

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, April 16, 2024

BUSINESS MEETING

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U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:04 a.m., in Room 116,
Hon. Benjamin J. Cardin, chairman of the Committee, presiding.

Present: Senators Cardin [presiding], Menendez, Shaheen, Coons,
Murphy, Kaine, Merkley, Booker, Schatz, Van Hollen, Duckworth, Risch, Rubio,
Romney, Ricketts, Cruz, and Scott.

**OPENING STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR
FROM MARYLAND**

The Chairman: The business meeting of the Senate Foreign Relations
Committee will come to order.

We do have nine present. We need one more for actually reporting but at
this stage we can start the preliminary work.

I just want to start off by thanking Senator Risch. I want to thank every
member of this Committee and I particularly want to thank our staffs.

This was extraordinary work to get this agenda together and it took a lot
of cooperation and, yes, we will probably have some votes here in the
Committee that may be without agreement and without consensus.

But, we have narrowed it considerably thanks to the hard work of our
members and your staffs. I particularly want to acknowledge the staff of the
Committee, both the Democratic and Republican staff who worked throughout
this whole weekend and through the night in order to try to get us to a point
where we can not only pass legislation, but we can see it enacted into law.

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We do have 21 nominations that we will be taking up today, seven FSO lists and 14 bills and resolutions. So, it has been a very, very aggressive agenda and I thank everyone for their cooperation.

The events of this weekend in the Middle East are on the forefront of our minds so I will start with a few words about Iran's attack on Israel.

The attack was brazen, almost 300 drones and missiles primarily launched from Iranian territory. There is no escaping the fact that the intention was to cause harm by including targeting areas that could have hit the holy sites in Jerusalem, risking injury and death to many innocent civilians.

Second, the attack from Iran was a complete failure. The United States led an international coalition of European allies and Arab partners to make sure we demonstrated with action our ironclad support for Israel's defense. President Biden showed that support in no uncertain terms.

Third, it is important as ever that we do not see a spiraling escalation in the region that leads to widespread violence and conflict. It is as important now as it was since October 7, and I support President Biden's effort to keep a strategic eye on protecting U.S. interests, personnel, and assets in the region as well as containing any escalation of the conflict.

That brings me to the Middle East bills that we are taking up today. Ideally, we would have sought to craft a bipartisan comprehensive bill in regard to what is happening in the Middle East with Iran and Hamas. Senator Risch wanted us to take up the individual bills, which is perfectly acceptable. So, we are taking up several independent bills that deal with this threat.

We will be taking up the SHIP Act and the MAHSA Act, Hamas Palestinian Islamic Jihad Support Prevention Act. I would like to thank Senator

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Rubio for his work on these bills along with Senator Hassan, Padilla, and Rosen.

We are also taking up Senator Risch's bill on Iranian Terrorism Act, Senator Menendez and Senator Hagerty with his help in making sure that the Iran sanctions stick. So, we have a significant agenda in regard to the challenges of Iran and Hamas.

In the interest of time, I will not go into details on each of these bills, but I will make a few quick points.

While the bills we are taking up today long predate the events of this weekend and predate October 7, they do seek to strengthen U.S. tools to cut off any international support to Hamas and also call for greater enforcement of sanctions on Iran, a country for which there are more U.S. sanction authorities on the books than virtually any others.

This is totally consistent with what we heard at the hearings that we held in regard to the Iranian sanctions, that we need to deal with the secondary issues.

These bills do deal with these issues and strengthen the tools that we have available to counter Iran's nefarious activities.

Through my substitute amendment we will be making each of these bills stronger and smarter – in light of the key additional sanctions I have added including in relation to Iranian threats concerning current and former U.S. officials.

This is becoming a bigger target – for the terrorists to go after our officials. We specifically allow for sanctions to be imposed for such activities. And smarter than that, we are preserving flexibility for the United States to

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implement our sanctions in a way that are most effective in furthering our objectives of constraining Iran, incentivizing the Iranian regime and its malign activities.

We also provide authority for resources so that we can actually have in place the capacity to enforce these sanctions.

