

The PRESIDING OFFICER. Objection is heard.

The Senator from Arkansas.

Mr. COTTON. Mr. President, I just want to respond briefly to my friend from Vermont, and he is my friend from Vermont. I don't mean that in the way that Senators usually say that when they say "friend from another State" but they are not actually friends and they oftentimes can't stand each other. He is my friend from Vermont, and he has been so since we served together in the House some time ago.

First, I will note, as I said, that nine Democratic Senators have joined my call to freeze this money. Those would be Senator ROSEN, Senator MANCHIN, Senator BALDWIN, Senator CASEY, Senator SINEMA, Senator CORTEZ MASTO, Senator BROWN, Senator KELLY, and Senator TESTER.

I will observe from that list that seven of those nine are up for reelection in difficult campaigns next year, unlike my friend from Vermont, who just won his election in one of the most Democratic States in the country. So I wonder why these seven Democratic Senators who are at risk on the campaign trail next year weren't willing to join my bill. We offered them all an opportunity to join the bill, but it was radio silence. Could it be that they want to say one thing on the campaign trail and do another thing here in the Senate?

A few points that the Senator from Vermont made—that this was a tough decision to free hostages and that we have to keep our word. It is always tough decisions when we face hostage situations overseas; however, paying \$6 billion for five American hostages—\$1.2 billion per hostage—simply encourages more hostage taking. We saw this the last time we paid ransom to Iran under the Obama administration. They immediately took more of the hostages whom we just freed by paying ransom. Just to note, just a few weeks after we paid that ransom, Hamas perpetrated this attack and took over 200 hostages. Maybe they took a lesson from what President Biden did with the hostages held by Iran.

Really, we can't be so naive as to think that, well, we made this deal, we got the hostages back, so we have to give Iran the benefit of the bargain, as if you can deal in good faith with a terrorist regime like Iran.

Second, the Senator from Vermont said there has been no better friend than President Biden to Israel over his long, long career in public office. I have to say, I find it hard to believe that Israel can have no better friend than a man who has spent decades, including 11 years as Vice President and President, empowering Iran—the worst enemy of Israel; a regime that still chants "Death to America" and "Death to Israel"—by giving them hundreds of billions of dollars of sanction relief; by putting them on the path to get a nuclear weapon; by, for instance, not in-

sisting that we continue the multilateral sanctions on Iran's missile program that expire under the nuclear deal tomorrow—that is right, tomorrow, October 18, the 8-year anniversary of the part of the nuclear deal with Iran that says that multilateral sanctions on their missile and drones will expire—at a time when Iran is providing missiles and drones to Russia to kill Ukrainians.

Joe Biden also, when he came to office, didn't just empower Iran; he empowered the exact terror proxies we are talking about. U.S. law prohibits the payment of aid to Palestinians that engage in so-called martyr payments—the grotesque practice of paying the families of suicide bombers and murderers of Jews or paying them if they survive. Congress stopped that practice with something called the Taylor Force Act. The administration has refused to enforce that law. To my knowledge, they continue to say they will make aid payments to Palestinian entities, which, in the end, inevitably free up more resources to attack Israel.

Which gets to another point the Senator from Vermont made—that this \$6 billion is sitting in Qatar in kind of an escrow account and is only going to be used for humanitarian purposes, things like food, medicine, and so forth. I understand that is the argument. I get that. But, of course, money is fungible. Iran now has \$6 billion free to do other things.

If a family in Arkansas is struggling to pay the bill for the groceries and they don't know if they can buy Christmas presents for their kids and they win a \$500 gift card to a grocery store at a Friday Night Football Booster Club event, guess what—it may not pay for the Christmas gifts, but they now have \$500 freed up to buy Christmas gifts. The exact same principle applies here.

I know the Iranian Government doesn't care for its people. That is why they oppress them and murder them. I grant you that. But they also need some kind of social stability to maintain their grip on power.

