

Foreign Service Officer in Jerusalem, Damascus, Riyadh, and Cairo, and, finally, as our Ambassador to a democratic Libya.

Ambassador Stevens worked tirelessly to help the people of Libya build a new country and new future after years of brutal dictatorship.

He knew that path would not be easy and there would be many challenges. But he also knew that the Libyan people could succeed and that leadership and support from the United States would be crucial.

This amendment will turn America away from the commitment to the Middle East that Ambassador Stevens championed and towards isolation.

It will harm America's interests, will harm our national security, and will promote anti-Americanism in precisely the parts of the world where we need to be more, not less, engaged.

I urge my colleagues to oppose the Paul amendment.

● Mr. RUBIO. Mr. President, in every region of the world, the United States should search for ways to use foreign aid and humanitarian assistance to strengthen our influence, the effectiveness of our leadership, and the service of our national interests and ideals. When done effectively, in partnership with the private sector, with faith-based organizations, and our allies, foreign aid is a cost-effective way not only to export our values and our example but to advance our security and economic goals.

Foreign aid is a foreign policy tool used by the United States to work with other countries. In the case of Libya, Egypt, and Pakistan, each receives significant amounts of foreign aid from the U.S. taxpayers, and U.S. citizens expect these countries to meet the conditions we set upon this aid. In the wake of the uprisings across the Muslim world and the September 11, 2012, terrorist attack on the U.S. consulate in Libya, it is imperative that the United States receive the full cooperation of the host nations in investigating and prosecuting those responsible for the attacks on our diplomatic missions and the deaths of four brave Americans.

Senator RAND PAUL's legislation would affect aid for these countries by effectively eliminating it. The American people deserve to be outraged following these attacks. However, the situations in these three countries are very different.

In Egypt, the government has the security capabilities to protect our Embassy and failed to do so. It was unacceptable that their President didn't immediately condemn the attacks and instead focused on a YouTube video.

In Libya, there was a terrorist attack on our consulate which resulted in the death of four Americans, including the Ambassador. The Libyan people rejected Islamists in their recent election, but their pro-Western Libyan Government does not have the security capabilities of the Egyptians. So far,

the Libyans are trying to do the right thing by working with the United States to investigate these attacks and strengthen their own security capabilities. In fact, just yesterday thousands of Libyans fed up with terrorism took matters into their own hands by seizing control of the headquarters of several militias and demanding they be disarmed. Cutting off aid to Libya, which is trying to help us, is not the answer as it would weaken their ability to help us and undermine their efforts to defeat the terrorists in their country. It would also represent America's stunning rejection of what is clearly the Libyan people's will to reject extremists and terrorists trying to lead Libya back to darkness.

With Pakistan, I believe we should condition some if not all of the aid on the release of Dr. Afridi. He has been arrested on false charges. The time has finally come for Pakistan to decide if they are going to be a truthful ally of the United States.

Senator PAUL's legislation lumps in three different countries with three very different situations, and I could not support such a measure as drafted. Prior to the vote on this matter, I urged Senator PAUL to consider, at a minimum, restructuring his amendment to recognize that there are considerable differences between Libya, Egypt, and Pakistan. Since no changes were ultimately made, I opposed this measure. ●

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS

Mr. TESTER. Mr. President, I ask unanimous consent that the Senate recess until 11:30 p.m. today.

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

Thereupon, the Senate, at 6:22 p.m., recessed until 11:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. KERRY).

SPORTSMEN'S ACT OF 2012— MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

FOREIGN AID

Mr. LEAHY. Mr. President, seeing the distinguished chairman of the Foreign Relations Committee in the chair, I have a feeling I may be preaching to the converted, but let me say we, all of us, were outraged by the video denigrating the Muslim faith but then by the mob violence—some of it encouraged by al-Qaida or other extremist

groups—against our embassies and diplomats in Egypt, Libya, Pakistan, and other countries around the world. Secretary of State Clinton said it well: "The United States rejects both the content and message of that video . . . and deplores any intentional effort to denigrate the religious beliefs of others."

The Secretary and President Obama have also said, repeatedly, that there is never any justification for the violent acts that have been perpetrated against our diplomats, and they have called on the governments of those countries to protect our embassies and consulates. And of course, they are right.

As far as I am aware we have received the condolences and support of the governments of these countries, as well as scores of other governments around the world.