I want to take a minute to mention the International Freedom Protection Act which I introduced along with Senator Wicker, and which has benefitted from thoughtful engagement. I want to thank Senator Merkley and Senator Rubio for their help.

For years, authoritarianism has been on the rise. Autocrats in nations like China, Russia, and Iran and beyond are increasingly undermining democracy in every region of the world.

This bill provides a framework for the United States to combat authoritarianism, modernizing our strategies, policies, and tools.

I am also pleased that we have so many other important bipartisan items on the agenda including bills and resolutions -- Senator Shaheen and Senator Wicker in regards to the Western Balkans, a comprehensive bill that I strongly support; Senator Rubio and Kaine in regards to the Nicaragua from their work on the Western Hemisphere; Senator Coons and Graham on the U.S. Foundation for International Conservation Center -- working on this for a long time. I congratulate him on getting the bill to a point where we will be able to act on it today.

Senator Merkley and Young in regard to Tibet. I thank Senator Merkley for his leadership on this very important human rights issue.

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Senator Cruz and Kaine in regard to democracy -- Alliance for Democracy dealing with the D.R., dealing with Panama, dealing with Costa Rica and also Ecuador.

Among the issues we are going to be taking up are two resolutions regarding Americans detained in Russia. Marc Fogel -- thank you to Senator Casey and Daines -- and Evan Gershkovich. Evan has now -- and I want to thank Senator Risch for his work in regard to that resolution.

Evan has now been in a Russia prison for over a year. He is imprisoned because he was a reporter. We know how important independent reporting is to accountability and public knowledge, and to advance human rights.

It is outrageous that he has been held by Russia for what he is reporting. He has missed a year of his life and his family for merely reporting the truth, and I am proud to join the Ranking Member in introducing this resolution calling for his immediate release along with other Americans wrongfully detained in Russia, including Paul Whelan.

I also applaud Senator Shaheen, along with Senator Britt, for her important resolution condemning Hamas' use of sexual violence as a weapon of war against the people of Israel.

Sexual violence is one of the many ways Hamas has terrorized Israelis and we must call it out and hold the perpetrators accountable.

This is the type of robust markup I have sought since becoming Chairman and I look forward to more in the coming weeks. In addition, we worked very closely with Senator Risch, and we have a very robust agenda in regard to nominations. I would still like us to do more.

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I think we have to act as promptly as we can on the nominations with hearings and committee actions. I am pleased that today's agenda includes such a robust number of nominees in a Foreign Service officers list.

With that, let me turn over to Senator Risch for his opening comments.

**STATEMENT OF HON. JAMES E. RISCH,
U.S. SENATOR FROM IDAHO**

Senator Risch: Well, thank you, Mr. Chairman.

First of all, I am glad we have gotten to a robust agenda including the Middle East legislation to push back on Iran's aggression against Israel and the United States. It would be nice if we had gotten to it sooner, but it is more important that we get it right as opposed to an overly aggressive time schedule.

The conflict in the Middle East has significant, very significant implications, for American national security. This conflict cries out for our attention because of the U.S. national interests arising from the region.

Almost everyone refers to the situation as a regional conflict. That is a very bad mislabeling. It suggests widespread misbehavior by a number of countries in the region.

There is conflict in a number of areas in the region but all of it, all of it, every single bit of it, is instigated and caused by one entity and that is the regime that is governing Iran.

It is not the Iranian people. There are 88 million Iranians who do not want this any more than the world does. If they had a First and Second Amendment like we do, the regime would be gone. The regime up until this weekend used proxies made up of idiots like Hamas, Hezbollah, and the Houthis who were persuaded to fight the regime's battle for them.

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This weekend, the regime has entered uncharted waters, and they are about to discover that is a really bad idea.

It is clear that the Biden administration's assumptions about the Iranian regime were wrong. In reality they have always been wrong. The Iran regime does not want peace. It wants to impose its radical agenda on the region and, indeed, the world.

Let us be clear. Iran is, and the sole cause of, the upheaval in the Middle East, although challenging because the regime is using these proxies.