So, yes, it is a direct benefit to the terror regime in Tehran. If they get \$6 billion for things like food and medicine, that frees up their finances for other activities, like supporting Hamas and supporting Hezbollah and supporting the proxies in Syria and Iraq that have attacked Americans more than 83 times.

The Senator from Vermont also mentioned the suffering Iranians. They are indeed suffering. They have for more than 40 years under the yoke of the ayatollahs.

They have occasionally risen up in opposition—in 2009, during the green revolution, when Barack Obama stood idly by and did nothing to support these brave Iranians, with Joe Biden sitting by his side. Where was he? Was he caught flat-footed? Was he naive? Was he an inexperienced President his fifth month in office? No. He didn't

support the Iranian people when they were rising up against the ayatollahs in the summer of 2009 because he prioritized, above all else, atoning for America's sins against Iran in his mind and procuring a nuclear deal that would elevate Iran to a regional power that would balance off against our friends in Israel and the Arab nations so we could exit the region. That is the exact policy that Joe Biden has pursued in his nearly 3 years in office as well. There have been uprisings in Iran for over a year. Where has the administration been to support them?

I would just say finally on the point about the intelligence on whether Iran had foreknowledge of these attacks, was involved at all in planning them, I think there are disputes about that. I find it very skeptical that an organization that gets more than 90 percent of its funding from Tehran would launch an attack like this against Israel without Iran at least tacitly blessing it. But I also say as a point of analogy that you cannot breed pit bulls, feed them, house them, train them to attack and kill, and then let them off the leash and claim no responsibility when they maul your neighbors. That is exactly what Iran has done with terror groups like Hamas and Hezbollah and militias in Syria and Iraq.

So I regret that my friend from Vermont drew the short straw to come down here and object on behalf of his vulnerable Democratic colleagues. I will continue to work with my colleagues—hopefully, some of those Democrats who claim they want to stop the \$6 billion from being released because the last thing we should be doing, after these atrocious attacks on Israel and on America, I remind you, is enriching the Ayatollah any further.

I yield the floor.

The PRESIDING OFFICER (Mr. WELCH). The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—S. 2210

Mr. HAGERTY. In the aftermath of the barbaric massacre committed by Iran-backed terrorist organization Hamas, there has been significant attention given in the U.S. Senate to the \$6 billion the Biden administration unfroze as part of a ransom deal with Iran. This is understandable. Because money is fungible, the combination of waivers and nonenforcement of sanctions has enabled Iran to spend billions of dollars bankrolling terrorists, including Hamas.

The \$6 billion was just the latest installment of an enormous windfall the Iranian regime has enjoyed ever since Joe Biden took office. But not enough attention has been paid to the way Congress has willingly abdicated its responsibility and allowed the executive branch to get away with a reckless policy of appeasement toward Iran.

According to many recent news reports this year, the Biden administration was negotiating an unwritten agreement with Iran in which the United States would relieve billions of dollars of sanctions on Iran in return for a number of Iranian promises.

One of the architects of this strategy of pursuing an informal and unwritten agreement with Iran as part of a broader strategy of appeasing the Iranians was none other than Rob Malley. Rob Malley was placed on unpaid leave by the State Department in June. He has had his security clearance suspended amid a probe into the possibility that he mishandled classified material. The results have been catastrophic. Iran has received tens of billions of dollars in revenue it would not have received had sanctions been properly enforced.

Iran has continued to obstruct nuclear inspection efforts, and its proxies have continued engaging in terrorism across the region, most recently and most tragically in Israel.

Furthermore, rewarding hostage-taking by paying \$6 billion for the potential release of five American hostages, as the Biden administration recently did, is just one element of this unwritten agreement. It only incentivizes more hostage-taking of U.S. citizens abroad, both by Iran and by other adversaries.

To that point, as of now, it appears that Iran-backed Hamas is holding 13 American citizens hostage in Gaza. Let me be clear. I believe the Biden administration's Iran policies are deeply misguided and threaten the security of Americans and of our partners and allies in the Middle East.

