

This Defense authorization bill is an important piece of legislation. I don't know how else to phrase its importance. We know the security of our Nation depends on things other than this Defense authorization bill. We know we are importing 70 percent of our oil. That is important to the security of our country. For a basic understanding of how to treat our military, this bill is it. These two experienced legislators have worked together for decades on this committee. They have put forward some extremely important issues, including the pay raise for the troops and so many other things, to maintain the integrity of our military. Not to pass a Defense bill—how can we leave here and not do that?

There are 51 Democratic Senators, and every one of them will vote for this legislation. We need help from the other side. Now, did everyone have the opportunity to offer all of the amendments they wanted? The answer is yes. Did they get a chance to vote on them? No, but that is not our fault or the managers' fault. I hope unanimous consent can be reached on a list of amendments and that we will dispose of those as quickly as we can. This would allow Senators to have their voices heard, which could perhaps allow us to pass this without another Republican filibuster. We are probably at about 95 filibusters now, Mr. President.

Once we complete this bill, then we are going to have to move to our energy legislation—first of all, the tax extenders. That is so important. We have an economy that we have talked about a little bit today, about how very shaky it is. If we extend the tax credits for renewable energy, we would create hundreds of thousands of jobs. These are not just jobs where the Sun shines a lot; these are jobs everywhere in America. In my little hometown of Searchlight, NV, renewable energy has hit there. There is a company that is going to put in windmills there. It takes a while, with environmental impact statements, but they have gotten permission in the Federal agencies to do this. That would happen all over America today. But what has happened is that people who have these projects are backing out of them because they don't have the tax credits. You cannot have people investing huge amounts of money for a tax credit of 1 year or 6 months, and the legislation that will be brought before the body will have multiyear, long-term tax credits. That is what we need. That is going to happen. We have worked out an arrangement with the Finance Committee, as I understand it, that it will all be paid for, which I think will be acceptable to both Democrats and Republicans.

Then we are going to have to do the other tax extenders, with AMT and other problems. We cannot pay for all that. I certainly cannot tell the House of Representatives how to do business,

and they don't tell us how to do ours, but I hope they will allow this vote on what we are going to send them.

The Presiding Officer and this Senator from Nevada served in the House of Representatives. When we served there, the leaders we had there never, ever tried to pass legislation just with Democrats, even though we had a significant majority when we served in the House. We always looked to Tip O'Neill and Jim Wright, who were our leaders, and they would go to the Republicans and try to get enough votes to pass it. I hope we can do it. This is passable. We need to do this on the tax credits and tax extenders.

Mr. President, I have expressed to everybody, and I say it here today, that even though I don't think there is going to be immediate relief from drilling, we are going to have some drilling votes here. It is the consensus of the American people, and both Democrats and Republicans, that we should have some drilling votes. We are going to do that. Senator BINGAMAN came up with a proposal that he worked on for weeks. We will do that, and then we will move to what the Republicans want. We will vote on that, and then we are going to have the bipartisan proposal of the Gang of 10. In the meantime, we will get from the House, I think, a bill they will pass over there dealing with energy. As I understand it, it won't have any of the tax extenders on it, but it will have a number of important issues to people over here.

Then there are a lot of things we need to deal with, which I have talked about briefly. I hope we can get direction from the President. We can call it a stimulus bill, supplemental appropriations, emergency funding—call it whatever you want, but we have real problems out there in our country that deserve Federal attention. We hope we can get something done there.

Then we have the continuing resolution we have to do so we can fund the Government. I can only speak for myself and my counterpart, Senator MCCONNELL, will have to speak for himself, but I think it is our initial hope that we can fund the Government until sometime in February. But if not, then we will have to come back here for a lame-duck session. But we have to fund the Government. We tried in the past, on one occasion, to shut down the Government, and it didn't work very well. We are going to do everything we can to make sure that does not happen.

During this period of time, we have a variety of other bipartisan pieces of legislation that the House has passed and that we need to try to move forward on. We hope we can do that.

Again, we may have to have some votes on Friday, and hopefully not over the weekend, but this is important business that we need to do and so little time left to do it. The American people expect us to get it done. Every-

one should look at their schedules this weekend to see what we can get done so we don't have to be here for an extended period of time.

This Defense bill should pass, and after that, we would have to have a very quick conference with the House. Certainly, people work on these bills for a long time, both the Senate managers and the House managers, so that can be completed.

As to this energy legislation, I hope the House will take what we do with all the tax extenders.

We talked about the other business that needs to be done. There is a limited number of items we need to do, but we cannot leave unless we do them.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature.

Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. I thank the Presiding Officer.

Mr. President, I will speak momentarily, but I wish to defer to the distinguished chairman, and I will follow him with brief remarks.

I will continue, Mr. President. I wish to say on behalf of my staff and that of the distinguished chairman, we have an old saying in the Navy: "All hands on deck." Both staffs were present throughout the weekend. I am pleased to advise the Chair and other Senators following this proceeding that we have put together a significant package of amendments on which we use the phrase around here "both sides of the aisle agreed upon." But I will leave it to the chairman to address that issue.

I believe I am under the instruction of my Republican leader at this time that I am not able to agree to a UC request. But I do hope that can be resolved very quickly and that we can move to that package and receive such other amendments as Senators may wish to call up. There are some 250 pending at the desk and at such time the chairman and I are ready to work with Members on trying to resolve those amendments or otherwise have votes. I know a number of amendments are pending that will require votes.

The ACTING PRESIDENT pro tempore. The Senator from Michigan, the chairman of the committee.

Mr. LEVIN. Mr. President, I thank my friend from Virginia. First, we have, I think, about 50 or more amendments that our staffs have worked very hard on and we have been consulted on, obviously, which we will be able to vote on hopefully today, if possible, and if not, as soon as we get clearance from Senator WARNER's side, we will be happy to proceed with them. We are going to keep working on additional amendments.