In many respects there are up sides because there is only one central actor and that makes it easier to deal with. So let us get on with it.

Many of the bills on the agenda focus on Iran and several have passed the House. We have a real opportunity to get them across the finish line and signed into law.

My End IT Act and SHIP Act target Chinese purchases of Iranian oil, which are their highest -- at the highest level since 2018. Cutting off funding is one of the best and most effective ways to end all of this in the Middle East.

I am also offering an amendment to increase regional cooperation to counter Iranian drones. Given the deaths of three Americans in January this is urgent.

I also seek a vote to permanently freeze Iranian assets that were transferred from South Korea to Qatar at the administration's request. We have got to deny the regime the resources it requires to spread terror abroad.

On Senate Res. 385, I am pleased we are finally marking up this resolution calling for the release of Evan. He has been wrongfully detained over a year and has been held in a Russian prison since.

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It is imperative this administration bring Evan, Paul Whelan, Marc Fogel, and other Americans home from Putin's prisons.

Unfortunately, today's agenda does not include two critical resolutions on Sudan. It is particularly unfortunate as yesterday marked one year into Sudan's dreadful conflict. The committee's failure to act misses a critical opportunity to denounce the violence, prioritize the Sudan crisis and meet the dire humanitarian needs.

We could have voted to label Darfur's ongoing genocide, echoing Congress' stance from 20 years ago. Today's conflict is being done by the same actors targeting the same ethnic groups. We should call it what it is.

Finally, I plan to support each of the nominees on the agenda. With that, I ask that the Committee be permitted to submit requests to the clerk in writing to be recorded on any item on today's agenda.

Thank you very much, Mr. Chairman.

The Chairman: Without objection, that is the process we will follow. I just want to comment.

I strongly support your concerns in regard to the crisis in Sudan, the one-year anniversary of the conflict, and the horrible humanitarian crisis that currently exists in Sudan. So, I look forward to working with you as to how our Committee can be constructed in trying to bring an end to that crisis.

We will now proceed with the business agenda. I am going to try to make this easy so everyone understands exactly how we are proceeding. We are going to do as many agenda items en bloc to the extent that we can do it. We will start with nominations.

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If any member wishes to have a separate consideration of any of the issues en bloc, I will pause for you to be able to remove any of the items from the en bloc consideration. We will then have any member who wishes to talk about any of the issues that are in the en bloc considerations before we take a vote.

We will then take a vote and as Senator Risch has indicated, if -- at any time if any member wishes to be recorded in the negative in regard to any issue that is in the en bloc, they will have that opportunity to do that.

So, with that understanding, the first issue without objection which we will now consider is en bloc several nominations. There are actually, I believe, 21 that are listed in today's agenda.

On the list that has been distributed, there are 21 nominations that we would consider en bloc. In addition, we would consider the FSO lists that are listed on the agenda items 22 through 28. All those issues will be considered en bloc.

Is there any request that any of these matters, nominees, or lists be separated from the en bloc for consideration?

[No response.]

The Chairman: Is there any member who wishes to be heard in regards to this agenda item?

[No response.]

The Chairman: Is there a motion to approve these nominations en bloc?

Senator Coons: So moved.

The Chairman: Is there a second?

Senator Menendez: Second.

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The Chairman: Moved and second. Questions on the motion to approve all the nominations and the FSO list notice for this business meeting.

All in favor signify by saying aye.

Opposed, nay.

The ayes have it. A majority of members present have voted in the affirmative. The ayes have it and the items are agreed to.

Once again, any member who wishes to be recorded in the negative on any of the nominations will have the right to.

Senator Cruz, do you want to --

Senator Cruz: Mr. Chairman, I ask that I be recorded as a no on Dorothy Shea, Courtney O'Donnell, on Dafna Hochman Rand, on Andrew Plitt, and on Lisa Peterson.

The Chairman: So noted.

Senator Risch: Mr. Chairman, I want to be recorded as no on Bass.

The Chairman: So noted. Again, the record -- Senator Shaheen?

Senator Shaheen: I do not know if this comment is in order at this time, but I hope that you and Senator Risch will go to leadership on both sides of the aisle and urge that these move to the floor as quickly as possible.