But I am not here today to debate the pros and cons of resurrecting the Iran deal or any specific agreement the Biden administration has made with Iran. The massacre in Israel last week should have settled that debate; though I suspect we will likely continue to have that debate in the months ahead. Rather, I am here today to argue for preserving the role of Congress amid concern that the Biden administration has continuously refused to enforce sanctions as part of a gradually unfolding agreement with Iran and is doing so in such a manner that is designed to circumvent its legal obligation to submit an agreement to revive the Iran nuclear deal to Congress for review and for an up-or-down vote.

When President Obama pursued the original Iran nuclear deal, his administration blatantly disregarded its constitutional duty to submit the agreement as a treaty requiring the advice and consent of two-thirds of the Senate. In response, Congress passed a law known as the Iran Nuclear Agreement Review Act, or INARA, by a vote of 99 to 1. In brief, the INARA law says that if the United States and Iran make any agreement related to Iran's nuclear program, the White House must submit it for congressional review and potential up-or-down votes in the Senate and the House of Representatives.

The nearly unanimous bipartisan passage of INARA by the Senate reflected the Senators' bipartisan frustration that the executive branch was ignoring the Constitution and trying to circumvent Congress on such an important matter. And yet since taking of-

fice, the Biden administration has disregarded its legal obligations under INARA, and the U.S. Congress has allowed this administration to get away with it.

If the multitude of reports are accurate, the Biden administration was intentionally avoiding calling its unfolding agreement with Iran an official agreement. That was an effort to, again, sidestep congressional approval that is required under INARA. In early 2021, I was concerned that this might happen, so I introduced the Iran Sanctions Relief Act, or ISRRA, in the 117th Congress and reintroduced it in the 118th Congress.

As a backup to INARA, my bill requires congressional review and an up-or-down vote on any Presidential waiver of Iran sanctions, whether that is labeled as an agreement or not.

My vote borrows a provision from the Countering America's Adversaries Through Sanctions Act, or CAATSA, that overwhelmingly passed Congress back in 2017. The CAATSA provision allows for congressional review and an up-or-down vote on any Presidential waiver of Russian sanctions. My bill takes, word for word, that same provision and applies it to any Presidential waiver of Iran sanctions.

This is important because any new agreement to revive the Iran deal will require, once again, the executive branch to waive Iran sanctions.

Additionally, in light of reports that the \$6 billion the Biden administration unfroze was part of the larger unwritten and informal agreement with Iran, Congress would have had the opportunity to object before the money was unfrozen had my bill had the force of law.

In other words, my bill protects the role of Congress as the executive branch continues to ignore its legal obligations and refuses to submit a new agreement to the Senate and to the House. So far, 41 Senators have cosponsored the Iran Sanctions Relief Review Act. This number is significant because 41 Senators would be more than enough to deny the Senate's advice and consent if the executive branch actually followed the Constitution and presented a new Iran agreement to the Senate as a treaty.

The House companion to this bill has passed through the House Foreign Affairs Committee with bipartisan support. We must protect the first branch of government from an executive branch that seeks to encroach it or to ignore it.

As in legislative session, I ask unanimous consent that the Foreign Relations Committee be discharged of further consideration of S. 2210 and that the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. MURPHY. Mr. President, reserving the right to object, no one is proposing lifting sanctions on Iran. This is a legislative proposal seeking to solve a problem that simply does not exist. So let's make that clear from the outset.

Second, the Biden administration has been incredibly tough on Iran. Frankly, the Biden administration has drawn a lot of criticism from people like me for not reengaging in the JCPOA. Instead, the Biden administration decided to drive a harder bargain with the Iranians.

It is also not true that the Biden administration has not implemented new and additional sanctions on Iran. In fact, just a month ago, the Treasury Department announced the 13th round of new sanctions on Iran, mostly relative to the brutal suppression of the protest movement inside of that country.

And so it is important to get the record straight in terms of what this administration's record has been on Iran. And it is also important for us to not create some fantasy world in which the prior administration's Iran policy was working.