In the meantime, we are together working to try to come up with a unanimous consent request which can get the approval of this body. We need Members to come to the floor to try to work with us on those amendments. Where rollcalls are going to be necessary, we can fit them in at sometime prior, hopefully, to the vote on cloture. As the leader said, we need to have a unanimous consent agreement in hand prior to that cloture vote for the sake of the body.

I worry a great deal about the future of our bill. I say "our bill" because this is a bipartisan bill. This is not a partisan committee, and it is not a partisan bill. I worry about what is going to happen to our bill if we cannot either get a unanimous consent agreement or cloture tomorrow—one or the other.

We will continue to be here this afternoon. Hopefully, colleagues will come to the floor and work with us and our staffs to either work out amendments or, if rollcalls are necessary, to find a spot for those rollcalls to take place.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I begin by commending the chairman and the ranking member on working very hard on an extremely important bill. I rise in my position as the vice chairman of the Intelligence Committee to ask consent that we be able to add an amendment which deals with the intelligence portion of the Defense authorization and appropriations bills that I feel must be addressed.

I ask unanimous consent to set aside the pending amendments and call up amendment No. 5387.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. I object, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BOND. Mr. President, I am not surprised. I am disappointed that my effort to simply call up one of seven amendments I filed to the Defense authorization bill is being denied. Our very distinguished, articulate majority leader has said it is not his fault if people can't get votes. I should note that he has filled up the tree, a procedural move that denies a vote on any non-majority leader-approved amendment.

I now will explain why I think these provisions are vitally important. These are measures that have been dealt with and approved by this body and the other body in some instances, by this body in some instances, and by the Intelligence Committee in other times.

The amendment I tried to call up, as well as the other six I filed, is important not only for the intelligence community but for congressional oversight as we continue to fight this war on terror.

Unfortunately, for reasons that make no sense to me, I have been informed there is a desire not to entertain any amendments relating to the intelligence community on the bill. We have seen from the 9/11 Commission and most other observers of the legislative process that the one area of the 9/11 Commission recommendations, on a bipartisan basis, that has not been adopted has been to combine the intelligence authorization and appropriations process. I am here today to offer some amendments that would effect that coordination.

I join with my other colleagues who have indicated they refuse to acquiesce in a UC agreement until such time as we can work out a reasonable accommodation. I want to see this bill passed. Obviously, it is critically important, but so is stopping the waste of billions of dollars and improving the operations of the intelligence community. It is a mistake, and I cannot agree to a UC agreement until we have had some resolution of these questions.

It is certainly no surprise to the occupant of the chair, who is a valued member of both the Defense authorization committee and the Intelligence Committee, that the intelligence community has been without essential oversight as ordinarily provided in the authorization process.

Our efforts in the Intelligence Committee to have a bill signed into law last year were derailed by partisan provisions that ultimately resulted in a Presidential veto. The same poison pills were put into this year's intelligence authorization bill. So it will not move forward. As vice chairman of the Intelligence Committee, I believe it is time to take partisan games out of the intelligence oversight. I believe it is high time to return to congressional oversight of intelligence activities by the executive branch.

It is ironic that some of my colleagues have been so vocal, and at times biting, in their criticism of the administration's intelligence spending programs. Yet when we now have the opportunity to seek congressional oversight over them, they seek to deny us the opportunity to do so. It is almost as if some would rather have a reason to criticize the system rather than the opportunity to fix it.

I am here today to ask for the opportunity to begin to fix it. So I filed these amendments—good, sound provisions that have good bipartisan support and I believe will improve not only our oversight but the work of the Intelligence Committee.

Each one of these amendments was included in the Intelligence Committee's 2009 authorization bill, and almost all were part of the 2008 bill. So there are no surprises here.

First among them is amendment No. 5387 that authorizes funds for the intelligence community's budget. How much more fundamental can we get? That sets out the parameters for the intelligence community, just as the overall Armed Services Committee bill sets out parameters for appropriations by the Defense Appropriations Subcommittee on defense issues.

The first amendment combines five sections from the Intelligence Committee's 2009 authorization act and authorizes different types of funding for the intelligence community—the National Intelligence Program funds, funding of the intelligence community management account, and funding the CIA's disability and retirement accounts. These are all basic budgetary authorizations on which I hope we can agree. I ask my colleagues to join me in supporting this amendment.

My remaining amendments include a number of what I can call, I believe without challenge, "good government" provisions. These provisions will ensure that the Director of National Intelligence has the authority he needs to manage the intelligence community and will ensure that American taxpayers are actually getting the best bang for their buck and not wasting billions and billions of dollars, which I have addressed on the floor previously.

The next amendment is No. 5388. What is this good government amendment? This amendment is aimed at discouraging cost overruns on intelligence satellites and other expensive intelligence programs and is modeled after the longstanding Nunn-McCurdy provisions that apply to Department of Defense major acquisitions.

Last week I stated on the floor that billions and billions and billions—I won't tell you how many because it is classified—of dollars have been wasted on overhead programs because they were not effectively managed.

The next amendment, No. 5389, requires the DNI to conduct vulnerability assessments of our major systems

used by the intelligence community. This provision has been in the past two intelligence authorization bills. It requires the DNI to conduct initial and subsequent periodic vulnerability assessments of each intelligence community major system. These assessments should identify system vulnerabilities and exploitation potentials and should make recommendations for reducing risks.

We all know there are those who seek to do us ill who have the ability to compromise many of our programs. Those of us who are familiar with it know how many ways this can happen. I am not going to give anybody any ideas by telling them how to do it. Too many people already know. If we have learned anything during this election cycle, it is that the American people are tired of having their money wasted. They are demanding better spending habits and better accountability from their Government, which brings me to my next amendment, accountability reviews by the Director of National Intelligence. Amendment No. 5390 allows the DNI to conduct accountability reviews of elements of the intelligence community or personnel of such element in relation to a significant failure or deficiency within the intelligence community.

