote in the press may not have been exactly right as to who might be eligible for amnesty and who might not. At least that should be cleared up. But it doesn't obscure the fact that the freely elected government, that we support, of the country of Iraq is now reaching out to attempt to end the fighting and the conflict. I do not think we should be micro managing that from the floor of the U.S. Senate.

I am sure that the enemies we faced in World War II—who the distinguished chairman of the committee fought against in that great war—that there was a time where we had reconciliation with our enemies on both sides of the Atlantic.

Now, were people who were guilty of specific war crimes brought to trial? Absolutely, and punished, in some cases, to the point of execution. But those who fought against us are clearly now our friends.

So I hope that we would understand that this amendment would not be helpful to the process of peace, would not be an endorsement of the freely elected leaders of the country of Iraq, and might even serve, in an unintended fashion, as an impediment to a process of peaceful reconciliation in Iraq rather than helping it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my very good and longtime friend, we have known each other since the closing months of the war in Vietnam when I was Secretary and he was serving in our naval service and returned. So I just think sometimes of the great fortune of this body to have men such as JOHN MCCAIN, DANIEL INOUYE, and TED STEVENS, and others, who have experience firsthand. I do not claim that same experience that these men had in the mortal combat of the wars.

Senator MCCAIN recounts the history of our Nation very accurately; that is, when the conflicts are over, it has always been the stature and the greatness of this Nation to bind the wounds of war and to move forward with peace.

I say to the Senator from Florida, I have just handed him the corrections that are now in the press, corrected by the national security adviser to the new Prime Minister of Iraq, in which it is very explicit that there was an error in translation. Some misfortune. But he sets it forth here with absolute clarity, and I think that I would want to state for my colleagues exactly what he said. He said the following—and he said it, I presume, with the full knowledge of the Prime Minister.

He said: We thank—and the quote is—"the American wives and American women and American mothers for the treasure and the blood they have invested in this country . . . of liberating 30 million people in this country. And we are ever so grateful."

And further, he affirmed their position of the government that they "will never give amnesty to those who have killed American soldiers or killed Iraqi soldiers or civilians."

It seems to me that puts to rest, as my colleague from Arizona said, this issue. And I wonder if the Senator would consider the withdrawal of his amendment to obviate the necessity on our side to take other steps, and let us move forward with the bill.

Mr. NELSON of Florida. Will the Senator yield?

Mr. WARNER. Yes, of course.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Does the Senator from Florida have the floor or——

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

Mr. NELSON of Florida. The Senator from Florida has been seeking recognition for the past hour and has not been able to speak.

Will the Senator from Virginia, the distinguished chairman of our Armed Services Committee, agree to a unanimous consent request that the Senator from Florida would be allowed to speak on this issue immediately after the comments of the Senator from Virginia?

Mr. WARNER. Mr. President, I am delighted to accommodate my colleague. I would hope we could discourse this matter in the traditional way of a colloquy, but if you want the exclusive right to the floor—if that is your desire—then I yield the floor, Mr. President.

Is that your desire?

Mr. NELSON of Florida. It is.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, what I understand of the parliamentary procedure is that the majority will offer an additional amendment that will be a side-by-side and be voted upon, and the Senate can make its choice.

In the case of the amendment that is being proffered by the majority—indeed, in the copy that has been represented to me as being the accurate one—it will recite the comments of the gentleman to whom in Iraq the chairman has just referred.

Mr. WARNER. Mr. President, if the Senator will yield, that is the national security adviser.

Mr. NELSON of Florida. And that side-by-side amendment will state that the national security adviser of Iraq, on today, had ''thanked 'the American wives and American women and American mothers for the treasure and the blood they have invested in the country . . . of liberating 30 million people in this country . . . And we are ever so grateful.' '' And that affirms their position that they will never give amnesty to those who would kill American soldiers or those who have killed Iraqi soldiers or civilians. I think that is all well and good. This Senator would certainly intend to vote yes on that side-by-side amendment.

The reason the Senator from Florida has been seeking recognition for the last hour is this Senator's amendment has been characterized in ways that defy what the amendment says. The amendment clearly said that it is the sense of Congress that ''the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States; and the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.''

That is what the amendment says.

What this has been causing is a brouhaha because of something being read in to a simple little amendment that came as a result of a front-page story today in the Washington Post in which a top adviser to the Prime Minister, Mr. Adnan Ali al-Kadhimi, who happens to be the former chief of staff to the previous Prime Minister, a high-ranking official in the Dawa Party, he is the one who is quoted in the article as going on to say, when asked about clemency for those who attacked U.S. troops:

> That's an area where we can see a green line. There's some sort of preliminary understanding between us and the MNF–1 that there is a patriotic feeling among Iraqi youth and the belief that those attacks are legitimate acts of resistance and defending their homeland. These people will be pardoned definitely, I believe.

Now, it is very enlightening that the national security adviser has tried to clarify Prime Minister Maliki's comments. The Prime Minister can certainly clarify his own comments. But here we have a high-ranking Iraqi official who is quoted on the front page of the paper today as saying amnesty for those who would have killed American men and women.

This Senator's name has been invoked by several speakers, including the distinguished Senator from Alaska, who I have the greatest and utmost respect for, in talking about the reconciliation process as if this were contrary to the reconciliation process. The Senator from Alaska was even quoting the reconciliation that took place after the Civil War, on which we all agree. The Senator from Alaska was talking about the reconciliation that has taken place in South Africa, of which we all agree, even talk of the reconciliation that took place with regard to Germany and Japan. But that didn't stop those who were responsible for war crimes and the killings of Americans to be brought to justice; in other words, not to have amnesty granted for them. That was not the case in South Africa where they had a process that those who did those criminal acts were brought to justice. That was certainly not the case in Germany after World War II where those who had committed those atrocities were brought to justice.

It just simply, in the opinion of this Senator, ought to be that a policy of the very government that we have helped and have liberated a people should not be amnesty for those who have killed Americans. How much more simple could it be? Yet I suspect, as others have implied politics, I suspect politics has a way of taking over and starting to make something seem like it isn't. It certainly wasn't the intention of this Senator.

As I understand, my wonderful chairman of the committee is going to offer a second-degree or will offer another amendment that will be a side by side amendment to that which I have offered, and we can vote for both. It would be the intention of this Senator to vote for both.