It is, I think, unacceptable that we are almost four years into the administration and we are still trying to approve some of these positions to ambassador at a time when we have the competition that we have around the world.

The Chairman: It is my intention to do exactly that. I will work with Senator Risch. The backup on the floor in regard to nominations coming out of our committee has almost been piddly handled. So, this will now put a lot of

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matters on the floor and we will work to see whether we cannot get them to the floor as quickly as possible.

Senator Shaheen: If I can be helpful in that, and I am sure most of us feel that way, please let us know.

The Chairman: We are now going to move to the legislative agenda, leaving for last the Middle East bills. So, without objection, we will consider en bloc including any substitute and Manager's Amendments the following bills: S. 3854, International Freedom Protection Act; S. 1651, the Western Balkans Democracy and Prosperity Act; S. 138, Promoting a Resolution to the Tibet-China Conflict Act; S. 618, United States Foundation for International Conservation Act of 2023; S. 1881, Restoring Sovereignty and Human Rights in Nicaragua Act of 2023; S. Res. 357, a resolution recognizing the formation of the Alliance for Development in Democracy and urging the United States to pursue deeper ties with its member countries; S. Con. Res. 18, a concurrent resolution calling for the immediate release of Marc Fogel, a United States citizen and teacher, who was given an unjust and disproportionate criminal sentence by the Government of the Russia Federation in June 2022; S. Res. 385, a resolution calling for the immediate release of Evan Gershkovich, a United States citizen and journalist, who was wrongfully detained by the Government of the Russian Federation in March 2023.

In regard to this en bloc agenda is there any request that we separate out for a separate vote any item that is included in the list?

If not, are there any discussions in regard to any of these issues? Any member wish to be heard?

Senator Coons: Mr. Chairman?

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The Chairman: Senator Coons?

Senator Coons: Just briefly, I am grateful that we finally are getting to a vote on the U.S. Foundation for International Conservation.

I am grateful to Senator Ricketts and Senator Kaine to be co-sponsors along with Senator Graham and me. It passed House Foreign Affairs by a vote of 42 to 7. I am hopeful that we will get a voice vote here and we can proceed to enactment.

It will make a significant difference in the world in conservation. I am happy to work through details with anyone who has an unresolved question, concern, or issue. But I am just grateful we have finally gotten to this point.

The Chairman: Senator Coons, I appreciate your patience.

Senator Merkley?

Senator Merkley: Mr. Chair, I just want to thank you very much for -- transnational repression we worked on and others worked on with Senator Rubio, to be part of this. I thank you very much. And I know, there are other elements that involve domestic security and -- in this Committee and I appreciate the conversations that we have had about seeking ways to address this in the Defense Authorization Act.

The Chairman: Senator Merkley, I very much appreciate your leadership on this issue. You have certainly improved this legislation and I look forward to moving this legislation forward and working with you on the other issues. So, thank you very much for your leadership on this.

Is there a motion to approve en bloc all of the agenda items I included in the en bloc request?

Senator Menendez: So moved.

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The Chairman: Is there a second?

Senator Shaheen: Second.

The Chairman: Moved and second. A quorum being present the question is on the motion to approve en bloc all of the agenda items, the non-Middle East agenda items I previously listed?

All in favor signify by saying aye.

Opposed, nay.

The ayes have it. The en bloc legislation will be reported favorably.

Senator Romney: Mr. Chairman?

The Chairman: Senator Romney? I see you down there.

Senator Romney: I would like to be recorded as a no on S. 618.

The Chairman: The majority of members present having voted in the affirmative the items are agreed to.

Now, let us see which one is coming up first.

The first item we will take up will be agenda item number nine, S. Res. 505, a resolution condemning the use of sexual violence and rape as a weapon of war by the terrorist group Hamas against the people of Israel.

Does any member wish to speak in regard to this resolution?

If not, is there a motion to approve the resolution?

Senator Shaheen: So moved.

The Chairman: Is there a second?

Senator Menendez: Second.

The Chairman: All in favor signify by saying aye.