My amendment, agreed to by the Intelligence Committee, would strengthen the DNI's authority and influence in this area, as well as congressional oversight. This amendment confirms the DNI's ability to recommend disciplinary action against persons within the Office of the DNI who have failed to measure up to expectations and are under his jurisdiction. I believe this is a reasonable place to start.

The next one is a future-year budget plan, amendment No. 5391. I think it is reasonable for Congress and our intelligence community to stop wasting billions of dollars on intelligence programs that prove too costly to complete. How does this happen? One reason is that we have never required the intelligence community to show us the full cost of these expensive programs in the budget. My fifth amendment would ensure that this would not happen again.

Now, I will tell the occupant of the chair and my fellow Intelligence Committee member, the distinguished Senator from Virginia, as well as the chairman of the committee who has staff who sits in as frequently as he can on our Intelligence Committee oversight hearings, that there are many wonderful programs that come to us with maybe a couple-hundred-million-dollar budget expenditure the first year. But when you look out to the future years, that number goes up, potentially swallowing the entire intelligence portion of the budget.

I think we in Congress ought to say: Wait a minute. Before we spend that

first couple hundred million dollars, tell us what the cost is going to be and what it is going to take out of the budget in future years to accommodate it.

This amendment would require the intelligence community to provide Congress with a future-year intelligence plan that is a 5-year budget and a long-term budget projection that covers 10 years beyond the future intelligence plan. These requirements would ensure that Congress would not appropriate or legislate in the dark without knowing what these wonderful new ideas—and there are some great ideas—are going to cost in the future and how we are going to pay for them.

Next, my final good government provision, No. 5392, requires annual personnel level assessments for the intelligence community. As with most all of my amendments, the provision has been included in the last two intelligence authorization bills.

So why the need for this amendment? These assessments will help Congress get a better sense of the personnel growth in the IC before we mark up annual authorization bills. For some time now both the Senate and House Intelligence Committees have been concerned with rising personnel growth in the IC.

Finally, I have also just filed an amendment relating to a classified technology demonstration program. I talked about that last week. My amendment, which has bipartisan support in both the House and the Senate and has been passed by both bodies in the past, will ensure that billions of taxpayer dollars that have been wasted through poor management and oversight will not be followed by more in the future.

This amendment, as I described last week, would say that before the National Reconnaissance Organization embarks on spending billions of dollars on a program, it needs to do a demonstration program in the millions of dollars category to see if all the systems work so that we have a good idea before we get a system that has wasted billions and billions of dollars to find out only then that it can't work.

I think Congress has a reasonably high expectation of the DNI and of his ability to reform the intelligence community, but we cannot expect great results if we don't give the authorities and the support he needs to demand performance and accountability. My amendments will give him these authorities and will also allow Congress to perform our real effective oversight duties.

These amendments have been vetted with the Intelligence Committees over the past 2 years and most were contained in the 2008 Intelligence Authorization Act that passed both Houses of Congress. I believe and I think my colleagues' votes over the past 2 years

have shown that they make sense and are reasonable.

If there is no consideration of including these amendments or simply allowing a vote on the budget amendment, which is the most important of all, then I am left with little choice but to continue to object to any UC agreements on this bill.

I thank my distinguished colleagues, the Chair, and the ranking member, for listening to my comments, and I look forward to being able to work out with them a reasonable accommodation of these very important matters that I think are essential to ensuring effective intelligence oversight of the money that we spend in the National Intelligence Program.

Mr. President, I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL.) Without objection, it is so ordered.

Mr. NELSON of Florida. I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. NELSON of Florida pertaining to the introduction of S. Res. 660 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NELSON of Florida. 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. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DODD. Madam President, may I inquire what is the business before the Senate.

The PRESIDING OFFICER. The Senate is on the Defense authorization bill.

Mr. DODD. I thank the Chair.

Madam President, I have an amendment I have filed with the floor leadership on this bill dealing with Iran sanctions. It is called the Comprehensive Iran Sanctions, Accountability and Divestment Act for 2008. I want to share some thoughts about this proposal with my colleagues. I am fully cognizant that our friend from Michigan, Senator LEVIN, the manager of this bill, has a lot of amendments with which he is dealing. I don't know whether we will have a chance to actually vote on this bill, but I want to

spend a few minutes talking about the importance of this amendment and its value.

Obviously, there is a lot going on today with the financial crisis in the country. As chairman of the Banking Committee, I will have more to say about that tomorrow. I have been having conversations with fellow committee members among others.

Today I want to talk about this issue specifically and then address an issue as well dealing with the devastation of Hurricanes Gustav and Ike and Tropical Storms Fay and Hanna that ripped through the Caribbean.

We are considering, of course, the Defense authorization bill. This proposal, adopted and developed by the Committee on Banking, Housing, and Urban Affairs in conjunction with my Republican colleague and friend, RICHARD SHELBY of Alabama, former chairman of the committee, would impose tough new sanctions on the Government of Iran, to authorize investors to divest from companies active in Iran's energy sector and to combat the proliferation of black market weapons networks overseas.

I am delighted to have my colleague, Senator SHELBY, as a sponsor of the amendment. In my view, we need a comprehensive strategy on Iran that builds our leverage within the context of a major new diplomatic push for meaningful negotiations.

Let me be clear. Sanctions against the Government of Iran are not an end unto themselves but, rather, one means of driving a resolution of the problem of Iran's apparent nuclear ambitions. The Europeans' recent decision to impose additional financial sanctions on Iran is a very positive development that exerts further pressure to that end. The approach embodied in the bill I am talking about this afternoon is targeted and strategic, maximizing the economic leverage of the United States, our partners and allies in Europe and elsewhere, and international investors, while avoiding the risk of a more indiscriminate approach.