I said at the outset of my remarks, the first thing out of my mouth when I offered the amendment was, I hope there was something lost in the translation of what was reported in this morning's Post.

I don't understand—or maybe I do—all the brouhaha that has occurred over the course of the last 2 hours on such a simple amendment as saying that it is the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first I would like to say to my colleague, we have had a very strong, fervent and heartfelt debate, not a brouhaha by any definition of the use of those terms. We have heard from two of the most respected combat veterans currently serving in this Chamber. It was not in the nature of a brouhaha. They were simply reciting the history of this great Republic since its inception as to how it has dealt with adversaries in the several conflicts that we have had.

I first say to the Senator, I hope that you will reconsider the use of that term.

Mr. NELSON of Florida. Will the Senator yield?

Mr. WARNER. Yes, of course.

Mr. NELSON of Florida. This Senator is referring to the rhubarb that has occurred for the last 2 hours on the floor, where statements were made about my amendment that mischaracterized the amendment and that further, then, allowed a totally different issue, an issue on which this Senator agrees with the chairman of the committee, not withdrawing all of the troops by the end of the year.

The Senator can characterize it as he would like. This Senator will characterize it as he would like.

Mr. WARNER. Mr. President, I so note his comments.

Again, addressing the Senator's amendment, it clearly, in my judgment, restricts in some respects the recognition that this is a sovereign government in Iraq today, in the hands of a duly elected Prime Minister and others, and that this amendment could well be construed as restricting what they can and cannot do. That was so eloquently stated by Senator MCCAIN. I wondered if the Senator would care to try and revise the amendment so it is consistent with the longstanding practices of our country with respect to our adversaries, in some way to recognize that it is not in conflict with that?

Mr. NELSON of Florida. If the Senator would like, we could have a quorum call and discuss exactly that matter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, as a coauthor of the amendment of my distinguished colleague from Florida, I hope he will continue to pursue his amendment. It is incredibly important to send a very clear message on behalf of the United States about what is and is not acceptable as it relates to the future of our young men and women in the armed services of the United States.

We are told on the Senate floor: Don't react to the morning's papers. But, in fact, it is our reaction to it that brings about a clarification from the National Security Adviser of the Iraqi Government that moves us in the direction which should have been the position of the Iraqi Government from the outset.

I am amazed how I have heard some of my colleagues in this Chamber stretch and twist and turn to justify a position which even now the Iraqi Government supposedly rejects. We had some history lessons about amnesty. Most of those were as it related to civil wars. But I remember how President Bush started this engagement. He said to the Nation: You are either with the terrorists or you are with us.

As I listened to my colleagues suggest that amnesty is something we should actually be in favor of for those who have committed acts against the Armed Forces of the United States, for those who have killed American soldiers, for those who have wounded American soldiers, it is beyond my imagination that there are Members of the Senate who believe that is the signal we want to send throughout the world. What happened to ''you are either with the terrorists or you are with us''? What happened to making it very clear that our men and women are not sitting ducks for those who think they could ultimately seek to kill them and then walk away and get amnesty? I don't understand—if a terrorist survives our arrest or attack, does that mean that if they suddenly see the light, we will say: Yes, it is up to the Iraqis to give them amnesty? Is that the message the Senate wants to send?

It is beyond my imagination—we hear about the challenges of democracy in Iraq. Democracy is about the rule of law, and then ultimately we would set aside the rule of law and say you can kill American soldiers and we will have no say. Imagine that as the Nation sends its sons and daughters abroad to shed their blood and to give their lives, that we should have no say? That is what we heard on the Senate floor, that we should have no say, that we should let the Iraqi Government pursue even a course which might include amnesty against those who kill American soldiers. That is the message we want to send? I think not.

The essence of the message we want to send is that we do not believe and do not accept and are outraged by the fact that there may have even been a consideration that there could be amnesty for those who killed American soldiers but not amnesty for those who killed Iraqis. That is the world's worst message we could send. We have to send a very clear message that we will not allow our sons and daughters to have their lives lost, and that their lives are not expendable and cannot be bartered for amnesty. That is what Senator NELSON is trying to do with this amendment. Why it is so difficult for the Senate to come together in a bipartisan effort to send that very clear message, not only in Iraq but throughout the world, that this is simply not a standard which is acceptable, is beyond belief.

This amendment is very clear, it is very simple, but it is also very powerful. It is a message that you can't kill our soldiers and walk away with impunity. Truly, you are either with the terrorists or you are with us, but you can't be a terrorist and then suddenly get caught, see the light, and then ultimately walk away with amnesty. That would be a horrible message for the Senate to send.

Mr. President, I yield the floor.

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. WARNER. 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. WARNER. Mr. President, I ask unanimous consent that Senator MCCONNELL now be recognized, that the pending amendments be set aside, and that Senator MCCONNELL then offer an amendment which is relevant to the Nelson amendment; provided further that if and when the McConnell and Nelson amendments are scheduled for votes—that would be sometime next week—the McConnell amendment would be voted on first. Finally, I ask unanimous consent that following the offering of the amendment, Senator CHAMBLISS be recognized in order to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. I have no objection.

Mr. WARNER. Mr. President, if I might amend the UC to delete the last sentence which reads:

Finally, I ask unanimous consent that following the offering of the amendment, Senator CHAMBLISS be recognized in order to offer an amendment.

I ask that sentence be dropped.

Mr. LEVIN. I have no objection.

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

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 4272

Mr. MCCONNELL. Mr. President, pursuant to the agreement just entered into, I send an amendment to the desk.

The PRESIDING OFFICER. The pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4272.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To commend the Iraqi Government for affirming its positions of no amnesty for terrorists who have attacked U.S. forces)

Sec.____. Sense of the Congress Commending the Government of Iraq for affirming its Position of No Amnesty for Terrorists who Attack U.S. Armed Forces.

(a) Findings. Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March 2003.

(3) More than 2,500 of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(b) Sense of Congress.—It is the sense of Congress that the new Government of Iraq is commended for its statement by the National Security Adviser of Iraq on June 15, 2006 that—

(1) thanked ''the American wives and American women and American mothers for the treasure and the blood they have invested in this country . . . of liberating 30 million people in this country . . . And we are ever so grateful.'' and

(2) that affirmed their position that they ''will never give amnesty to those who have killed American soldiers or killed Iraqi soldiers or civilians''.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I now ask that the amendments be laid aside. The leadership is in agreement that there will be no more votes tonight. We will now turn to other matters relating to the bill. My understanding, then, is these two amendments are now the pending amendments; is that correct?