The support and sympathy expressed, not only by foreign officials but by countless citizens of these countries who have denounced the attacks on United States personnel, needs to be recognized.

There is no evidence, that I am aware of, that any of these governments were responsible for, or had any involvement in, these violent demonstrations. They neither ordered nor condoned them. To the contrary, they have since taken steps to protect our facilities and personnel.

That is why I am mystified by the legislation offered by the junior Senator from Kentucky, Senator PAUL, which would cut off aid to key U.S. allies like Israel, Indonesia and Jordan where such protests have occurred, even peaceful demonstrations, as well as security partners like Egypt, Libya, and Pakistan.

On the one hand, there are some affirmations of our policy goals in the legislation that I agree with—for example, we all want those responsible for the deaths of Ambassador Stevens and the other Americans in Benghazi, as well as the destruction of property there and in Cairo and elsewhere, to be brought to justice. And already, dozens of people are under arrest in those countries.

But anyone who is inclined to support this legislation should read the fine print, because the way it is drafted is not only unworkable, it would serve to inflame an already dangerous situation, harming America's national security interests.

For example, all aid would be cut off to governments in countries where a demonstration occurred, even a peaceful demonstration, until the government arrests everyone who participated, and until the FBI has identified everyone involved and they are all in the custody of the United States, even if we do not have extradition treaties with those countries.

In other words, we would cut off aid to the governments of Egypt, Israel, Jordan, Libya, Pakistan, Indonesia, Morocco, Nigeria, Turkey, Lebanon,

Iraq, Afghanistan, Tunisia, Yemen, and India, among others, until every one of the thousands of people who participated in demonstrations in those countries has been identified by name, arrested, and brought to the United States and imprisoned.

I have seen unworkable, unwise legislation before, but this may win the prize. Not only would this be a colossal waste of FBI resources, it would be impossible to implement.

How is the FBI going to determine the identity of everyone who joined in these protests? Is that really what we want the FBI doing?

Are we, who believe in freedom of speech, really going to fill up our prisons with thousands of foreigners, including those who have engaged in peaceful demonstrations?

Does the author of this amendment have any idea how much that would cost U.S. taxpayers?

Are we really going to cut off aid to the Government of Egypt, which has reaffirmed its peace agreement with Israel, sent troops against Egyptian extremists in the Sinai, deployed police to protect the U.S. embassy, and is in the process of negotiating an agreement with the IMF—with U.S. and European support—to reform its economy?

Are we going to also cut off aid to Israel—which we would not do, of course?

Do we really want to cut off aid to the Government of Indonesia, the largest Muslim country in the world and a key U.S. ally in South East Asia?

And Libya, which we helped to liberate, and which has just emerged from a bloody revolution to overthrow a tyrant who posed a real threat to regional peace and security?

As I said before, we are all outraged and saddened by the tragic events in Benghazi, Cairo, and elsewhere. There is no justification for it. We expect to see those responsible for the violence to be brought to justice, and we have insisted that these governments fulfill their obligation to protect our embassies, as we protect theirs.

But this is no way to honor the patriotism and sacrifice of Ambassador Stevens and the others who lost their lives.

We are not talking about brutal kleptocracies like the Mobutu Government of the 1980s who the junior Senator from Kentucky spoke of today.

These are fledgling democracies whose people have been ruled and brutalized by corrupt dictators for decades. They are struggling to draft new constitutions, elect parliaments, reform their police, restructure their stagnant economies, and manage competing ethnic, religious and political factions, some of which have been in conflict with each other for centuries.

We can punish them by cutting off our aid, even though these governments had no more to do with organizing the protests than our government had to do with producing the

anti-Muslim video that is inciting the protests.

That might score political points for some back home.

Or we can support them in making decisions that will improve our relations and strengthen our security.

Withdrawal is not an option for the United States. Isolationism is not an option. Overreacting in ways that embolden violent extremists is not an option.

This amendment is poorly conceived, poorly drafted, and would have all sorts of unintended and dangerous consequences. The best message the United States Congress could send to the forces of democracy in these countries is to defeat it overwhelmingly.

I believe, like so many both Democrats and Republicans who have spoken against this, it makes no sense.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from South Carolina.

