

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

it should be construed as an authorization to use force, because its intention and its purpose is to echo and reinforce President Obama's policy toward Iran. It is particularly important to make that clear because there has been a lot of debate about the meaning of the term "nuclear weapons capability" in the resolution. But a brief examination of the issue shows that the resolution and its language support the President's policy of preventing Iran from developing or acquiring a nuclear weapon.

An authoritative definition of a nuclear weapons capability was offered in testimony by the Director of National Intelligence in 2009. He stated that there are three parts of an effective nuclear weapons capability: production of fissile material; effective means for weapon delivery; and design, weaponization, and testing of the warhead itself. According to this definition, the Senate and the President are articulating the same position: we are committed to preventing Iran from achieving all of those components of a nuclear weapons capability, which amounts to saying that Iran must not develop or acquire nuclear weapons.

That we are reinforcing the President's policy was one of the main themes in the debate on the resolution on the floor of the Senate. When this was debated in May, that is what both the sponsor, Senator GRAHAM, and the lead cosponsor, Senator LIEBERMAN, emphasized repeatedly. Senator LIEBERMAN stated, "This resolution's main focus is to essentially back up with a congressional statement the position President Obama has articulated: that no matter what happens, containment of a nuclear Iran is not an acceptable policy from the point of view of the security of the United States; that our policy is to prevent the government of the Islamic Republic of Iran from acquiring a nuclear weapons capability." And Senator GRAHAM stated, "We are intending to echo a policy statement made by President Obama that the policy of the United States will be—if you are listening in Tehran—not to contain Iran if they obtain a nuclear capability." Again, Senator GRAHAM stated, "We are not coming up with a new idea: we are just reinforcing an idea put on the table by our own President—we are not going to contain a nuclear-capable Iran as a policy."

Other leading voices on this issue in the Senate made the same point at the time. Senator MCCAIN stated, "So this resolution we are considering is no different in any way—in fact, it is less specific than what the President of the United States has said and what I believe most every Member of the U.S. Senate is on record one way or the other saying: that the development of a nuclear weapon by Iran would be an unacceptable situation." Senator MENENDEZ similarly characterized the resolution as "making the intentions or amplifying the intentions of the President crystal clear."

Those intentions are to prevent Iran from developing or acquiring a nuclear weapon. I share those intentions, and that is why I support the resolution today.

Mr. LEAHY. Mr. President, I will vote for this resolution which reaffirms current U.S. policy towards Iran.

In doing so, I want to emphasize that it is my understanding that this Resolution, which is non-binding, is in no way intended by its sponsors to endorse, authorize, or otherwise encourage the use of military force against Iran.

Secretary of Defense Panetta, Secretary of State Clinton, former Secretary of Defense Gates, and other top Pentagon officials have strongly advised against the use of pre-emptive military force. They said it would, at best, only temporarily halt Iran's nuclear program, it would drive their program further underground, and it could ignite a wider war in the Middle East that could spin out of control.

I am as concerned as anyone about Iran. But while this Resolution reaffirms that concern, that is the extent of what it does. The policy of the Administration, and of our allies is to support sanctions, to use diplomacy, to resort to military force only if all other options fail. This Resolution does not change that.

The PRESIDING OFFICER. All time in favor has expired.

Who yields time in opposition?

The Senator from Kentucky.

Mr. PAUL. Mr. President, a vote for this resolution is a vote for the concept of preemptive war. I know of no other way to interpret this resolution.

The resolution states that containment will never be our policy toward Iran. While I think it is unwise to say we will contain Iran, I think it is equally unwise to say we will never contain Iran.

We woke up one day and Pakistan was a nuclear power. We woke up one day and North Korea was a nuclear power—India, Russia, China. But if we would have announced preemptively that we were not going to contain anyone, then we would be at odds with these countries, and what would the solution be? Preemptive war.

Announcing to the world, as this resolution does, that containment will never be our policy is unwise. A country that vows to never contain an enemy is a country that vows always to preemptively strike.

I urge a "no" vote on this resolution.

The PRESIDING OFFICER. All time is expired.