The PRESIDING OFFICER. The McConnell amendment is the pending amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 4278, 4279, 4280, 4200, 4201, 4198, 4281, 4282, 4283, 4284, 4252, AS MODIFIED; 4225, 4218, 4285, 4286, 4199, AS MODIFIED; AND 4287, EN BLOC

Mr. WARNER. Mr. President, on behalf of myself and members of the Armed Services Committee, I send a series of amendments to the desk which have been cleared by myself and the ranking member. Therefore, I ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table. Finally, I ask unanimous consent that any statements related to any of these individual amendments be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4278

(Purpose: To provide for the incorporation of a classified annex)

At the end of subtitle A of title X, add the following:

SEC. 1008. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the Senate to accompany S. 2766 of the 109th Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for such program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

AMENDMENT NO. 4279

(Purpose: To modify the limitations applicable to payments under incentives clauses in chemical demilitarization contracts)

On page 93, strike lines 23 through 25 and insert the following:

(c) ADDITIONAL LIMITATION ON PAYMENTS.—

(1) PAYMENT CONDITIONAL ON PERFORMANCE.—No payment may be made under an incentives clause under this section unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

(2) PAYMENT CONTINGENT ON APPROPRIATIONS.—An incentives clause under this section shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this section.

AMENDMENT NO. 4280

(Purpose: To repeal requirements for certain reports applicable to other nations)

At the end of subtitle B of title XII, add the following:

SEC. 1223. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is amended by striking subsections (c) and (d).

(b) COST-SHARING REPORT.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2894; 22 U.S.C. 1928 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

AMENDMENT NO. 4200

(Purpose: To modify the requirements for contingency program management to require only a Department of Defense plan for such management)

On page 358, strike lines 18 and 19 and insert the following:

SEC. 864. DEPARTMENT OF DEFENSE PLAN FOR CONTINGENCY PROGRAM MANAGEMENT.

On page 358, beginning on line 21, strike ''Secretary of Defense'' and all that follows through ''interagency plan'' and insert ''Secretary of Defense shall develop a plan for the Department of Defense''.

On page 359, beginning on line 1, strike ''interagency plan'' and insert ''plan of the Department of Defense''.

On page 359, line 17, strike ''United States Government'' and insert ''Department''.

On page 360, line 20, strike ''government procedures'' and insert ''procedures for the Department''.

On page 361, between lines 6 and 7, insert the following:

(c) UTILIZATION IN PLAN FOR INTERAGENCY PROCEDURES FOR STABILIZATION AND RECONSTRUCTION OPERATIONS.—To the extent practicable, the elements of the plan of the Department of Defense for contingency program management required by subsection (a) shall be taken into account in the development of the plan for the establishment of interagency operating procedures for stabilization and reconstruction operations required by section 1222.

AMENDMENT NO. 4201

(Purpose: To make a technical correction to section 871, relating to a clarification of authority to carry out certain prototype projects)

On page 362, line 1, strike ''by striking'' and insert ''by inserting''.

AMENDMENT NO. 4198

(Purpose: To improve the authorities relating to policies and practices on test and evaluation to address emerging acquisition approaches)

On page 51, between lines 16 and 17, insert the following:

(a) REPORTS ON CERTAIN DETERMINATIONS TO PROCEED BEYOND LOW-RATE INITIAL PRODUCTION.—Section 2399(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) If, before a final decision is made within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production, a decision is made within the Department to proceed to operational use of the program or allocate funds available for procurement for the program, the Director shall submit to the Secretary of Defense and the congressional defense committees the report with respect to the program under paragraph (2) as soon as practicable after the decision under this paragraph is made.''.

On page 51, line 17, strike ''(a)'' and insert ''(b)''.

On page 51, line 20, insert ''and the Director of Operational Test and Evaluation'' after ''Logistics''.

On page 51, beginning on line 22, strike ''in light'' and all that follows through line 23 and insert ''in order to—

(A) reaffirm the test and evaluation principles that guide traditional acquisition programs; and

(B) determine how best to apply such principles to emerging acquisition approaches.''

On page 52, line 4, strike ''shall issue'' and insert ''and the Director shall jointly issue''.

On page 52, strike lines 7 through 11.

On page 52, line 12, strike ''(b)'' and insert ''(c)''.

On page 52, line 13, strike ''subsection (a)'' and insert ''subsection (b)''.

On page 53, line 18, strike ''(c)'' and insert ''(d)''.

On page 53, line 25, strike ''subsection (a)'' and insert ''subsection (b)''.

On page 54, line 4, strike ''(d)'' and insert ''(e)''.

On page 54, line 8, strike ''subsection (a)'' and insert ''subsection (b)''.

On page 54, line 11, strike ''(e)'' and insert ''(f)''.

On page 54, line 15, insert before the period the following '', which length of time may be not more than 6 years from milestone B to initial operational capability''.

AMENDMENT NO. 4281

(Purpose: To improve the authorities relating to major automated information system programs)

On page 296, between lines 9 and 10, insert the following:

''(c) INCREMENTS.—In the event any increment of a major automated information system program separately meets the requirements for treatment as a major automated information system program, the provisions of this chapter shall apply to such increment as well as to the overall major automated information system program of which such increment is a part.

On page 297, between lines 11 and 12, insert the following:

''(c) BASELINE.—(1) For purposes of this chapter, the initial submittal to Congress of the documents required by subsection (a) with respect to a major automated information system program shall constitute the original estimate or information originally submitted on such program for purposes of the reports and determinations on program changes in section 2445c of this title.

''(2) An adjustment or revision of the original estimate or information originally submitted on a program may be treated as the original estimate or information originally submitted on the program if the adjustment or revision is the result of a critical change in the program covered by section 2445c(d) of this title.

''(3) In the event of an adjustment or revision to the original estimate or information originally submitted on a program under paragraph (2), the Secretary of Defense shall include in the next budget justification documents submitted under subsection (a) after

such adjustment or revision a notification to the congressional defense committees of such adjustment or revision, together with the reasons for such adjustment or revision.