Mr. DEMINT. Mr. President, Americans are crying out for us to stop giving away hard-earned tax dollars to countries that are not our friends. I agree. We need to review all our foreign aid and make any aid conditional on the protection of Americans and of our interests. But when it comes to the bill offered by Senator PAUL, I have to say I do not like how some parts of it are worded. It has some flaws and Members on both sides of the aisle have some legitimate concerns. I have been working all day with Senator PAUL to improve the language to address concerns on our side.

Senator PAUL has been more than accommodating on this. He was willing to limit the scope of the bill to Libya, Pakistan, and Egypt. With respect to Libya and Egypt, he agreed to loosen restrictions so the funds would not turn off for 60 days, and only turn off if it was clear their governments were not cooperating with the investigation into the attacks and efforts to find the perpetrators. In short, he was willing to accept the legitimate concerns that have been raised by colleagues with respect to the potential unintended consequences of the bill.

Then Senator PAUL asked the majority leader if he could modify the bill. Senators do this all the time—or at least we used to. We work together, we have managers' amendments, we allow Senators to modify their legislation to fix issues raised by other Senators. So after all this work and this good faith accommodation by Senator PAUL who, to address the concerns of colleagues on both sides of the aisle, was agreeing to changes that narrowed the scope of the legislation far beyond what he personally wanted—after all this, the other side of the aisle decided to play gotcha. They would not let him modify his own amendment. His request was made 8 to 10 hours before the vote—plenty of time for Members to review the changes—but the normal rules of comity apparently do not apply anymore in the Senate.

This Senator is ashamed of the way the Senate is being run. We have had an entire Congress of gag rules, limited debate, limited votes, limited amendments, and the result has been no accomplishments. Over the last 2 years, the Senate has become a laughing-stock. I may not like the way Senator PAUL's bill is worded, his unmodified bill. I do not agree with the scope of the conditions in some cases, but I support the goals of providing accountability in our foreign aid, of freeing Dr. Afridi, and of ensuring that those we support with our precious dollars are defending our interests and our diplomats overseas.

I will vote yes on this bill in support of these principles. The bill will not pass, but the other side cannot hide from this issue forever. Senator PAUL will be back and I will be back with him. We will get the votes the American people are demanding.

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

Mr. DEMINT. Certainly.

Mr. KERRY. I ask the Senator this question. We all understand the normal rules of the Senate. This is a big policy, cutting off four countries' aid with a set of circumstances that is so rigid it may encompass countries such as Israel and others. The normal rules of comity are that something such as this would go through the appropriate committee. That is why we have committees.

The Senator from South Carolina is a member of the Foreign Relations Committee. This has never been to the Foreign Relations Committee. Does the Senator believe some policy as important as this doesn't deserve a hearing, doesn't deserve a process? I think the Senator knows that as the chairman I have never slowed down a process of our committee. The normal rules of comity ought to require this to go through the committee.

Mr. DEMINT. I say to the Senator, if that were true, I think he has to admit Senator TESTER has one that his side pushed this night that has not been through committee, violates the budget, and a number of other things.

The point is this. Senator PAUL has been working on this legislation for several months and has been working to try to get a vote on this floor for several months and he could not get it. He was turned down time and time again. This legislation has been out there. The issue of foreign aid has been out there. We have not taken it up as a committee as we should have. The fact that he is not given the opportunity to get a vote on the amendment of his choice, to modify his own amendment, does break the precedent of the Senate and does break the comity we should enjoy here. When a Member offers an amendment, they should be able to modify it.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I stand tonight in support of the amendment of

Senator PAUL to provide limitations on the amount and scope of foreign aid the United States sends abroad. This is not a decision I have reached quickly, nor is it an issue I take lightly.

I appreciate that, as some of my colleagues have pointed out, conditions already exist on some of the foreign aid we send to Pakistan, Egypt, Libya, and Yemen. I respectfully submit, however, that these conditions are not producing the desired result nor are they yet fully enforced.

For example, is Pakistan cooperating with the United States on countering terrorism efforts and preventing terrorists from basing or operating in Pakistan, as is already required in section 7046 of Public Law 112-74? Are the programs and activities we support in Afghanistan sustainable, as is also required by section 7046? If the answer to these and to other questions regarding this aid could possibly be no, then we have an obligation to the American people to at least review this aid and inspect every single dollar we send abroad to ensure that the billions of dollars we send to Pakistan, to Egypt, and to Libya are well spent.

