

Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit?

Mr. GRASSLEY. I ask for the yeas and nays.

Is there a sufficient second? There appears to be.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

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

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

[Rollcall Vote No. 199 Ex.]

YEAS—99

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

NOT VOTING—1

Sessions

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

3% WITHHOLDING REPEAL AND JOB CREATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume consideration of the motion to proceed to H.R. 674, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I ask unanimous consent to speak as in morning business.

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

IRAN

Mr. KIRK. Mr. President, I rise to talk about two entirely different subjects; first, on the subject of Iran, the subject of a critical International Atomic Energy Agency report that will be issued likely tomorrow.

Credible press reports on the United Nations document tell us an important thing. Remember, it was the IAEA that urged caution with regard to the weapons of mass destruction program in Iraq. The record shows that the IAEA was largely correct on its determination there. Based on that credibility, we should listen to the IAEA and what they say in this groundbreaking report.

Their report makes six very important conclusions according to credible press reports: No. 1, the Islamic Republic of Iran has used military people to procure dual-use nuclear material; No. 2, they have developed an undeclared nuclear material production line separate from their commitments under the Nuclear Non-Proliferation Treaty; No. 3, they have now acquired outside international information on the development of nuclear weapons; No. 4, they have begun work on an indigenous design for a nuclear weapon; and, No. 5, they are already substantially in excess of the 3-percent enrichment for uranium-235 necessary to run a nuclear reactor as they originally claimed.

The sixth conclusion, though, appears to be the most important. The International Atomic Energy Agency concludes they may have also begun work on a new payload for their Shahab-3 missile. This is a missile that largely comes from North Korea called the No Dong and is able to hit U.S. bases in the Persian Gulf and our allies in Israel. According to the reports on this U.N. document, it says the Shahab-3 payload has the correct mass for a nuclear weapon; it has a generator aboard the warhead that would be necessary to initiate a nuclear detonation; it is designed for an airstrike to make that detonation most effective; the weapon has multiple detonators in it—I think this is a key conclusion because a conventional munition only requires one detonator, but a nuclear weapon requires multiple detonators; and this has it—it does not issue any

submunitions, all the warhead is contained in one critical mass; and the Iranians have now prepared a 400-meter test shaft likely for a nuclear test shot.

If this is not a smoking gun, I do not know what is. I do not know what the word for "smoking gun" in Farsi is, but clearly the United Nations, not known for speaking clearly on many topics, is now telling us one clear thing: the Islamic Republic of Iran is designing and moving toward building nuclear weapons.

If we look at their record, we will see the Islamic Republic of Iran has transferred nearly every one of its advanced munitions it currently owns to terrorist organizations, including antishipping cruise missiles, which the Iranians transferred to Hezbollah.

We have also known several dangerous—actually, dangerously weird—things going on in the Islamic Republic of Iran, such as sentencing an Iranian actress to 90 lashes for appearing in an Australian film simply on the crime of not having her head covered—luckily, because the International Campaign for Human Rights in Iran called attention to this, apparently that sentence may be in abeyance—or credible reports this weekend that the Islamic Republic of Iran, under President Ahmadinejad, has arrested 70 fashion designers for anti-Islamic activity.

What we know for a fact is that the Islamic Republic of Iran has been a state sponsor of terror, as certified by Presidents Carter, Reagan, Bush, Clinton, Bush 2, and President Obama under Secretary of State Clinton. We know they are the leading paymasters for Hezbollah and Hamas.

What we can see clearly from this report is that this year, or likely the year after, they will have nuclear weapons. I think it is quite likely they would then transfer those nuclear weapons directly to Hezbollah and Hamas. This is something we cannot allow to happen, which is why action in the Senate and in the executive branch should occur on collapsing the Central Bank of Iran. We already have 92 Senators who have agreed, even in these partisan times, to collapse the Central Bank of Iran. Ninety-two Senators have signed on to the Kirk-Schumer letter to call for this action. This action was also just recommended in an overwhelmingly bipartisan fashion in the House Foreign Affairs Committee under the leadership of Congressman BERMAN to recommend this also in the House. I think the administration—that has leaked several times to the New York Times that they have this under consideration—should move in this direction.

For those countries that substantially purchase oil from the Islamic Republic of Iran, we should work with our Saudi allies to make sure their needs are met so we can go ahead and collapse the Central Bank of Iran and the Iranian currency, especially in the wake of this report.

Remember, this is the government that, according to Attorney General