On page 302, between lines 19 and 20, insert the following:

''(g) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If the determination of a critical change to a program is made by the senior Department official responsible for the program under subsection (d)(2) and a report is not submitted to Congress within the 60-day period provided by subsection (d)(1), appropriated funds may not be obligated for any major contract under the program.

''(2) The prohibition on the obligation of funds for a program under paragraph (1) shall cease to apply on the date on which Congress has received a report in compliance with the requirements of subsection (d)(2).

AMENDMENT NO. 4282

(Purpose: To require a report assessing the desirability and feasibility of incentives to encourage certain members and former members of the Armed Forces to serve in the Bureau of Customs and Border Protection)

At the end of subtitle G of title X, add the following:

SEC. 1065. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

AMENDMENT NO. 4283

(Purpose: Relating to energy efficiency in the weapons platforms of the Armed Forces)

At the end of subtitle F of title III, add the following:

SEC. 375. ENERGY EFFICIENCY IN WEAPONS PLATFORMS.

(a) POLICY.—It shall be the policy of the Department of Defense to improve the fuel efficiency of weapons platforms, consistent with mission requirements, in order to—

(1) enhance platform performance;

(2) reduce the size of the fuel logistics systems;

(3) reduce the burden high fuel consumption places on agility;

(4) reduce operating costs; and

(5) dampen the financial impact of volatile oil prices.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense in implementing the policy established by subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of the feasibility of designating a senior Department of Defense official to be responsible for implementing the policy established by subsection (a).

(B) A summary of the recommendations made as of the time of the report by—

(i) the Energy Security Integrated Product Team established by the Secretary of Defense in April 2006;

(ii) the Defense Science Board Task Force on Department of Defense Energy Strategy established by the Under Secretary of Defense for Acquisition, Technology and Logistics on May 2, 2006; and

(iii) the January 2001 Defense Science Board Task Force report on Improving Fuel Efficiency of Weapons Platforms.

(C) For each recommendation summarized under subparagraph (B)—

(i) the steps that the Department has taken to implement such recommendation;

(ii) any additional steps the Department plans to take to implement such recommendation; and

(iii) for any recommendation that the Department does not plan to implement, the reasons for the decision not to implement such recommendation.

(D) An assessment of the extent to which the research, development, acquisition, and logistics guidance and directives of the Department for weapons platforms are appropriately designed to address the policy established by subsection (a).

(E) An assessment of the extent to which such guidance and directives are being carried out in the research, development, acquisition, and logistics programs of the Department.

(F) A description of any additional actions that, in the view of the Secretary, may be needed to implement the policy established by subsection (a).

AMENDMENT NO. 4284

(Purpose: To modify limitations on assistance under the American Servicemembers' Protection Act of 2002)

At the end of subtitle A of title XII, add the following:

SEC. 1209. MODIFICATION OF LIMITATIONS ON ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

Section 2013(13)(A) of the American Servicemembers' Protection Act of 2002 (title II of Public Law 107–206; 116 Stat. 909; 22 U.S.C. 7432(13)(A)) is amended by striking ''or 5''.

AMENDMENT NO. 4252

(Purpose: To amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes)

At the end of title X of division A, insert the following:

SEC. 1084. COURT SECURITY IMPROVEMENTS.

(a) JUDICIAL BRANCH SECURITY REQUIREMENTS.—

(1) ENSURING CONSULTATION AND COORDINATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult and coordinate with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government.''.

(2) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult and coordinate with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government.''.

(b) PROTECTION OF FAMILY MEMBERS.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

(c) EXTENSION OF SUNSET PROVISION.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking ''2005'' each place that term appears and inserting ''2009''.

(d) PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

''(a) Whoever files or attempts to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of a Federal judge or a Federal law enforcement official, on account of the performance of official duties by that Federal judge or Federal law enforcement official, knowing or having reason to know that such lien or encumbrance is false

or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.

''(b) As used in this section—

''(1) the term 'Federal judge' means a justice or judge of the United States as defined in section 451 of title 28, United States Code, a judge of the United States Court of Federal Claims, a United States bankruptcy judge, a United States magistrate judge, and a judge of the United States Court of Appeals for the Armed Forces, United States Court of Appeals for Veterans Claims, United States Tax Court, District Court of Guam, District Court of the Northern Mariana Islands, or District Court of the Virgin Islands; and

''(2) the term 'Federal law enforcement officer' has the meaning given that term in section 115 of this title and includes an attorney who is an officer or employee of the United States in the executive branch of the Government.''.

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

(e) PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.—

(1) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 118. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

''(a) Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to kill, kidnap, or inflict bodily harm upon, or to threaten to kill, kidnap, or inflict bodily harm upon, that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

''(b) As used in this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114;

''(B) a Federal judge or Federal law enforcement officer as those terms are defined in section 1521; or

''(C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

''(3) the term 'immediate family' has the same meaning given that term in section 115(c)(2).''.

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''Sec. 117. Domestic assault by an habitual offender.

''Sec. 118. Protection of individuals performing certain official duties.''.

(f) PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.—Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

(g) CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.—Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

(h) WITNESS PROTECTION GRANT PROGRAM.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

''PART JJ—WITNESS PROTECTION GRANTS

''SEC. 3001. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

''(b) USES OF FUNDS.—Grants awarded under this part shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for witness and victim protection programs;

''(2) has a serious violent crime problem in the jurisdiction; and

''(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.''.

(i) GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.—

(1) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.''.

(j) ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.—

(1) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(B) in subsection (b), by inserting after the period the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(2) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(A) striking ''80'' and inserting ''70'';

(B) striking ''and 10'' and inserting ''10''; and

(C) inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(l) BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.—

(1) BANKRUPTCY JUDGES.—Section 153 of title 28, United States Code, is amended by adding at the end the following:

''(e) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a bankruptcy judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(2) UNITED STATES MAGISTRATE JUDGES.—Section 634(c) of title 28, United States Code, is amended—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by adding at the end the following:

''(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a magistrate judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(3) TERRITORIAL JUDGES.—

(A) GUAM.—Section 24 of the Organic Act of Guam (48 U.S.C. 1424b) is amended by adding at the end the following:

''(c) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(B) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821) is amended by adding at the end the following:

''(5) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(C) VIRGIN ISLANDS.—Section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)) is amended—

(i) by inserting ''(1)'' after ''(a)''; and

(ii) by adding at the end the following:

''(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(m) HEALTH INSURANCE FOR SURVIVING FAMILY AND SPOUSES OF JUDGES.—Section 8901(3) of title 5, United States Code, is amended—

(1) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (D), by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(E) a member of a family who is a survivor of—

''(i) a Justice or judge of the United States, as defined under section 451 of title 28, United States Code;

''(ii) a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands;

''(iii) a judge of the United States Court of Federal Claims; or

''(iv) a United States bankruptcy judge or a full-time United States magistrate judge.''.