I support this amendment, if for no other reason than to begin the debate on the merit of sending billions of American dollars abroad each and every year. When will we stop sending this kind of money to nations that harbor terrorists and imprison those who, like Dr. Afridi, would defend our interests?

To be clear, I don't think the amendment of Senator PAUL is perfect. Many of my colleagues have legitimate concerns about this amendment's potential effect on some of our allies outside the Middle East. That is why I and several other Senators have asked our staffs to work with Senator PAUL and his office to narrow the scope of this amendment. Senator PAUL was responsive to our concerns and was willing to make the requested changes.

Unfortunately, the majority leader refused to allow Senator PAUL to modify his own amendment. I don't yet have 2 full years under my belt as a Member of this body, but I have been around just long enough to see that managers' amendments and modifications are routinely applied to their own legislation, and I am very sorry Senator PAUL was not given the courtesy that apparently is reserved only for other Members of this distinguished body.

In a Senate where the majority leader has recently announced "the amendment days are over," I guess I should not be surprised.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. I will just take 1 minute before I yield back. With respect to the question, first of all—I obviously do not run the Senate so I cannot speak about what happened with respect to these other pieces of legislation, but I am responsible for the Foreign Relations Committee. This particular

amendment was filed at the desk on September 19. We are here under rule XIV. That is not months of work. The first time I heard of it was when it came to the desk. So this could well have been a policy we amended in the committee, that we worked on appropriately, came up with some appropriate way of dealing with legitimate issues.

I am not denigrating the legitimacy of some of the issues the Senator from Kentucky raises. We had a very profound conversation with the Foreign Minister of Pakistan the other day. The Foreign Relations Committee met with her. We went into Dr. Afridi's situation in some detail, and there are other issues raised here. But just to come in out of the whole blue and file it at the desk and say let's change years of policy with a country that we, in the case of Egypt, desperately rely on with respect to the peace process in the Middle East, sustaining the peace agreement with Israel—it just defies rationale about how you make good foreign policy.

I will have more to say about it in a moment, but I just want to make it clear this did not come to the floor until September 19 at the desk and it is here under rule XIV.

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

Mr. KERRY. I don't know how much time we have.

The ACTING PRESIDENT pro tempore. Nine minutes.

Mr. KERRY. We will hold off and come back.

Mr. LEE. Will the Senator yield?

Mr. KERRY. Not on my time, no. I will do it on the Senator's time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MCCAIN. Mr. President, parliamentary inquiry: Whose time is being—

The ACTING PRESIDENT pro tempore. If no one yields time, time will be charged equally to both sides.

The Senator from Utah.

Mr. LEE. Mr. President, I rise to respond to my friend and distinguished colleague, the Senator from Massachusetts.

In the first place, it is significant. Dr. Afridi has been in prison for more than a year. It is significant that this amount of time has elapsed. It is appropriate that we respond in some fashion. I don't know why exactly legislation has not emerged from the Foreign Relations Committee, on which I sit. The fact is it has not.

I respect the junior Senator from Kentucky for having the courage to bring forward this legislation. Regardless, the fact is that this legislation is now before us. We can argue about how it got here and about whether it should have gone through committee, but it is before us. The fact that it is now before us means the Senator from Kentucky who introduced it ought to have certain prerogatives—prerogatives to change it or modify it before it gets to

the floor. That is the point I was making, and that is the point I think bears some mention here. I think that is a point which was somehow lost in this discussion today, and that is most unfortunate.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

UNANIMOUS CONSENT REQUEST—S. 3576

Mr. PAUL. Mr. President, I ask unanimous consent that the pending business be set aside and that S. 3576 be made pending; that the Paul substitute amendment No. 2849 to S. 3576 be adopted; and that at the appropriate time the Senate consider S. 3576 as amended under the terms of the earlier order.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KERRY. Yes, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Who yields time?

The Senator from Kentucky.

Mr. PAUL. It boggles the mind to think that Hillary Clinton was on Capitol Hill this week to ask for increasing aid to Egypt. It boggles the mind that last month President Obama found an extra \$1 billion to give to Pakistan.