Opposed, nay.

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The ayes have it. A quorum being present the resolution is reported favorably.

We will now move to S. 1829, the Stop Harboring Iranian Petroleum Act of 2023, affectionately known as the SHIP Act. Any member wish to be heard in regard to S. 1829?

We do have a Manager's Package that -- so the first issue will be the approval of the Manager's Package. Then if there are other additional amendments, we will consider that. Any member will have a chance to speak.

So, the question is the motion to approve the Manager's Amendment in the nature of a substitute of S. 1829, the Stop Harboring Iranian Petroleum Act of 2023.

Does any member want to speak in regard to this action before we vote?

Senator Cruz?

I am sorry -- Senator Rubio?

Senator Cruz: Cubans all look alike.

[Laughter.]

Senator Rubio: Although I am suspicious of Cubans with beards but...[Laughter.]

Senator Rubio: Mr. Chair, just briefly.

I mean, this bill sanctions the illicit purchase of Iranian oil and holds the regime accountable for -- holds their enablers accountable. As we can see, what had happened 72 hours ago was the largest drone attack in history. Never have we seen that many drones launched at one time against one target.

All that is paid for by a combination of sanctions relief and oil proceeds and so this goes right to the heart of it. Obviously, this bill was filed before that

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attack, but Iran is the source of all -- it is the major source of instability in that region, and it is paid for somehow, and that is through the illicit purchase of Iranian oil.

And so that is the aim here and, obviously, we have got a pretty good Manager's Amendment that you have just referenced that takes into account some changes that I think improve the bill and can get us all on the same page, and I urge everyone to support it. I thank Senator Hassan, who has been a critical component of that.

The Chairman: Senator Rubio, I really want to thank you for your leadership on this. We have been working for a way to try to make sure that those that are able to escape the sanctions that should be sanctioned are sanctioned. So, I thank you for your leadership on this and it was a pleasure to work with you on this.

The question is on the amendment in the nature of a substitute. Is there a motion to approve?

Senator Coons: So moved.

The Chairman: Second?

Senator Shaheen: Second.

The Chairman: It has been moved and seconded.

All in favor signify by saying aye.

Opposed, nay.

The ayes have it. The majority having voted in the affirmative the Manager's Amendment is agreed to.

I have received a request for a roll call vote.

No, I have not. Sorry.

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Are there any further amendments in regard to the SHIP Act?

Senator Cruz now?

Senator Cruz: You can call me Rubio.

[Laughter.]

Senator Cruz: I want to call up Cruz First Degree 1 amendment to this bill, and what this does is it directly targets Iran's ghost fleet of oil tankers, including its owners and operators.

Iran has used this fleet to evade existing oil sanctions and to raise over \$80 billion since President Biden took office. Iran then uses that oil money to finance terrorist operations across the Middle East.

While the SHIP Act rightly goes after foreign vessels involved in Iran's illicit oil trade, my amendment goes a step further by directly impacting the Iranian regime.

The regime relies on revenue from its ghost fleet to keep its economy running and to sponsor terrorism. I will say I think everyone here is horrified with Iran firing over 300 drones and missiles at Israel. Everyone is likewise horrified at Iran funding over 90 percent of Hamas' budget, over 90 percent of Hezbollah's budget, and paying for the October 7 massacre.

I would suggest if we really are horrified, our actions should reflect that horror and nothing would have a greater impact than limiting Iran's ability to fund acts of terror against Israel and against America, and we all know that Iran has also launched over 100 attacks against U.S. servicemen and women, including murdering three servicemen and women in recent months.

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Nothing would have a greater impact than cutting off their cash, and as long as we do not target the ghost fleet, their regime will continue to be funded by oil.

I will point out also that for my colleagues on the Democrat side of the aisle there is often skepticism when it comes to oil production in the United States. I disagree with that skepticism, but I would encourage you to channel every bit of it towards production by Iran because I do not know that my mind is nimble enough to explain why oil from Iran is good but oil from America is bad.

At a minimum, it seems cutting off the Ayatollah and understand the volume of what we are talking about. During the Trump administration right after we pulled out of the Iran deal there was still in place an oil waiver that allowed Iran to sell oil on the international market.