The Banking Committee exercises jurisdiction over virtually all aspects of U.S. financial and economic sanctions policy toward Iran, which can be summarized in three categories: No. 1, the U.S. trade and investment ban administered by the Treasury Department's Office of Foreign Assets Control; No. 2, sanctions against foreign companies that invest substantially in the energy sector, proceeds from which support Iran's proliferation or terrorism-related activities; and, No. 3, targeted financial measures, including freezing assets of individuals involved in that proliferation.

Last year, the committee conducted a hearing on the effectiveness of Iran sanctions. Working with the administration, the Banking Committee acted swiftly to strengthen the U.S. trade/in-

vestment ban, and ultimately we saw enactment in October of the International Emergency Economic Powers Enhancement Act. This new law holds violators of U.S. sanctions law accountable, adding, I might add, jail time and severe fines against those investing in Iran or other state sponsors of terror.

Also, last year, shortly after the House of Representatives acted on its version of Iran-related legislation, I then asked the majority leader, Senator HARRY REID, to expedite Senate consideration of various Iran-related bills. The leader, as you might expect, agreed and moved quickly. But we were unable to clear them completely on the other side of this Chamber, which I regret.

The Government Accountability Office then issued a report last December raising questions about whether our current sanctions regime against Iran furthers U.S. policy objectives and how they might be made more effective. Among other things, that report concluded that the ongoing illegal transshipment of sensitive dual-use technologies from often unwitting U.S. and other Western suppliers to countries such as Iran—sometimes through three or four levels of suppliers—is one very effective way around current U.S. sanctions.

In recent months, the Banking Committee refined and combined in one package various pieces of the Iran-related legislation, accommodating concerns of Members on both sides of the political aisle and those of the Bush administration. We now have a very streamlined bill that I hope will enjoy broad bipartisan support if I am given the opportunity to offer it on the Defense authorization bill. This streamlined version of this sanctions bill was reported out of the Banking Committee in July by a strong bipartisan vote of 19 to 2.

The missile tests that Iran conducted in July were provocative, and its persistent refusal to abide by United Nations Security Council demands—despite a host of sanctions already in place—is very troubling. Iran's behavior with respect to weapons proliferation, support for terrorism, destabilization of its neighbors, and threats against our allies and interests demands a very serious response.

We only have a few weeks remaining in this legislative session. We will not return to actually legislate until late January of next year. I would hope we would find time, whether on this bill or some other vehicle, to enact, as I am confident we can, with a strong bipartisan vote, this Iran sanctions idea. This bill is one very important part of that response.

I again thank Senator SHELBY, my colleague, as well as other committee members, Republicans and Democrats, who worked together to pass this legis-

lation. Senator EVAN BAYH of Indiana, Senator BROWNBACK of Kansas, Senators SMITH, DURBIN, LAUTENBERG, and others have worked very hard on the Iran issues and deserve a great deal of credit for the product we have been able to put together. I thank, as well, Senator OBAMA for his critical work on this Iran divestment legislation which, again, was adopted in a strong bipartisan fashion by the committee as part of its integrated bill.

Current U.N. Security Council sanctions against the Government of Iran have been extremely important, but I think we have an obligation to take measures, consistent with the objectives of the U.N. sanctions, to increase the leverage of the United States and our allies in a much more aggressive, diplomatic, and political initiative to bring Iran back to the table and ultimately persuade its Government to change its behavior.

Let me describe briefly the sanctions provisions.

First, the bill expands the definition of "person" under the Iran Sanctions Act to include financial institutions, underwriters, guarantors, and other business entities and extends the applicability of sanctions to oil and gas pipelines and tankers. It imposes a broad ban on imports directly from Iran to the United States and exports from the United States to Iran of those few items still able to be shipped while exempting food and medicines to Iran, certain informational materials, and aids to navigation designed for safe operation of commercial aircraft.

The bill also provides for a freezing of assets of those members of the diplomatic community or Iranian military who have been identified by the President of the United States as active in weapons proliferation or terrorist activity. The bill clarifies that U.S. entities that establish a subsidiary for the purpose of getting around U.S. sanctions laws can be held liable for the activities of their subsidiaries. The bill also increases funding to the Office of Terrorism and Financial Intelligence of the Treasury Department to ensure that the international financial system is not used by those who support terrorism or engage in proliferation-sensitive activities.

Finally, this bill imposes new requirements that the President actually make a determination and report every 6 months to Congress regarding the sanctionability of certain eligible investments in Iran's energy sector. This is designed to address the problem of billions of dollars in oil and gas investment projects being subject to sanctions—over \$27 billion in eligible oil and gas investments since 1999, according to the Congressional Research Service—but successive administrations refusing to make final determinations required by law, much less impose appropriate sanctions on entities

involved in such projects, I might add, have raised some certain issues.

In addition to expanding U.S. sanctions on the Government of Iran, this bill would also provide a simple formula for divestment from firms which invest significant amounts in Iran's energy sector with provisions patterned after the Sudan Accountability and Divestment Act that we all voted for earlier this year.

The rationale for this is straightforward. Many of us believe Americans should be able to divest from energy firms doing business with the Iranian regime whose policies they abhor and which by their presence indirectly help to prop up that regime. They should be given the tools they need to make socially responsible decisions, and investors who choose to divest—States, large pension and mutual funds, and others—should be held harmless for these decisions. Likewise, firms which continue to do business in the energy sector in Iran should recognize the substantial risks involved in this decision and adjust their strategies accordingly.