Meanwhile, Dr. Shakil Afridi has been in prison for a year. He said directly in interviews that he has been tortured by the Pakistani Government. Now he has been imprisoned for life. The Foreign Relations Committee has had a year to act on this and has not been forthcoming in doing anything to address Dr. Afridi or get him freed or to attach any restrictions or limitations to foreign aid. The restrictions currently in place are for the administration, and they have been waived.

I say we don't give up the power of the purse. I say we keep the power of the purse and the restrictions with the legislature. This bill places restrictions on foreign aid to three countries. This bill does not end foreign aid, it adds restrictions. Some have argued that interrupting foreign aid now could inflame the Arab world. Does anyone think they are not already inflamed? They are inflamed because our foreign aid has incensed them. Our foreign aid bought Mubarak tear gas and police truncheons. We need to understand why the Arabs are angry.

Some have argued that aid to Israel could be ended by this bill. That is ridiculous. The bill requires the Secretary of State to allege that a country did not attempt to protect an embassy that was attacked. To imply that a Secretary of State, Republican or Democrat, is going to allege that Israel is not protecting our embassy is absurd. It boggles the mind to think that any Senator wants to send foreign aid without conditions to countries that are burning our flag. I, for one, will not vote for one more penny to be sent to the people who riot and burn the American flag. Enough is enough. We are running a trillion-dollar deficit, and Americans are tired of their tax dollars being sent to countries that are burning the American flag.

I urge a “yes” vote on placing restrictions on foreign aid.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts. I yield the time to the Senator from Arizona.

Mr. KERRY. Mr. President, let me say quickly to the Senator from Kentucky, whom I asked the other day whether he has ever been to Pakistan or Egypt—I think if he had, he would know something more about the millions of people in those countries who aspire to democracy and who have invested in our values and are trying to have a different future.

I particularly—“resent” is not a particularly attractive word, but to hear him say that the Foreign Relations Committee has done nothing on Dr. Afridi does a disservice to the efforts we have been making in what is called a quiet and thoughtful diplomacy. Not all diplomacy is conducted by passing a fly-by-night amendment on the floor of the Senate, pretending that is going to improve relations or change the world. When we sit down with people and talk through problems, we can work out a resolution.

We had a long conversation just a day ago with the Foreign Minister of Pakistan about Dr. Afridi. That was not the first conversation. For months some of us have been talking with Pakistan about how we resolve this issue, which does, incidentally, have something to do with the law of another country, the politics of another country, and the political demands and needs of another country. It is not always the best way to resolve those things simply by racing to the floor of the Senate and saying: Here, do what we tell you. I am afraid that is not always how it works.

So I think the Senator from Kentucky has a lot to learn about how we get things done within the international community.

I yield 3 minutes to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I hope all of my colleagues will take note that AIPAC disagrees with the view of the Senator from Kentucky about the effect this legislation may have on aid to Israel.

Every Member of Congress and all Americans should know what happened today in Benghazi, Libya. The reports are that as many as 30,000 Libyans took to the streets in Benghazi, the city in which Ambassador Chris Stevens and three of his colleagues were tragically murdered 10 days ago. These demonstrators marched peacefully to the gates of the compound of Ansar al-Sharia, the militia that was responsible for the attack that killed Ambassador Stevens and his colleagues. The demonstrators conducted themselves peacefully. According to media reports, they carried signs that read “The Ambassador was Libya’s friend” and “No, no to militias.” When these brave

Libyans arrived at the gates of the compound, they told the militia that they and their violent, extremist agenda are not welcome in the new Libya. Do we want to send a message tonight, after the people of Libya told the militants no, that we don’t want to have anything to do with them, we won’t assist them, we won’t give them what they need to establish a democratic and free society?

Because of what happened in Benghazi today, somewhere Chris Stevens is smiling. He is smiling because this is the real Libya, the Libya he knew and loved so well. This is the Libya he wanted America to support and remain engaged with, the Libya of which he ultimately gave his life. These brave people in Libya are friends of America’s. They want our help, and they need our help. We must continue to provide it to them, which is exactly what Chris Stevens would have wanted.

If the Senate were to cut off all U.S. assistance to Libya now, as this amendment before us would do, it would abandon our friends to our terrorist enemies and destroy America’s moral standing in the world and do egregious harm to our national interests.

Mr. KERRY. Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. Four minutes.

Who yields time?