The question is on the engrossment and third reading of the joint resolution.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The 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: "aye."

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

The result was announced—yeas 90, nays 1, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—90

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

NAYS—1

Paul

NOT VOTING—9

Boozman	Heller	Murray
Boxer	Inhofe	Rubio
Burr	Kirk	Vitter

The joint resolution (S.J. Res. 41) was passed, as follows:

S.J. RES. 41

Whereas, since at least the late 1980s, the Government of the Islamic Republic of Iran has engaged in a sustained and well-documented pattern of illicit and deceptive activities to acquire nuclear capability;

Whereas the United Nations Security Council has adopted multiple resolutions since 2006 demanding the full and sustained suspension of all uranium enrichment-related and reprocessing activities by the Government of the Islamic Republic of Iran and its full cooperation with the International Atomic Energy Agency (IAEA) on all outstanding issues related to its nuclear activities, particularly those concerning the possible military dimensions of its nuclear program;

Whereas, on November 8, 2011, the IAEA issued an extensive report that—

(1) documents “serious concerns regarding possible military dimensions to Iran’s nuclear programme”;

(2) states that “Iran has carried out activities relevant to the development of a nuclear device”; and

(3) states that the efforts described in paragraphs (1) and (2) may be ongoing;

Whereas, as of November 2008, Iran had produced, according to the IAEA—

(1) approximately 630 kilograms of uranium hexafluoride enriched up to 3.5 percent uranium-235; and

(2) no uranium hexafluoride enriched up to 20 percent uranium-235;

Whereas, as of November 2011, Iran had produced, according to the IAEA—

(1) nearly 5,000 kilograms of uranium hexafluoride enriched up to 3.5 percent uranium-235; and

(2) 79.7 kilograms of uranium hexafluoride enriched up to 20 percent uranium-235;

Whereas, on January 9, 2012, IAEA inspectors confirmed that the Government of the Islamic Republic of Iran had begun enrichment activities at the Fordow site, including possibly enrichment of uranium hexafluoride up to 20 percent uranium-235;

Whereas section 2(2) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) states, “The United States and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.”;

Whereas, if the Government of the Islamic Republic of Iran were successful in acquiring a nuclear weapon capability, it would likely spur other countries in the region to consider developing their own nuclear weapons capabilities;

Whereas, on December 6, 2011, Prince Turki al-Faisal of Saudi Arabia stated that if international efforts to prevent Iran from obtaining nuclear weapons fail, “we must, as a duty to our country and people, look into all options we are given, including obtaining these weapons ourselves”;

Whereas top leaders of the Government of the Islamic Republic of Iran have repeatedly threatened the existence of the State of Israel, pledging to “wipe Israel off the map”;

Whereas the Department of State has designated Iran as a state sponsor of terrorism since 1984 and characterized Iran as the “most active state sponsor of terrorism”;

Whereas the Government of the Islamic Republic of Iran has provided weapons, training, funding, and direction to terrorist groups, including Hamas, Hezbollah, and Shiite militias in Iraq that are responsible for the murders of hundreds of United States forces and innocent civilians;

Whereas, on July 28, 2011, the Department of the Treasury charged that the Government of Iran had forged a “secret deal” with al Qaeda to facilitate the movement of al Qaeda fighters and funding through Iranian territory;

Whereas, in October 2011, senior leaders of Iran’s Islamic Revolutionary Guard Corps (IRGC) Quds Force were implicated in a terrorist plot to assassinate Saudi Arabia’s Ambassador to the United States on United States soil;

Whereas, on December 26, 2011, the United Nations General Assembly passed a resolution denouncing the serious human rights abuses occurring in the Islamic Republic of Iran, including torture, cruel and degrading treatment in detention, the targeting of human rights defenders, violence against women, and “the systematic and serious restrictions on freedom of peaceful assembly” as well as severe restrictions on the rights to

“freedom of thought, conscience, religion or belief”;

Whereas President Barack Obama, through the P5+1 process, has made repeated efforts to engage the Government of the Islamic Republic of Iran in dialogue about Iran’s nuclear program and its international commitments under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”);