President Trump's Iran policy was an unmitigated disaster. An absolute disaster. Whatever you think about the JCPOA, there is just no question that after we withdrew from the JCPOA, a set of very bad things happened: One, Iran started shooting at American troops inside Iraq and inside Syria, something that was not happening during the Obama administration while we were in the JCPOA. Second, their support for proxy groups continued to increase, including to groups like Hamas. Third, they restarted their nuclear research program. They are now 1 month away from a nuclear weapon. And fourth, the coalition that had been assembled to organize efforts to contain and to isolate Iran fell apart.

And so let's not put a gloss on what was a disastrous Iran policy under the previous regime. But as to the Senator's proposal, even if we have disagreements on the JCPOA or on Iran policy, this proposed legislation is just really bad policy. It is really bad policy, and it will make American sanctions much weaker and much less effective.

Why is that? What this proposal suggests is that for Iran sanctions, every time you lift or waive a sanction, you have to come to Congress. Now, we have sanctions levied against, I would guess, thousands of Iranian institutions, organizations, and individuals. And the purpose of sanctions is to change behavior, right? It is not just punishment. Sanctions are about delivering a consequence to an individual, an organization, or a country for their bad behavior as a means of trying to get them to change that behavior. And once they change that behavior, the sanction is lifted.

That is why Congress, traditionally, does not require a separate congressional review process, a separate congressional vote every time an administration lifts a sanction because you need for an administration to be nimble in applying sanctions and also lifting sanctions because if a foreign individual in Iran or any other place understands that in order for a sanction to be lifted not only does the administration have to lift it but Congress has to have a debate and a vote, it is no incentive to change behavior.

So I just think this is really bad policy. Whether or not you like President Biden's Iran policy—and I do—whether or not you supported the JCPOA, tying the administration's hands on sanction policy in this way just makes the sanctions much less effective. I get it. The Republicans don't like Joe Biden, and they don't like Joe Biden's foreign policy, but this would be bad under a Republican President as well.

I am very glad to work with my colleague on increasing the role that Congress plays on broad foreign policy decisions, but I think that there are some day-to-day administrations of foreign policy, like the decision as to when to waive or lift a particular individual sanction, that would become far too burdensome and contrary to national security interests if Congress got involved to the degree that this legislation suggests.

And so for that reason, simply because I think this is bad policy—whether this was about Iran policy or Venezuela policy or Russia policy, I just think it makes our sanctions policy much harder to effectuate and ultimately makes our sanction regimes weaker, not stronger.

For those reasons, I would object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Tennessee.

Mr. HAGERTY. Mr. President, I would welcome the opportunity to work with my colleague Senator MURPHY on sanctions policy, sanctions policies that make sense, but I would say this. If this policy is good enough for CAATSA in Russia, why wouldn't it be good enough for Iran?

The Senate has already passed CAATSA. I have used the exact language. I would also like to say this. If it is true that this administration is not waiving sanctions and is not entering an agreement, they should have no difficulty with this level of review. I don't believe that is the case.

And I also would like to address the accusations, I should say, leveled against the policy in the last administration after the withdrawal of the JCPOA. Iran never stopped their nuclear program. Israel, in a very brave and courageous raid, proved that they were continuing on that path.

As part of my prior job as U.S. Ambassador to Japan, it was my responsibility to get Japan to stop buying Iranian crude. I was successful at that after many rounds of negotiation. We

cut Iran's fund flows down to a trickle. That starved Iran's ability to fund its proxies, like Hamas and Hezbollah. In fact, it was widely reported in the media that Hamas and Hezbollah were going broke.

That all changed when the policy of appeasement came back in 2021. By avoiding sanctions, by not enforcing sanctions, the estimates are as high as \$80 billion of fresh illicit oil revenues that have entered Iran's coffers. We know about the payment that was allowed by Iraq to Iran by this administration. Senator COTTON just addressed this and the \$6 billion that has received so much scrutiny in the media just recently.