AMENDMENT NO. 4225

(Purpose: To require that, not later than March 31, 2007, the Secretary of the Army transport to an authorized disposal facility for appropriate disposal all of the Federal Government-furnished uranium in the chemical and physical form in which it is stored at the Sequoyah Fuels Corporation site in Gore, Oklahoma)

At the end of division C, add the following new title:

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. TRANSFER OF GOVERNMENT-FURNISHED URANIUM STORED AT SEQUOYAH FUELS CORPORATION, GORE, OKLAHOMA.

(a) TRANSPORT AND DISPOSAL.—Not later than March 31, 2007, the Secretary of the Army shall, subject to subsection (c), transport to an authorized disposal facility for appropriate disposal all of the Federal Government-furnished uranium in the chemical and physical form in which it is stored at the Sequoyah Fuels Corporation site in Gore, Oklahoma.

(b) SOURCE OF FUNDS.—Funds authorized to be appropriated by section 301(1) for the Army for operation and maintenance may be used for the transport and disposal required under subsection (a).

(c) LIABILITY.—The Secretary may only transport uranium under subsection (a) after receiving from Sequoyah Fuels Corporation a written agreement satisfactory to the Secretary that provides that—

(1) the United States assumes no liability, legal or otherwise, of Sequoyah Fuels Corporation by transporting such uranium; and

(2) the Sequoyah Fuels Corporation waives any and all claims it may have against the United States related to the transported uranium.

AMENDMENT NO. 4218

(Purpose: To express the sense of the Senate regarding the Chemical Weapons Convention)

On page 437, between lines 2 and 3, insert the following:

SEC. 1084. SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the ''Chemical Weapons Convention''), requires all United States chemical weapons stockpiles be destroyed by no later than the extended deadline of April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention;

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees separately or as part of another required report; and

(3) the Secretary of Defense should make every effort to ensure adequate funding to complete the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

AMENDMENT NO. 4285

(Purpose: To improve authorities to address urgent nonproliferation crises and United States nonproliferation operations)

On page 480, between lines 4 and 5, insert the following:

SEC. 1304. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.

(a) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

AMENDMENT NO. 4286

(Purpose: To provide for the applicability of certain requirements to the acquisition of certain specialty metals)

Strike section 822 and insert the following:

SEC. 822. APPLICABILITY OF CERTAIN REQUIREMENTS REGARDING SPECIALTY METALS.

(a) EXEMPTION FOR CERTAIN COMMERCIAL ITEMS.—Subsection (i) of section 2533a of title 10, United States Code, is amended—

(1) by inserting '', DUAL-USE ITEMS, AND ELECTRONIC COMPONENTS'' after ''COMMERCIAL ITEMS'';

(2) by inserting ''(1)'' before ''this section'';

(3) in paragraph (1), as so designated, by inserting ''described in subsection (b)(1)'' after ''commercial items''; and

(4) by adding at the end the following new paragraphs:

''(2) This section is not applicable to—

''(A) a contract or subcontract for the procurement of a commercial item containing specialty metals described in subsections (b)(2) and (b)(3); or

''(B) specialty metals that are incorporated into an electronic component, where the value of the specialty metal used in the component is de minimis in relation to the value of the electronic component.

''(3) For purposes of paragraph (2)(A), a commercial item does not include—

''(A) any item that contains noncommercial modifications that cost or are expected to cost, in the aggregate, more than 5 percent of the total price of such item;

''(B) any item that would not be considered to be a commercial item, but for sales to government entities or inclusion in items that are sold to government entities;

''(C) forgings or castings for military unique end items;

''(D) fasteners other than commercial off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c)); or

''(E) specialty metals.''.

(b) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Such section is further amended by adding at the end the following new subsection:

''(k) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Subsection (a) does not apply to the procurement of an item from a contractor or a first-tier subcontractor if the Secretary of Defense or the Secretary of a military department determines that—

''(1) the item is or will be produced using the same production facilities, a common supply chain, and the same or similar production processes that are used for the production of similar items delivered to non-defense customers; and

''(2) the contractor or subcontractor has made a contractual commitment to purchase a quality, grade, and amount of domestically-melted specialty metals for use by the purchaser during the period of contract performance in the production of the item and other similar items delivered to non-defense customers that is not less that the greater of—

''(A) the amount of specialty metals that is purchased by the contractor for use in the item delivered to the Department of Defense; or

''(B) 40 percent of the amount of specialty metals purchased by the contractor or subcontractor for use during such period in the production of the item and similar items delivered to non-defense contractors.''.

(c) DE MINIMIS STANDARD FOR SPECIALTY METALS.—Such section is further amended by adding at the end the following new subsection:

''(l) MINIMUM THRESHOLD FOR SPECIALTY METALS.—Notwithstanding the requirements of subsection (a), the Secretary of Defense or the Secretary of a military department may accept delivery of an item containing specialty metals that were not grown, reprocessed, reused, or produced in the United States if the total amount of noncompliant specialty metals in the item does not exceed 2 percent of the total amount of specialty metals in the item.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c) shall take effect on the date of the enactment of this Act, and shall apply with respect to items accepted for delivery on or after that date.

(2) CIVIL-MILITARY INTEGRATION.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to contracts entered into on or after that date.

AMENDMENT NO. 4199

(Purpose: To authorize a pilot program on the expanded use of mentor-protege authority)

At the end of subtitle E of title VIII, add the following:

SEC. 874. PILOT PROGRAM ON EXPANDED USE OF MENTOR-PROTEGE AUTHORITY.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of treating small business concerns described in subsection (b) as disadvantaged small business concerns under the Mentor-Protege Program under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note).