Mr. KERRY. How much time is remaining altogether?

The ACTING PRESIDENT pro tempore. Two minutes 20 seconds on Senator PAUL’s time; 4 minutes left to the Senator from Massachusetts.

Mr. KERRY. Does the Senator plan to use his time?

Mr. PAUL. I will reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. If no one yields time, time will be charged equally to both sides.

Mr. KERRY. Mr. President, I yield such time as I may use. I will be happy to have the Senator speak last if that is what he wants to do.

We have heard today from 110 retired generals and admirals that the suspension of U.S. aid is not in America’s interest and that assistance is a critical component of America’s national security strategy.

We have heard from Jewish Americans about the impacts this bill would have on our relationship with Israel at what they have called “a time of turmoil and uncertainty,” and “the U.S. government needs to be able to use all available tools to influence events in the region.”

It would affect Israel’s security if the United States were to suddenly pull out its assistance and change its relationship with Yemen and particularly change its relationship with Egypt.

I have heard from the State Department, which said this legislation “will weaken democracies” and “play into the hands of extremists.”

With respect to Libya, Senator McCAIN has just spoken eloquently

about Chris Stevens. He knew Chris Stevens. We knew him on our committee. He worked for Senator LUGAR, and we knew him as a Pearson fellow. There was no more dedicated person. We just confirmed him and sent him over this May. I guarantee that the last thing he would want is his death being used as an excuse for the United States to cut off Libya and to disengage.

The 30,000 people who marched today marched for America. They marched for themselves. They marched for democracy. They marched for what Chris Stevens was investing in. I don’t think we want to punish those people and that government because of what happened.

With respect to Egypt, the United States derives extraordinarily important security benefits from that relationship. Shutting down American military assistance to Egypt would jeopardize our nonproliferation initiatives. It would undermine efforts to stop the smuggling of weapons and interdicting of arms into Gaza, which affects the security of Israel. It would undermine the 1979 peace treaty between Israel and Egypt. Those of us who have traveled to Israel in recent months have heard concern from Israeli officials about the prospects of suspension of American military assistance to Egypt. They have already talked about it. They are nervous about it, and they think it would have a profound negative impact on their security and Israel.

These are the connections the Paul legislation just doesn’t face up to. Senator PAUL’s legislation would essentially shut down our ability to work with the new civilian government. And while we are working to build the same kind of alliance with them we have had previously, it would really interrupt that and say to them that the United States of America is not interested in having that kind of an alliance.

With respect to Pakistan, the reality is the United States has vital national security interests in Pakistan, all of which are at stake. They have a population of 190 million people, a troubled economy, pockets of extremism, and a robust nuclear arsenal. We can’t turn our backs on any of that, and I think we need to remember that our aid plays a critical role in supporting our interests and our values.

The Paul amendment would make us less secure, and it is in no one’s interest.

Whatever time we have, I reserve the remainder.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Kentucky.

Mr. PAUL. Mr. President, nothing in this bill refers to Israel, and nothing would apply to Israel. To imagine that any money could be removed from Israel, we would have to imagine that Secretary of State Hillary Clinton accuses Israel of not protecting the Embassy. It is a canard, and it is a typical one that has been used many times.

Nothing in the bill says we would have no aid to these countries. It simply says to these countries that if they protect our Embassy—Libya, if you continue to cooperate and send back terrorists and catch the assassins, you will continue to get our aid.

It conditions aid on behavior. Right now, aid is not being conditioned on behavior.

We have Pakistan, which has actually tortured a friend of America's. Dr. Shakil Afridi has been tortured for a year by the Pakistani Government.

The Foreign Relations Committee has done nothing to address that, and so we have Dr. Shakil Afridi now in prison for years—for the rest of his life, essentially. I don't see any action forthcoming from the Foreign Affairs Committee.

What I would say to my colleagues is this is a bill that places restrictions on foreign aid, it does not end foreign aid. It doesn't breach the Israel-Egypt treaty or the Camp David Accords. It is a canard. It is brought up routinely to try to prevent any changes or reform in foreign aid. We always hear it is going to end aid to Israel. It is a canard.

What I would say to my colleagues is this bill does not end foreign aid. It places restrictions on foreign aid. Ask the American people: Do you think these restrictions are appropriate? Do you think a host country should protect our Embassy? Do you think a host country such as Libya should be asked to continue to cooperate? Do you think a host country such as Pakistan should turn over a friend of America and not imprison and torture a friend of America?