This bill is as much about enabling investors to manage risk as about having Congress set foreign policy. Make no mistake. Investing in Iran these days is risky business, and investors should be fully informed of those risks going in. This bill does not require divestment, it simply permits it, as with the Sudan legislation—if the investments in Iran's energy sector are substantial and if the divestment process is crafted consistent with the provisions of this bill.

Divestment from Iran is already well underway nationwide, prompted by campaigns patterned after the South African divestment movement and that involving the Sudan. Eight States of our country have already enacted Iran divestment legislation. Other States have enacted broader divestment legislation focused on state sponsors of terrorism. Many more States are considering Iran divestment measures in their State legislatures or have taken steps administratively to allow for such divestment.

Some colleges and universities have begun to divest their holdings, as well, and efforts are underway at many more. Large cities, nonprofit organizations, pension and mutual funds have joined this campaign. It is a campaign that enjoys, I might add, worldwide support, and that could provide significant economic leverage to the diplomatic and political efforts to curtail Iran's apparent nuclear ambitions.

How would it work? First, the amendment authorizes States and localities to divest from companies involved in the energy sector in Iran and sets universal divestment standards. Secondly, the bill allows mutual fund and corporate pension fund managers to cut ties with companies involved in these key sectors and offers limited

protection from lawsuits for those choosing to divest or not to invest in the first place, while preserving their normal fiduciary duties. Third, this bill allows State and local governments to divest their public pension funds from businesses invested in Iran's energy sector. Fourth, it establishes a new mechanism for disclosure for firms divesting their holdings in such entities and sunsets, I might add, the divestment mechanism when the President of the United States certifies that Iran has ceased its support for international terrorism and its support of weapons of mass destruction.

Let's be very clear about what this amendment achieves in terms of divestment—and what it does not do. It does not outsource foreign policy to State and local governments or run afoul of the supremacy clause of the Constitution, as some have claimed. Rather, it protects the rights of investors to make socially responsible decisions—to refrain from holding assets that may serve to bolster the Government of Iran. It allows States and other investors to divest in a relatively uniform way, if they so choose, so they may avoid the complications of diverging approaches.

Under this bill, States can act out of concern for the long-term financial and reputational risks posed by an affiliation with certain investments in the nation of Iran. Once identifying these specific risks, States are to inform the companies with a notice detailing such issues—not merely based on a foreign policy concern but on the State's assessment of the economic risks posed by investments in firms involved in certain energy-related business in Iran. It thus outlines a Federal divestment policy—a complicated and yet very clear path consistent with U.S. unilateral and multilateral sanctions already imposed, I might add—and authorizes investors to act consistently with that policy, again, if they so choose.

Finally, and very importantly—unlike other legislation acted upon by Congress—the amendment I am offering provides new incentives for countries to strengthen their export control systems to stop the illegal diversion of sensitive and dual-use technology to countries such as Iran and imposes additional licensing requirements on those who refuse to cooperate.

As we confront the realities of a global marketplace, with manufacturers assembling parts of complex machinery such as aircraft and computers from a supply chain spanning the globe, and as regimes such as Iran, North Korea, and Syria trawl various transshipment hubs for such parts to assemble high-technology weapons, it makes sense to address this problem head on.

We have developed a way to do this similar to an approach previously proposed in regulatory form by the administration, with an array of carrots and,

if necessary, sticks to prod unwilling countries to get serious about developing and implementing tough, comprehensive export control rules and systems. This measure will strengthen antidiversion measures, and it will help countries willing to bolster their systems to do so and impose tighter licensing restrictions on those countries that have a record of spotty enforcement or that are unwilling to improve their systems.

I was pleased we were able to come to an agreement on this comprehensive approach in the Banking Committee. I might point out that similar legislation was adopted under the leadership of Senator MAX BAUCUS and CHUCK GRASSLEY at the Senate Finance Committee, also, I might add, on a bipartisan basis. Much more assertive diplomacy and efforts to bolster our relationship with Iran's people, coupled with tougher financial measures such as these to increase economic pressure to bring the Iranian Government to the table, is the way forward for U.S. policy.

Our European and other allies continue, as I mentioned earlier, to work closely with the United States to increase economic and diplomatic pressure on Iran. I happen to believe this measure complements those diplomatic efforts. It is providing the kind of tools that those who are responsible for the conduct of foreign policy ought to have that will give them the leverage necessary to try and bring Iran back to that negotiating table, back to that political table, that will allow us to diffuse this growing problem, this threat that we all worry about, and bring us to a conclusion that will be satisfactory to us and to Iran, as well, I might point out. The steps contained in this bill are consistent with the strong international consensus that Iran's behavior is unacceptable, and they are in sync with the U.N. sanctions and those additional sanctions imposed by our allies.

Again, I thank my colleagues, particularly Senator SHELBY of the Senate Banking Committee, and the 17 other members of that committee, for the adoption of this comprehensive, bipartisan proposal on Iran sanctions. My hope would be, as I said earlier, that we would have the opportunity to offer this proposal before the conclusion of this session of Congress.

Madam President, I wish to briefly, if I could, turn to another subject matter, and one that has certainly captured the attention of all of us in recent days; that is, of course, these tremendous storms that have been raging through the Caribbean as well as, of course, the devastating damage in Texas in the Galveston area, particularly. The sights and the pictures we are all witnessing on television and in the newspapers certainly bring back the dreadful memories of Katrina.

These storms that have ravaged our country are natural disasters. Certainly our prayers and our hopes are with the people of the Galveston area and others who have been afflicted by the terrible flooding in the Midwest. We are concerned about them, and we will do everything we can to help them put their lives back in order.

The devastation we have witnessed is heart-rending, and I think it is incumbent upon us to respond generously and speedily to help the tens of thousands along the Texas coast who need our help.