Whereas representatives of the P5+1 countries (the United States, France, Germany, the People’s Republic of China, the Russian Federation, and the United Kingdom) and representatives of the Islamic Republic of Iran held negotiations on Iran’s nuclear program in Istanbul, Turkey on April 14, 2012, and these discussions are set to resume in Baghdad, Iraq on May 23, 2012;

Whereas, on March 31, 2010, President Obama stated that the “consequences of a nuclear-armed Iran are unacceptable”;

Whereas in his State of the Union Address on January 24, 2012, President Obama stated, “Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal.”;

Whereas, on March 4, 2012, President Obama stated “Iran’s leaders should understand that I do not have a policy of containment; I have a policy to prevent Iran from obtaining a nuclear weapon”;

Whereas Secretary of Defense Leon Panetta stated, in December 2011, that it was unacceptable for Iran to acquire nuclear weapons, reaffirmed that all options were on the table to thwart Iran’s nuclear weapons efforts, and vowed that if the United States gets “intelligence that they are proceeding with developing a nuclear weapon then we will take whatever steps necessary to stop it”;

Whereas the Department of Defense’s January 2012 Strategic Guidance stated that United States defense efforts in the Middle East would be aimed “to prevent Iran’s development of a nuclear weapons capability and counter its destabilizing policies”;

Whereas, on April 2, 2012, President Obama stated, “All the evidence indicates that the Iranians are trying to develop the capacity to develop nuclear weapons. They might decide that, once they have that capacity that they’d hold off right at the edge in order not to incur more sanctions. But, if they’ve got nuclear weapons-building capacity and they are flouting international resolutions, that creates huge destabilizing effects in the region and will trigger an arms race in the Middle East that is bad for U.S. national security but is also bad for the entire world.”; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SENSE OF CONGRESS.

That Congress—

(1) reaffirms that the United States Government and the governments of other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability;

(2) warns that time is limited to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(3) urges continued and increasing economic and diplomatic pressure on the Islamic Republic of Iran until the Government of the Islamic Republic of Iran agrees to and implements—

(A) the full and sustained suspension of all uranium enrichment-related and reprocess-

ing activities and compliance with United Nations Security Council resolutions;

(B) complete cooperation with the IAEA on all outstanding questions related to the nuclear activities of the Government of the Islamic Republic of Iran, including the implementation of the additional protocol to Iran’s Safeguards Agreement with the IAEA; and

(C) a permanent agreement that verifiably assures that Iran’s nuclear program is entirely peaceful;

(4) expresses the desire that the P5+1 process successfully and swiftly leads to the objectives identified in paragraph (3), but warns that, as President Obama has said, the window for diplomacy is closing;

(5) expresses support for the universal rights and democratic aspirations of the people of Iran;

(6) strongly supports United States policy to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(7) rejects any United States policy that would rely on efforts to contain a nuclear weapons-capable Iran; and

(8) joins the President in ruling out any policy that would rely on containment as an option in response to the Iranian nuclear threat.

#### SEC. 2. RULE OF CONSTRUCTION.

Nothing in this resolution shall be construed as an authorization for the use of force or a declaration of war.

#### MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2012— Continued

##### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows.

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.J. Res. 117, a joint resolution making continuing appropriations for fiscal year 2013, and for other purposes.

Harry Reid, Daniel K. Inouye, Patty Murray, Bernard Sanders, Jeanne Shaheen, Richard J. Durbin, Sheldon Whitehouse, Debbie Stabenow, Max Baucus, Mark Pryor, Christopher A. Coons, Jon Tester, Michael F. Bennet, Kay R. Hagan, Robert P. Casey, Jr., Richard Blumenthal, Ron Wyden, Barbara Boxer.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote on the motion.

The Senator from Hawaii.

Mr. INOUE. Mr. President, this CR funds the government for the next 6 months at a level agreed to by the Budget Control Act. It contains a minimum of anomalies and allows adequate funding for disaster relief. This is an inefficient way to fund our Federal Government, but it is better than shutting it down next week.

I urge a “yes” vote.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.J. Res. 117, a joint resolution making continuing appropriations for fiscal year 2013, and for