I think these are very reasonable restrictions. I think these are restrictions we should have. I think these are restrictions anyone in America would say are very reasonable, and I urge adoption of the resolution.

The PRESIDING OFFICER. All time has expired.

Mr. KERRY. Mr. President, could we have order in the Senate.

The PRESIDING OFFICER. There is order in the Senate.

The Senator's time has expired.

Mr. KERRY. Mr. President, for such time as I have left, let me make it clear: The Paul legislation requires all identifiable persons associated with organizing, planning, participating in the attacks, trespass, breach, or attempted attack, have been identified by the Federal Bureau of Investigation, Bureau of Diplomatic Security, or other United States law enforcement entity, and are in United States custody. We are talking about other countries. That is an absolutely impossible-to-fulfill requirement and that is why it would result in the cutoff of aid automatically, and that is why it is dangerous.

The PRESIDING OFFICER. All time has expired.

PROVIDING LIMITATIONS ON UNITED STATES ASSISTANCE

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 3576.

The legislative clerk read as follows:

A bill (S. 3576) to provide limitations on United States assistance, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be 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 California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: "yea."

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

The result was announced—yeas 10, nays 81, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—10

Crapo	Moran	Shelby
DeMint	Paul	Toomey
Grassley	Risch	
Lee	Roberts	

NAYS—81

Akaka	Durbin	Lugar
Alexander	Enzi	Manchin
Ayotte	Feinstein	McCain
Barrasso	Franken	McCaskill
Baucus	Gillibrand	McConnell
Begich	Graham	Menendez
Bennet	Hagan	Merkley
Bingaman	Harkin	Mikulski
Blumenthal	Hatch	Murkowski
Blunt	Hoeven	Nelson (NE)
Brown (MA)	Hutchison	Nelson (FL)
Brown (OH)	Inouye	Portman
Cantwell	Isakson	Pryor
Cardin	Johanns	Reed
Carper	Johnson (SD)	Reid
Casey	Johnson (WI)	Rockefeller
Chambliss	Kerry	Sanders
Coats	Klobuchar	Schumer
Coburn	Kohl	Sessions
Cochran	Kyl	Shaheen
Collins	Landrieu	Snowe
Conrad	Lautenberg	Stabenow
Coons	Leahy	Tester
Corker	Levin	Thune
Cornyn	Lieberman	Udall (CO)

Udall (NM)	Webb	Wicker
Warner	Whitehouse	Wyden

NOT VOTING—9

Boozman	Heller	Murray
Boxer	Inhofe	Rubio
Burr	Kirk	Vitter

The PRESIDING OFFICER. The 60-vote threshold not having been achieved, the bill is rejected.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE NUCLEAR PROGRAM OF THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

The PRESIDING OFFICER. Under the previous order, the clerk will report S.J. Res. 41 by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 41) expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes equally divided.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, this resolution has 83 cosponsors. Even I cannot lose this vote.

This resolution says it will not be the policy of the United States to allow the Iranian regime to get a nuclear weapon and try to contain them. President Obama has rejected containment. Governor Romney, 83 Senators have said that is a bad idea.

Very quickly, why will containment not work? If the Iranians get a nuclear weapon, every Sunni Arab state will want one themselves. Israel will never know a minute's peace. And my biggest fear: If we allow these people to get a nuclear weapon, they will share the technology with terrorists. The reason thousands have died in the war on terror—not millions—is because the terrorists cannot get the weapons to kill millions.

Senator CASEY has been terrific. My Democratic colleagues, thank you for working in a bipartisan fashion.

I yield now to Senator CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I want to, first of all, thank all the Members who are cosponsors, led by Senator GRAHAM, Senator LIEBERMAN, and our team doing this.

This is bipartisan on a very important issue. I think it does three things. It adds a sense of urgency because of the threat posed by an Iranian nuclear program, it adds clarity, and also the resolve of the American people to stop them.

I thank the Chair.

Mr. FRANKEN. Mr. President, today I vote to support S.J. Res. 41, reinforcing President Obama's policy of preventing Iran from possessing a nuclear weapon rather than containing a nuclear Iran. I support this resolution, which explicitly states that nothing in