I rise also to discuss the humanitarian catastrophes inflicted against the people of the Caribbean. I chair the subcommittee on foreign relations that deals with Latin America, and I am particularly interested, obviously, in what happens in this part of the world. I served as a Peace Corps volunteer not far from the Haitian border of the Dominican Republic when I left college in 1966. I served for 2 years in that country, and I have gone back many times over the years and have maintained a close relationship. So when I see these storms ravaging the island of Hispaniola, which includes the Dominican Republic and Haiti, and roar through the island of Cuba—it has done such devastation; I am told it is the worst storm to inflict such damage on that country in more than a half century—I wish to take a moment to talk about what we might do.

I support an amendment offered by Senator LUGAR, the ranking member of the Senate Foreign Relations Committee, and which we have introduced on a bipartisan basis. We hope this might be something that all of our colleagues would support as well. It is to respond to the devastation these storms have caused on the island of Cuba to the Cuban people.

Across the Caribbean, millions of people have been displaced, lost their homes, and watched helplessly as bridges and infrastructure were washed out, leaving them isolated and without supplies. They face serious shortages of food, medicine, and hope.

The need in Haiti is extremely grave. USAID has undertaken an urgent program in Haiti, where hundreds of storm victims have died, thousands of homes have been destroyed, and untold people have been weakened by chronic malnutrition, lack of food and water. USAID has already launched a \$20 million program to rush assistance to the suffering people of Haiti, and further needs are certain to be identified there in our hemisphere's poorest country where the average income is something like a few dollars a week. It is a nation that has been devastated over the last number of years.

In Jamaica, 72 communities have been hit hard, leaving a dozen people dead and thousands without shelter. The U.S. Ambassador in Kingston has

declared a disaster and has begun disbursing \$100,000 there. USAID is working with the Jamaican disaster specialists to purchase and deliver hundreds of thousands of dollars of supplies to communities cut off when roads were washed out. The relief supplies include hygiene kits, plastic sheeting, jerry cans, and blankets.

This very effective response brings relief to innocent victims of the storms and it projects the American message of concern and hope for our Caribbean neighbors. Unfortunately, I cannot say the same for our response to the crisis caused by the hurricanes that have battered the lives of the 11 million people on the island of Cuba. Evacuations of 2 million citizens helped reduce the loss of life, but the damage is immense. Hurricanes Gustav and Ike destroyed 150,000 homes and seriously damaged 200,000 others. The United Nations estimates that Cuba suffered between \$3 billion and \$4 billion in losses. Hundreds of thousands of victims are without shelter, fresh water, and electricity, damage to agriculture is massive, food and medicine are in short supply, and the need for materials to repair homes vastly overtakes supply.

The State Department offered to disburse \$100,000 in emergency funds through the U.S. Interests Section—our Embassy in Havana—which is a step in the right direction, and I applaud them making that offer. In addition, over the weekend the State Department offered an emergency shipment of \$5 million of assistance to Cuba. Cuban officials—in what I think is a very shortsighted move, in my opinion—rejected the offer, saying they would not accept a handout from a country that would not sell the same items to them.

The administration has also authorized certain U.S.-based nongovernmental organizations, with activities the administration has previously approved, to provide larger amounts of humanitarian assistance in Cuba, including cash donations to approved recipients for 90 days. These Government-approved channels for assistance to Government-approved recipients are again steps in the right direction, but given the devastation that has occurred, it is not hardly enough. They disallow, moreover, the outpouring of assistance from Americans individually who want to help directly and generously, as Americans do in times such as these, not just through administration-approved channels.

Large numbers of the Cuban-American community in our country, eager to help family members back on the island of Cuba, are blocked from doing so by tough regulations that the administration implemented in 2004 in an effort to promote the collapse of the Cuban regime. These regulations dramatically and drastically impair citizens of our country—who come eth-

nically from the island of Cuba and who have family members there—of the ability to visit their families during this time, even under extraordinary circumstances such as the death of a loved one. The regulations drastically impair their ability to send cash assistance to families in the same manner as all other Caribbean, Central American, and Mexican families do—families who have citizens in this country and have families in Jamaica and Haiti, the Dominican Republic—to go there and provide assistance to them.

It is no secret that the U.S. embargo on Cuba has been, at least in my view, a dismal failure. Rather than weaken the Cuban Government and force it to change, it has only served to weaken the Cuban people and deprive them of any hope at all. The administration's tougher regulations circumscribing Americans' right to help family and friends in dire need in Cuba are part of the same failed policy. Apparently, some in the Bush administration believe that holding firm on embargo policy—even during a humanitarian disaster—will discredit Fidel or Raul Castro and lead to their precipitous downfall. When human suffering is as massive as we see in Cuba today after these hurricanes, there is no room, in my view, for such cynicism.

Despite the obvious need for a total overhaul of policy toward Cuba, the amendment Senator LUGAR and I have introduced today addresses only the immediate humanitarian crisis and only on a temporary basis. For a period of 180 days, our amendment would lift prohibitions on Americans with families in Cuba to travel to the island to provide help during the crisis. Secondly, only for 180 days, our proposal would ease restrictions on the cash remittances by any American to Cuban people at this time of extreme need—only for 180 days. Thirdly, our proposal would expand the definition of gift parcels that Americans are authorized to send to the Cuban people or nongovernmental organizations over the next 180 days to include food, medication, clothing, hygiene items, and other daily necessities. Fourth, the bill would allow the cash sale using mechanisms similar to those already in place for the sale of agricultural products, of certain items Cubans need to rebuild their homes, again for a limited period of 180 days.

Let me be absolutely clear. These measures do not lift the embargo at all. They have nothing to do with the embargo per se but merely loosen some of these less humane regulations implemented in 2004 in a direct response to a humanitarian crisis. Cuban Americans in this country ought to be allowed to help their family members on the island of Cuba during this time—for 180 days—to be able to send food and clothing and medicines, some cash remittances, or to travel there to help

out, and they should not be banned by the United States of America.