All of this has enriched Iran. All of this has put Iran in a better position to fund its proxies and fuel them, and I think all of this is part of a very misguided policy of appeasement.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that all postcloture time on the Gilbride nomination be considered expired at 5:15 p.m.

The PRESIDING OFFICER. Without objection.

#### ISRAEL

Mr. MENENDEZ. Mr. President, the eyes of the world are watching to see how we react to the terrorist attack Israel has suffered. Days after Hamas launched a horrific assault, kidnapping nearly 200, killing over 1,000, and injuring thousands more, the world is watching with bated breath.

Scenes of Hamas's evil are seared into our collective conscience. The images are indelible: Israelis slaughtered by marauding thugs, concertgoers shot in the back in broad daylight, people butchered, women raped, even infants murdered in cold blood. The barbaric atrocities are an affront to humankind itself. In the face of unspeakable evil, we must not mince words. We must not waiver in our resolve. Every single one of us in this Chamber has a moral responsibility to speak out unequivocally and unapologetically as we stand shoulder to shoulder with Israel and her people.

Now, I have been staunchly devoted to this cause for 31 years in Congress. Why? Because the bond between our nations is sacrosanct. In 1948, the United States was the first Nation to recognize Israel, a mere 11 minutes after it declared independence. Our two nations—intrinsically linked—were founded on similar principles, among them, justice, equal rights, freedom of religion, and the respect for the rule of law.

Over the years, both nations have been shaped by individuals seeking refuge from tyranny and oppression. Both nations have pursued truth and knowledge in an open society, unleashing innovation and creating untold prosperity for millions across the world.

But beyond this common cause, the United States-Israel relationship has

stood the test of time because of three fundamental facts: One, the United States is strong when Israel is strong; two, the Jewish people deserve to live in peace and security in the indisputable land of their ancestors going back to the times of Abraham and Sarah; and, three, Israel has the right to defend herself from the existential threats that surround it.

This last point deserves special attention, especially as some seek to equate the two sides in this conflict. To me, adherents of this view could not be more mistaken. There is no moral equivalency. We cannot “both sides” the Israeli-Hamas conflict, not when one is a sovereign democracy that guarantees freedom of religion and the other is a designated terrorist group hell-bent on killing Jews and destroying the Israeli people.

We cannot “both sides” the conflict when, for decades, one has shouldered the heavy costs of war, terrorism, and unjustified boycotts and the other has diverted humanitarian aid towards weapons designed to kill as many as possible. We cannot “both sides” the conflict in light of the steps taken by Israel to limit civilian casualties. No nation but Israel actively takes steps to warn of impending attacks. None. No other nation drops leaflets and makes phone calls to alert residents that they may be in danger's way. Only Israel waits to begin its military offensive, even when it means losing the element of surprise and putting it at a tactical disadvantage.

Compare that to the barbaric steps taken by Hamas. When Israel voluntarily and unilaterally withdrew from Gaza in 2005, did Hamas moderate its actions? Did it take the opportunity to build peace and create prosperity for the Palestinian people? No.

Instead, it instigated war, and it continued to terrorize and kill Israelis. It fired tens of thousands of rockets into population centers, indiscriminately raining terror down on families while they slept, children while they walked to school, or congregants while they gathered to pray. Not only did it brazenly commit these war crimes, it did so while using its own residents as human shields. That is right. Across the Gaza Strip, Hamas co-opted Palestinian homes, schools, and mosques to carry out attacks on their Israeli counterparts.

So to those who seek moral equivalence between the two sides, I ask you: Who fires rockets out of someone's home? Hamas. Who uses schools and hospitals as launching sites for deadly missiles? Hamas. Who uses mosques as weapons depots? Hamas. Moreover, who denies food, water, fuel, and shelter to civilians in order to better its fighters? Hamas. Who denies Palestinians the right to leave northern Gaza, trapping them to use them as human shields? Hamas.

We must recognize, of course, that not all Palestinians are part of Hamas and that many residents in Gaza are