(b) COVERED SMALL BUSINESS CONCERNS.—The small business concerns described in this subsection are small business concerns that—

(1) are participants in the Small Business Innovative Research Program of the Department of Defense established pursuant to section 9 of the Small Business Act (15 U.S.C. 638); and

(2) as determined by the Secretary, are developing technologies that will assist in detecting or defeating Improvised Explosive Devices (IEDs) or other critical force protection measures.

(c) TREATMENT AS DISADVANTAGED SMALL BUSINESS CONCERNS.—

(1) IN GENERAL.—For purposes of the pilot program, the Secretary may treat a small business concern described in subsection (b) as a disadvantaged small business concern under the Mentor-Protege Program.

(2) MENTOR-PROTEGE AGREEMENT.—Any eligible business concerned approved for participation in the Mentor-Protege Program as a mentor firm may enter into a mentor-protege agreement and provide assistance described in section 831 of the National Defense Authorization Act for Fiscal Year 1991 with respect to a small business concern treated under paragraph (1) as a disadvantaged small business concern under the Mentor-Protege Program.

(d) FUNDING.—

(1) IN GENERAL.—Notwithstanding the limitation in section 9(f)(2) of the Small Business Act (15 U.S.C. 638(f)(2)), funds for any reimbursement provided to a mentor firm under section 831(g) of the National Defense Authorization Act for Fiscal Year 1991 with respect to a small business concern described in subsection (b) under the pilot program shall be derived from funds available for the Small Business Innovative Research Program of the Department of Defense.

(2) LIMITATION.—The amount available under paragraph (1) for reimbursement described in that paragraph may not exceed the amount equal to one percent of the funds available for the Small Business Innovative Research Program.

(e) SUNSET.—

(1) AGREEMENTS.—No mentor-protege agreement may be entered into under the pilot program after September 30, 2010.

(2) OTHER MATTERS.—No reimbursement may be paid, and no credit toward the attainment of a subcontracting goal may be granted, under the pilot program after September 30, 2013.

(f) REPORT.—Not later than March 1, 2009, the Secretary shall submit to the appropriate committees of Congress a report on the pilot program. The report shall—

(1) describe the extent to which mentor-protege agreements have been entered under the pilot program; and

(2) describe and assess the technological benefits arising under such agreements.

(g) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services, Appropriations, and Small Business and Entrepreneurship of the Senate; and

(B) the Committees on Armed Services and Appropriations of the House of Representatives.

(2) The term ''small business concern'' has the meaning given that term in section 831(m)(1) of the National Defense Authorization Act for Fiscal Year 1991.

AMENDMENT NO. 4287

(Purpose: Expressing the sense of the Senate on the nomination of an individual to serve as Director of Operational Test and Evaluation of the Department of Defense on a permanent basis)

At the end of subtitle C of title IX, add the following:

SEC. 924. SENSE OF SENATE ON NOMINATION OF INDIVIDUAL TO SERVE AS DIRECTOR OF OPERATIONAL TEST AND EVALUATION ON A PERMANENT BASIS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Congress established the position of Director of Operational Test and Evaluation of the Department of Defense in 1983 to ensure the operational effectiveness and suitability of weapon systems in combat.

(2) The Director of Operational Test and Evaluation serves as the principal adviser to the Secretary of Defense on operational test and evaluation and is vital to ensuring the operational effectiveness of weapon systems in combat.

(3) The position of Director of Operational Test and Evaluation has been held on an acting basis since February 15, 2005.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should submit to the Senate the nomination of an individual for the position of Director of Operational Test and Evaluation as soon as practicable.

Mr. REID. Mr. President, I have an amendment to provide compensation for civilian veterans of the Cold War who contracted cancer as a result of their work at our nuclear weapons facilities.

My amendment will ensure that employees who worked at the Nevada Test Site during the years of above- and below-ground nuclear weapons testing and suffer from radiation-induced cancers as a result of that work finally receive the compensation they deserve. These Cold War veterans sacrificed their health and well-being for their country. We can wait no longer to acknowledge those sacrifices and to try, in some small way, to compensate for the cancers they have suffered as a result of their service to their country.

U.S. citizens have served their country working in facilities producing and testing nuclear weapons and engaging in other atomic energy defense activities that served as a deterrent during the Cold War. Many of these workers were exposed to cancer-causing levels of radiation and placed in harm's way by the Department of Energy and contractors, subcontractors, and vendors of the Department without the knowledge and consent of the workers, without adequate radiation monitoring, and without necessary protections from internal or external occupational radiation exposures.

Six years ago, I worked with President Clinton to pass The Energy Employees Occupational Illness Compensation Program Act of 2000, EEOICPA, to ensure fairness and equity for the men and women who performed duties uniquely related to the nuclear weapons production and testing programs by establishing a program that would provide timely, uniform, and adequate compensation for 22 specified radiation-related cancers.

Research by the Department of Energy, the National Institute for Occupational Safety and Health, NIOSH, NIOSH's contractors, the President's Advisory Board on Radiation and Worker Health, and congressional committees indicates that workers were not adequately monitored for internal or external exposures to ionizing radiation to which the workers were exposed and records were not maintained, are not reliable, are incomplete, or fail to indicate the radioactive isotopes to which workers were exposed.

Because of the inequities posed by the factors described above and the resulting harm to the workers, EEOICPA has an expedited process for groups of workers whose radiation dose cannot be estimated with sufficient accuracy or whose dose cannot be estimated in a timely manner. These workers are placed into a Special Exposure Cohort, SEC. Workers in an SEC do not have to go through the dose reconstruction process, which can take years and be extremely difficult as these workers are often unable to produce information because it was or is classified.

Congress has already legislatively designated classes of atomic energy veterans at the Paducah, Kentucky, Portsmouth, Ohio, Oak Ridge K–25, Tennessee, and the Amchitka Island, AK, sites as members of the special exposure cohort under EEOICPA. Amchitka Island was designated because three underground nuclear tests were conducted on the Island.

Nevada Test Site workers deserve the same designation.

I and many other Nevadans remember watching explosions at the Nevada Test Site. We were struck with awe and wonder at the power and strength of these explosions. Little did we know that there was another side to those atomic tests—the exposure of men and women working at the site to cancer-causing substances. Now, hundreds, perhaps thousands, of these Cold War veterans face deadly cancers. Many have already passed away.