Let me promise you something: Hugo Chavez will be filling that gap. Why are we going to allow, in this hemisphere, someone in Venezuela whom we abhor to step in to provide some assistance and help when the United States ought to be doing something, at least allowing people to step in to make a difference in the lives of these people?

These are modest steps that allow the greatness and the generosity of the American people to shine through without political or ideological filters. I can think of no better way of giving the Cuban people a message of hope that we stand with them. We disagree with their Government and their Government policies, and we are not likely to change that anytime soon. But we care about them and what happens to their families and their children. In a natural disaster, the worst in 50 years, an island country 90 miles off our shore, we ought to be able to do a better job than sit here and lecture about geopolitics and allow them to go through this suffering without allowing people to help others to get back on their feet again.

The intent of this amendment has broad support. The U.S. Conference of Catholic Bishops wrote:

In light of the devastation and humanitarian disaster caused by recent hurricanes in Cuba and the efforts of extended families, friends and organizations to reach those in need, I urge you, [President Bush] to suspend—even temporarily—Treasury and Commerce Department restrictions and licensing requirements for humanitarian travel and remittances by American citizens and assistance by not-for-profit organizations. At times of crisis, there are simple and basic acts of charity on which people rely.

The Catholic bishops and numerous NGOs are right, and we know it, and I think we should help.

To those who think that refusing to help will somehow serve our U.S. national interests, I make just two observations. We need to be honest with ourselves: To be seen as wanting the Cuban people to suffer and starve—while we rush to the aid of their Caribbean neighbors—is not going to contribute to our common goal of promoting a peaceful, democratic transition, which Cuba desperately needs and deserves, and good relations between our countries in the future.

Moreover, as we stand on the sidelines, other countries are more than willing to fill that vacuum. As I mentioned a moment ago, President Chavez of Venezuela has been most generous, according to press reports. Russia has sent four cargo planes with tons of emergency supplies and construction materials. China has provided over \$300,000. Spain has already sent plane-loads of relief supplies. Brazil, Argentina, and Mexico are offering assistance without political restrictions.

Senator LUGAR and I believe this is a moment in which we ought to set

aside—at least for 180 days—our differences to a nation of people who are less than 100 miles off our shore, who have family members—many courageous people who live in this country and who want to do something to help their family members and friends as they go through recovering from these terrible storms that have ravaged their nation. At the appropriate time, Senator LUGAR and I wish to offer this amendment and urge our colleagues, whatever other differences we may have had and will have on Cuban policy, this is a moment when we all ought to come together to step up and make a difference in the lives of people who, frankly, could use the help.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

THE ECONOMY

Mr. SANDERS. Madam President, honest people may have differences of opinion as to what type of public policies to pursue to improve our economy, but there should not be a difference of opinion in terms of the state of the economy today, whether it is in Michigan, your State, whether Vermont, my State, or any of the other 48 States. The fact is that for tens and tens of millions of working families in this country, people are having and experiencing great difficulty. And within that context and the context of the Wall Street Journal reporting that today was a day when America's financial system was shaken to its core, and the Dow Jones average went down by some 500 points, I found it rather stunning, if I may use that word, to hear Senator MCCAIN state that "the fundamentals of our economy are strong." In saying that he is simply echoing what President Bush has been saying year after year after year, despite all of the evidence to the contrary. One does try to get a handle on understanding what world Senator MCCAIN and President Bush are living in when they would suggest that "the fundamentals of our economy are strong." Clearly, they have not been talking to working families around the United States of America.

My perception of the economy is if you get off of the country club circuit, you stop talking to the millionaires and the billionaires and the large campaign contributors, and you talk to ordinary working people, people who own small businesses, what you find, in fact, is that the middle class in our country is under more assault than has been the case since before the Great Depression.

The reality of American life today is that poverty is increasing. Over 5 million Americans have slipped out of the middle class into poverty. What we have all over America is families where mom and dad are both working and are now lining up outside emergency food shelves because the limited income they are earning is not providing enough money to provide the food they and their kids need. That does not suggest to me that the fundamentals of our economy are strong.

Since President Bush has been in office, over 7 million Americans have lost their health insurance, and the cost of health insurance has soared. Approximately 20,000 Americans die every single year because they can't gain access to medical care, to primary health care. We spend twice as much per capita on health care as any other nation, yet we are the only nation in the industrialized world that does not provide, by law, health care to all of its people. That does not suggest to me that "the fundamentals of our economy are strong."

Health care is perhaps the most basic need, maybe outside of food, outside of shelter, that people have, and 46 million Americans are without health insurance. I don't quite understand how Senator MCCAIN believes in that regard that "the fundamentals of our economy are strong."

Since President Bush has been in office, median income for working-age Americans has gone down by over \$2,000 after adjusting for inflation. Family income is going down. People are spending more for food. The cost of gas, of course, is now off the wall. College education costs are up. How does that sound like a situation in which "the fundamentals of our economy are strong," according to Senator MCCAIN.

I think the confusion in all of this is pretty easily understood. The truth is "the fundamentals of our economy are strong" if you are within the top 1 percent of our country. If you are a millionaire or billionaire, you know what, Senator MCCAIN is right; the fundamentals of the economy are strong for those people.

If you are one of the 400 wealthiest people in our country, you collectively own \$1.4 trillion of America—400 families, and your wealth has exploded in the last 8 years. In fact, in America today, the top one-tenth of 1 percent earn more income than do the bottom 50 percent. Within that context, certainly, if you are among the top one-tenth of 1 percent, we can understand why Senator MCCAIN would suggest that "the fundamentals of our economy are strong."