At the time Iran was selling, roughly, 1 million barrels of oil a day. It was funding the regime. There was a big argument in the Trump administration about whether to end that oil waiver. I leaned in vigorously in support of ending the oil waiver.

The State Department under Trump argued against ending the oil waiver. They argued that if we ended the oil waiver, the price of oil would skyrocket and it would hurt the price of gas at the pump.

The Department of Energy disagreed with Trump's State Department. They said there was plenty of global supply. It would not impact the price of oil.

At the end of the day, Trump agreed and ended the oil waiver and we now know State was wrong and Energy was right. We ended the oil waiver and

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the global price of oil -- the movement was negligible. There was essentially zero movement.

But the effect on Iran was cataclysmic. It went from a million barrels a day down to 300,000 barrels a day. The result was the Iranian economy was on its knees and was crippled. That was what President Biden inherited – an Iranian economy in freefall.

Unfortunately, when President Biden came in, he stopped enforcing the oil sanctions, in particular on the ghost fleet, and the exports went from 300,000 barrels a day to 2 million barrels a day, more than double what they had been before the oil waivers were rescinded.

This is what is funding these terror attacks, and so I would urge everyone to speak with one voice and cut off the revenue to the Ayatollah.

The Chairman: I have a Second Degree Amendment that I will offer. It is to make it consistent with the other provisions we have in all these sanction bills as it relates to waivers, as it relates to sunsets, as it relates to humanitarian exceptions. That is in every one of our sanction bills.

I support your amendment, but it needs to be made consistent. So, I would urge you to accept my Second Degree Amendment. Then I will support your amendment.

Senator Cruz: So, Mr. Chairman, unfortunately, I cannot accept the Second Degree Amendment because the effect of it essentially guts the amendment. It returns us to the status quo.

It makes sanctioning the ghost fleet optional and the Biden administration does not want to sanction the ghost fleet. I do not know why. I cannot articulate a reason why. The difference between your amendment and

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my amendment is that you make the sanctions optional. I make them mandatory.

If they are optional, the effect of this will be that nothing will happen. The ghost fleet will continue. Iran will continue selling 2 million barrels a day. They will keep getting billions of dollars. They will keep producing drones. They will keep attacking Israel. They will keep attacking America.

If the administration was willing to sanction it, then it would be fine if it was optional, but they are not willing to and the only way they will is if we pass legislation saying it is mandatory.

The Chairman: Senator Risch?

Senator Risch: Mr. Chairman, first of all, I am going to vote against your amendment. You are correct in stating that it makes it in conformance with everything we have sent to the administration when it comes to sanctioning because the President always says, by golly, if you send anything up here that I do not have the right to waiver, I am going to veto it.

Well, the problem is, is that as long as I have been here, we have had -- and it is not just the Democrat administration, it has been Republican administrations, too -- for whatever reason the bankers up there just absolutely drag their feet when you try to get sanctions.

Now, if we pass this one, as Senator Cruz has put it in front of us, I would argue that, yes, it is different than the other ones we have passed but this situation is so dire that we should not give the administration the ability to say, well, you know, we will let a little through here, a little through there.

Let us stop the damn thing and that is what Senator Cruz's bill does. So, with all due respect -- and I say that honestly -- with all due respect, I

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understand you want to make it conform to the other things we have but this is a different situation than the kind of sanctions we do in other circumstances.

Thank you, Mr. Chair.

The Chairman: I would just point out -- I do not know if anyone else wants to speak -- the amendment does provide for mandatory sanctions. My amendment does not delete that. They are mandatory sanctions.

It just puts it in context to the respect for the branches of government and for humanitarian exceptions with a sunset, which we have on all the other sanctions.

So, I would just urge my colleagues to accept my Second Degree Amendment. Does anyone else wish to be heard?

If not, are you wanting the roll call vote?

Senator Cruz: Please.

The Chairman: The clerk will call -- the question is on the adoption of the Cardin Second Degree Amendment to the Cruz Amendment.