The contribution of the State of Nevada to the security of the United States throughout the Cold War and since has been unparalleled. In 1950, President Harry S. Truman designated what would later be called the Nevada Test Site as the Nation's nuclear proving grounds and, a month later, the first atmospheric test at the Nevada Test Site was detonated. The United States conducted 100 aboveground and 828 underground nuclear tests at the Nevada Test Site from 1951 to 1992. Out of the 1054 nuclear tests conducted in the United States, 928, or 88 percent, were conducted at the Nevada Test Site.

Unfortunately, Nevada Test Site workers, despite having worked with significant amounts of radioactive materials and having known exposures leading to serious health effects, have been denied compensation under EEOICPA as a result of flawed calculations based on records that are incomplete or in error as well as the use of faulty assumptions and incorrect models.

It has become evident that it is not feasible to estimate with sufficient accuracy the radiation dose received by employees at the Department of Energy facility in Nevada known as Nevada Test Site at all in some cases and in others in a timely manner. In fact, the administration has admitted that it cannot construct internal radiation dose for workers employed on the site during the aboveground test and yet is still balking at full compensation for all of these workers. There are many reasons for this, including inadequate monitoring, incomplete radionuclide lists, and DOE's ignoring nearly a dozen tests conducted at the site that vented. Because of these problems, Nevada Test Site workers have been denied compensation under the act, some of which have waited for decades for their Government to acknowledge the sacrifices they made for their country and compensate them.

Unfortunately, 6 years since the passage of EEOICPA and in some cases decades after their service to their country, very few of those Nevada Test Site Cold War veterans who have cancer have received compensation. In fact, Nevada Test Site workers are receiving compensation at a rate lower than the national average, and many who have waited decades are being told that they have to wait longer. And many have already died while waiting for their compensation.

Last November, I sent a letter to President Bush asking him to initiate this process himself. He still has not responded. However, his administration is trying to rewrite the law via regulation and cut funding to this program in order to delay compensation further and halt it for some workers altogether.

This is unacceptable.

That is why I am committed to ensuring that Nevada Test Site workers through 1993 are designated as a ''special exposure cohort.'' This will streamline and speed up the recovery process for those workers.

My amendment would ensure employees and survivors of employees who worked at the Nevada Test Site through 1993 that they receive compensation. They helped this country win the Cold War, sacrificing their personal health in the process, and after decades of waiting and suffering, it is time the Government honored these sacrifices.

This bill would include within the special exposure cohort Nevada Test Site workers employed at the site from 1950 to 1993 who were present during an atmospheric or underground nuclear test or performed drillbacks, reentry, or cleanup work following such tests; present at an episodic event involving radiation release; or employed at Nevada Test Site for at least 250 workdays and in a job activity that was monitored for exposure to ionizing radiation or worked in a job activity that is or was comparable to a job that is, was, or should have been monitored for exposure to ionizing radiation.

The Nevada Test Site has served, and continues to serve, as the premier research, testing, and development site for our nuclear defense capabilities. The Nevada Test Site and its workers have been, and are, an essential and irreplaceable part of our Nation's defense capabilities. This bill would honor the service of our atomic energy veterans and provide them with the compensation they deserve.

I urge my colleagues to join me in supporting this amendment.

Mr. WARNER. Mr. President, I thank my distinguished ranking member for his always cooperative efforts to move this bill along. I think we have made progress on the bill.

Mr. LEVIN. Somehow or other, we did make progress.

Mr. WARNER. We did make progress. There will be a briefing in S–407 tomorrow with regard to operations in Iraq. Members of the Senate are invited. I expect we will convene in the morning under an order later this evening from the leadership, but we will be back on the bill for some period of time tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, you can imagine the surprise, the consternation of so many who woke up this morning and read on the front page of the Washington Post that the Prime Minister of Iraq suggested he would grant amnesty to those who killed, maimed, hurt Americans. This was just appalling.

I rise in support of the resolution offered by my colleagues from Florida and New Jersey to, first, condemn those despicable remarks, and, second, to importune our President, President Bush, to make sure the Prime Minister of Iraq retracts those remarks and registers the strong disapproval of this Senate and of our Nation about what happened.

To give those who shot at, sometimes killed, often maimed Americans a get-out-of-jail-free card is nothing short of despicable and a slap in the face to all Americans. We have been told we are in Iraq for the noblest of purposes—to bring peace and democracy. When the head of state of that country says it is okay if you shot at American troops, it defies belief, it defies credibility.

The bottom line is our President stood with Prime Minister Maliki just a day or two ago and said he looked him in the eye and saw he was a good man. President Bush must have missed something. Clearly, no one can be a good man and state that it would be okay to give amnesty to those who shot at our soldiers.

This is something which calls into question the whole endeavor in Iraq. If this is the man we are relying on to get us out of the morass, to lead a government, and he is able to say that those who shot at our soldiers should be given amnesty while those who shot at Iraqis should not, something is dramatically wrong.

I will never forget when our President said he met President Putin, looked in his eye, and found he was a good man. Yet we have had trouble with President Putin ever since.

Something is desperately the matter. We need to do a few things. We need to pass this resolution immediately and register our condemnation of the remarks.

President Bush, America is asking you to demand a retraction from the Prime Minister of Iraq of these despicable words or America can no longer support sending soldiers to defend Iraqi freedom, to defend Iraqi peace. How can we, our soldiers, and their families go over to Iraq if, when they are shot at by renegade Iraqis, those Iraqis may be given amnesty and a pat on the back? That is despicable. It is so wrong.

I have spent time with families who have lost loved ones in Iraq. I have spent hours seeing our soldiers off to victory, watching as their families, their wives, their husbands, and their children, with tears in their eyes, watched them board the planes and the transports. For these families, while their beloved men and women are over there, to read that the Prime Minister of Iraq would grant amnesty to someone who tried to kill that soldier who is bravely serving, how would they feel?

President Bush must get on the phone, if he has not already, with the Iraqi Prime Minister and demand a retraction. If not, the American people, and particularly the soldiers and their families, deserve an explanation about what is going on over there. Again, to give a get-out-of-jail-free card to those who shoot at American soldiers while those soldiers are trying to defend freedom and peace in Iraq boggles the mind.

Another question: How can we rely on this man, this new Prime Minister Maliki, as an ally if he says this? My faith in him is shaken to the core. What will happen 2 months from now or 6 months from now?