What frightens me is that anyone who is so removed from the economic reality facing the American people clearly is not going to have a prescription on how to address the real problems facing ordinary Americans. If

your diagnosis is wrong, if you are a physician and you make an incorrect diagnosis, your treatment is not going to work very well. If you are President of the United States, whether it is Bush or something that McCain aspires to, clearly your actions are not going to be effective if you do not understand what is going on.

Let me, if I might, contrast what has been going on under President Bush compared to what was going on under President Clinton. I am not here to tell you that under President Clinton everything was rosy, there were no problems. That certainly was not the case, and I, personally, as an independent, had some strong disagreements with the Clinton administration on a number of issues, including trade. But it is important to understand, contrasting what Clinton accomplished for the middle class as opposed to what Bush did. In fact, McCain's ideas are to follow economically the line of action that President Bush has established over the last 8 years.

During the Clinton administration, over 22 million new jobs were created. Were all of those jobs great-paying jobs? No, they were not. But 22 million jobs is a significant number of new jobs. Under the Bush administration, less than 6 million new jobs were created—22 million versus 6 million.

During the Clinton administration, 6 million Americans were lifted out of poverty. They went from poverty to the middle class. That is good. Under the Bush administration, the exact opposite occurred; 6 million Americans went from the middle class into poverty.

Under Clinton, median income went up. Under Bush, median income went down.

I am not quite clear how our colleague, Senator McCain, believes that "the fundamentals of our economy are strong." The dynamic of what is going on in this country economically is that under the Bush-McCain economic policies, 99 percent of Americans have been net losers under President Bush's tax-and-spend policies. What we are seeing is a historical shift, a redistribution of wealth and income from the middle class to the very wealthy. We are talking about hundreds of billions of dollars going out of the pockets of the middle class, ending up in the pockets of the wealthiest 1 percent.

I sit on the Budget Committee. I have some sense of where this country is spending its money and where this country is not spending its money. I have very great concerns that 4 more years of Bush's policies, in which we continue to give huge tax breaks to the wealthiest 1 percent, while underfunding the needs of the middle class and working families, while ignoring our environment, while not investing in sustainable energy, while maintaining an absurd health care policy in

which health care costs rise and in which more and more people are underinsured—I fear that 4 more years of those policies will create a situation from which the middle class of this country may never recover.

What the American dream has always been about is that parents work very hard—that was certainly the case within my family—to try to see their kids do better than they did. My parents never went to college. My parents never had much money. My parents never in a million years would have dreamed that their son would be a Senator. That is way outside their wildest dreams. They worked hard so my brother and I could have a better life economically than they did.

What I worry about—and it is not just me, it is economists all over this country who are now looking at our economy, the fact that we are shedding millions of good-paying, blue-collar jobs, that we are shedding millions of good-paying, white-collar jobs—what economists are now saying is that for the first time in the history of this country our kids, the young people, our grandchildren, if we do not reverse tack, will have a lower standard of living than their parents.

In other words, the American dream, which is what the middle class has been all about, is now turned upside down. There are large numbers of working people today who are earning less money than their parents did while living in less adequate housing than their parents did. It seems to me, if there is anything we have learned over the last 8 years—in which President Bush has given an incredible amount of tax breaks to people who do not need them, in which we have deregulated industry, where we have ignored global warming and investing in sustainable energy—it seems to me, if there is anything we have learned in the last 8 years, it is that this trickle-down economics of tax breaks for billionaires and cutting back on the needs of ordinary people is not the direction in which this country should be moving.

Please count me in as someone who does not believe, as Senator McCain does, that "the fundamentals of this economy are strong." I think the middle class is being shaken right now. People are frightened, and we need a new course for this country.

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. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

CHILD SOLDIERS ACCOUNTABILITY ACT OF 2008

Mr. DURBIN. Madam President, I am going to make a short statement in reference to S. 2135. After that statement, I will ask to lay before the Senate a Message from the House with respect to that.

I would like to say at the outset that this bill, S. 2135, is known as the Child Soldiers Accountability Act.

In January of 2007, at the beginning of this Congress, the Senate Judiciary Committee embarked on an experiment, establishing a new subcommittee, called the Human Rights and the Law Subcommittee. It was the first time in the 219-year history of the Senate that a subcommittee or committee focused specifically on the issue of human rights was formed.

I thank Senator PATRICK LEAHY, the Chairman of the Judiciary committee, for giving me the opportunity to serve as the first chairman of the Human Rights and the Law Subcommittee.

Senator TOM COBURN, Republican of Oklahoma, is the ranking member of the subcommittee. Senator COBURN and I disagree on many issues, but we have formed an unusual partnership in this subcommittee, working across party lines to address some of the most urgent human rights crises in the world.

One of the first hearings we held focused on the scourge of child soldiers.

We learned that up to 250,000 children currently serve as combatants, porters, human mine detectors and sex slaves in state-run armies, paramilitaries and guerilla groups around the world.

Under treaties that we have ratified, there is a clear legal prohibition on recruiting and using child soldiers. But, as we learned at our hearing, recruiting and using child soldiers does not violate U.S. criminal or immigration law.

Senator COBURN and I introduced the Child Soldiers Accountability Act to close this loophole in the law. This legislation will make it illegal under U.S. criminal and immigration law to recruit or use child soldiers.

This bipartisan bill will ensure that those who recruit or use children as soldiers will not find safe haven in our country. It will give the U.S. Government the tools to prosecute or deport the war criminals who commit this horrible human rights abuse.

The Child Soldiers Accountability Act passed the Senate unanimously last December. The Judiciary Committee in the House of Representatives held a hearing on the bill and made some thoughtful revisions. Earlier this week, the House passed the legislation unanimously. Now, the Senate is poised to send it to President Bush for his signature.

I would like to thank all of my colleagues in the Senate for supporting the Child Soldiers Accountability Act, especially, Senator COBURN, the bill's