Senator Romney: Mr. Chairman, may I ask a question?

The Chairman: Sure.

Senator Romney: I am sorry.

Which is, clearly you have had some communication with the administration on this. Will they put in place sanctions on the ghost fleet? If your amendment passes, will they put in place sanctions on the ghost fleet or will they continue the current status quo?

The Chairman: Senator Romney, I think this administration is prepared to impose the toughest possible sanctions on Iran. They have already done that. The number of sanctions --

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Senator Romney: They have not -- but they have not done that so far.

The Chairman: Well, this gives them the authority and requires them to do it. So yes, I am convinced it will happen.

Senator Romney: But have you had any commitment from them?

Anything --

The Chairman: I do not think I have had a conversation with them one way or the other. I know that they have been reviewing the legislation that we have before us, and I think they are satisfied with the language that we have here, and they are prepared to take action to impose sanctions.

Senator Cruz: For what it is worth, Senator Romney, they had the authority under existing law to sanction the ghost fleet and they have not done it for three and a half years, which is why Iran's oil exports have exploded.

I mean, they have known this. We have had hearing after hearing where I asked the administration, why do we not sanction the ghost fleet? And they just dig in and say no.

The Chairman: There is a question as to whether it is primary or secondary. It is one of the issues in regard to the ghost fleet.

Senator Risch: Mr. Chairman, I would only throw in here --

The Chairman: That is -- they may not have had the authority.

Senator Risch: This is not a partisan matter. I mean, it is turning into a partisan matter, but this is not a partisan matter. There is not a person at this table that does not want to turn the screw on Iran's oil, and this does it without your amendment. I would say let us give it a shot and see if we cannot do something that will really help the situation.

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The Chairman: In response to Senator Romney, the current authority is primarily for primary sanctions, not secondary. The SHIP Act is now moving towards secondary sanctions.

The ghost fleet is I would consider in the secondary sanction area. Therefore, the authorities were not clear. I disagree with Senator Cruz's comments on that.

I think this administration will use this authority. It is mandatory. They have to do it, unless they find -- they comply with the exceptions that are in law. If they do that, they will have to explain why.

So, I am confident they will use this authority. Let us give them a chance. I hope you will accept my amendment. You can ask for --

Senator Cruz: Can I ask a question, Mr. Chairman?

The Chairman: Sure.

Senator Cruz: In describing your amendment, you listed two things that were in it that I understood: number one, providing a sunset and, number two, giving the President the ability to waive.

Would you be open to a compromise? I would accept in a friendly amendment a sunset on mine as long as the President did not have the ability to waive. Would you be open to that as a middle ground?

The Chairman: I do not believe so but thank you for your offer. I appreciate it.

The question will be on the Cardin Secondary Amendment. The clerk will call the roll.

The Clerk: Mr. Menendez?

Senator Menendez: Aye.

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The Clerk: Ms. Shaheen?

Senator Shaheen: Aye.

The Clerk: Mr. Coons?

Senator Coons: Aye.

The Clerk: Mr. Murphy?

Senator Murphy: Aye.

The Clerk: Mr. Kaine?

Senator Kaine: Aye.

The Clerk: Mr. Merkley?

Senator Merkley: Aye.

The Clerk: Mr. Booker?

Senator Booker: Aye.

The Clerk: Mr. Schatz?

Senator Schatz: Aye.

The Clerk: Mr. Van Hollen?

Senator Van Hollen: Aye.

The Clerk: Ms. Duckworth?

Senator Duckworth: Aye.

The Clerk: Mr. Risch?

Senator Risch: No.

The Clerk: Mr. Rubio?

Senator Rubio: No.

The Clerk: Mr. Romney?

Senator Romney: No.

The Clerk: Mr. Ricketts?

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Senator Ricketts: No.

The Clerk: Mr. Paul?

Senator Risch: Not recorded.

The Clerk: Mr. Barrasso?

Senator Risch: No by proxy.

The Clerk: Mr. Young?

Senator Risch: No by proxy.

The Clerk: Mr. Cruz?

Senator Cruz: No.