This is a serious issue. I hope my colleagues will pay attention. It is serious

because of the honor of our soldiers. It is serious because it casts doubt on the future of whatever plan there is in Iraq. It is serious mostly because it is an inhumane and nasty comment that negativizes all the sacrifices our people have made.

I hope our President will act. He has been silent today. There is no clarification. There is no discussion of a phone call. There is no expression of outrage from the White House. I hope that will change and change soon. If it doesn't, it has to call into doubt everything we are trying to do over there. This was not a happy day for what is going on in Iraq because of that awful newspaper story this morning and what it reported. I hope, I pray, things will change.

I certainly urge my colleagues to support unanimously the resolution offered by my colleague from Florida and my colleague from New Jersey, that I am proud to support, asking for that change.

Mr. President, I yield the floor and 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. SARBANES. 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. SARBANES. Mr. President, I understand the Senate is in morning business?

The PRESIDING OFFICER. We are in morning business with 10-minute grants.

TRIBUTE TO SENATOR ROBERT C. BYRD

Mr. SARBANES. Mr. President, earlier in the week, on Monday to be exact, Senator ROBERT C. BYRD, our very distinguished colleague, became the longest serving Senator in the history of the U.S. Senate. It is obviously a moment to celebrate and recognize his accomplishments in the service of the Nation. Our celebration is tempered only by the fact that his beloved wife Erma, with whom he spent nearly 69 years of marriage, passed away recently.

I want to join my colleagues who, in the course of this week, have paid tribute to the senior Senator from West Virginia. Senator BYRD this year completes his eighth Senate term, having first been elected to the Senate in 1958. Prior to that, he served 6 years in the U.S. House of Representatives and, before that, 6 years in the West Virginia legislature.

In his now almost 48 years in the U.S. Senate, he has held an extraordinary range of committee and subcommittee assignments and has served in leadership positions as secretary of the majority conference, majority whip, minority leader, majority leader, and President pro tempore. His vote has been recorded on nearly 99 percent of all Senate rollcalls since 1958. Indeed, he has cast far more votes than any other Senator in our Nation's history.

It is not for his longevity, however, that we honor our colleague, the senior Senator from West Virginia. It is, rather, the manner in which he has faithfully carried out his responsibilities as a U.S. Senator and his abiding dedication to the Constitution of the United States and the system of government it created. No Member of the U.S. Congress understands better than Senator BYRD the Constitution's role in framing our lives as Americans. As he has written:

> Only the Constitution's genius affords our people the powers and prerogatives that truly keep us a free nation, most centrally through maintenance of the checks and balances and separation of powers.

Over many years, while vigorously and effectively representing the people of West Virginia, Senator BYRD has made the study, exposition, and defense of the Constitution his life's work. In so doing, he has spoken not only for West Virginians but for us all. If, as Senator BYRD has said, the Senate functions as the central pillar of our constitutional system, then I would say that Senator BYRD himself is the central pillar of the Senate. His commitment to the Senate and its history, its custom, and procedures is equaled only by his commitment to the State of West Virginia, our Nation, and our Constitution.

No one is more keenly attuned to the Senate's role in assuring the proper functioning of our constitutional system. He has studied the Senate's origins in Roman and British history. He has, as he puts it, ''ponder[ed] the lives of the framers and founders and set down a four-volume history of the Senate.'' And he has read the journals and other writings of the early Members of this body. He has mastered the Senate rules to a degree that few, if any, others have ever attained. Even in the most contentious debates, Senator ROBERT C. BYRD remains a steady voice for courtesy and civility. Indeed, his is the voice of courtesy and civility.

Senator BYRD begins his autobiography, ''Child of the Appalachian Coalfields,'' with an observation by William James:

> The best use of life is to invest it in something which will outlast life.

This certainly is what he has done.

It was not foreordained that he would some day be a U.S. Senator from West Virginia. Born in North Carolina, he lost his mother in the great influenza epidemic of 1918, when he was a year old, whereupon he was adopted by an aunt and her husband and moved with them to West Virginia. His adopted father was a coal miner, and he grew up in company towns. He was an excellent student, valedictorian of his high school class, ''a self-styled sort of somebody,'' one high school teacher later said, but his prospects were few. As another teacher observed:

> Knowing the background and how hard it would be to move out from that background, I picture him as being an office man or a scrip clerk at one of the mines.

In those years of the Great Depression, there was obviously no money for college. ROBERT BYRD took what jobs he could get: Shop clerk, butcher, a welder in a Baltimore shipyard during World War II. We were honored to have had him in our State.

In 1946, he was elected to the first of three terms in the State legislature. Of the decision to run for office he has said:

> I grew up in a state where we didn't have much hope. I wanted to help my people and give them hope . . .

He did not abandon his hopes of continuing his education. Upon his election to the U.S. House of Representatives in 1952, he enrolled in law school. When he learned that he would be denied a law degree because he had never received a college degree in the law school in which he had enrolled, he transferred to the Washington College of Law at American University where he went to night classes for 10 years and received his law degree cum laude in 1963—a remarkable achievement. By that time he had been a Senator from West Virginia for 5 years. ROBERT BYRD is the only person ever to have served in either House of Congress to begin and complete a law degree while serving.

Twenty years later, the College of Law at American University honored him as the First Distinguished Fellow of the honor society established by the late dean of the college, a most fitting tribute. Eleven years later, in 1994, he received his bachelor's degree in political science from Marshall University in recognition of the credits accumulated there and other places over a period of many years.

Of the many awards he has received in the course of his long and distinguished career, Senator BYRD has said that none means more to him than the tribute from the Governor and legislature of his State in naming him ''West Virginian of the 20th Century.''

As his colleague here in the Senate for the past 30 years and as one who has the deepest respect and admiration for him and cherishes his counsel and friendship, I submit that he will be remembered not only for his service to his State but for the courage and dedication and tenacity he has shown and continues to show every day in the service of our Nation. It is a privilege to be his colleague here in the U.S. Senate.

I yield the floor.

Mr. AKAKA. Mr. President, it is indeed a privilege and honor for me to join my colleagues in commemorating and honoring my friend and colleague, Senator ROBERT C. BYRD, on the occasion of his becoming the longest serving Senator in the history of our country, passing the old mark of 17,326 days on June 12, 2006. The fact that West Virginians have returned him to the