The Clerk: Mr. Hagerty?

Senator Risch: No by proxy.

The Clerk: Mr. Scott?

Senator Scott: No.

The Clerk: Mr. Chairman?

The Chairman: Aye. Clerk will report.

The Clerk: Mr. Chairman, the yeas are 11. The noes are nine.

The Chairman: The question now is on the Cruz Amendment as amended by the Cardin Amendment. Can we do this by voice?

Senator Cruz: Sure.

The Chairman: All in favor signify by saying aye.

Opposed, nay.

The ayes have it. The amendment is adopted as amended.

Is there any further -- Senator Schatz?

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Senator Schatz: Mr. Chairman, I would like to call my amendment Schatz 1 and it is very straightforward. It is just a reporting requirement on how the sanctions are working.

Sanctions, of course, are an important tool but we need to know how well they are working on the intended targets. This is a pretty straightforward one-and-a-half-page amendment that just says that the State Department has to get back to us on how these are functioning in terms of the regime and also in terms of the impact on the civil society that they are trying to empower in Iran.

Just for the information of the members, I have the same reporting requirement for all four of the Iran sanctions bills, but this is meant to just say we are, obviously, using sanctions increasingly and it is not at all unreasonable for us to have an ongoing assessment of how they are working.

The Chairman: Anyone wish to be heard on the reporting?

Senator Rubio?

Senator Rubio: Yes. Look, I am -- I think at the end of the day, whether the sanctions are working or not is an important thing to know and I think we would be able to see that by how the money is being spent and whether they continue to spend money on their military and on their attack capability.

I think the challenge I have with this amendment is I can also see how it is going to be used for the purposes of arguing that sanctions are having a brutal impact on the people of Iran, which you could argue that about any sanctions -- are sanctions on Russia having an impact on the Russian population.

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But that is not the result of the sanctions. That is the result of the decisions made by the leaders of that country to engage in global terrorism and attacking their neighbors and in how they allocate their limited resources.

So, my objection to this amendment, because I can foresee how it is going to be utilized as a tool by those who support Iran or at least undermine America's national interest when it comes to Iran, is how in the future they will use this to argue that these sanctions are hurting everyday Iranians, when in fact it is not the sanctions that would be doing that, but the actions of the regime there.

So that is why I vote no.

The Chairman: Senator Rubio, I think you raised a good point. I support the amendment, though, and as you know I am strongly in support of sanctions as the author of the Magnitsky sanctions bill and of many of the other sanction bills.

I think having information allows us to be able to defend why we have sanctions in place, recognizing it does affect a country and its people. But it is for that purpose. So, I would support the Schatz Amendment because I believe in transparency, and we should know the facts.

Any other discussions in regard to the Schatz Amendment?

Can we take a voice vote on this or is there -- is a motion to adopt the Schatz Amendment?

Senator Menendez: So moved.

The Chairman: Second?

Senator Shaheen: Second.

The Chairman: All in favor signify by saying aye.

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All opposed, nay.

The ayes appear to have it. The ayes have it. The Schatz Amendment is approved.

Any further amendments in regard to the SHIP Act?

Senator Murphy: Mr. Chairman?

The Chairman: Certainly. Senator Murphy?

Senator Murphy: I do not have an amendment, just to comment on the

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The Chairman: Certainly. Senator Murphy?

Senator Murphy: Let me thank the Ranking Member and the Chairman for undergoing really important work over the last few days to come to a Manager's Package that makes this feel much more effective.

I particularly want to thank you for including a sunset provision which I think dovetails with Senator Schatz's concern that we need to have the ability to be able to check if our sanctions policy is working. That can happen through reporting, but that can also happen before these sanctions come back before the body.

But I am going to ask for a roll call on this particular bill. I intend to vote against it, and I just want to tell you why, very quickly.

Listen, I am really worried that our broader foreign policy has become a little sanctions crazy, that we have become overly reliant on sanctions in the absence of other more efficacious tools to try to influence friends and enemies across the globe.

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Iran is a significant adversary. They are not our only adversary. Over the next 20 years, they are not likely to be our primary number-one adversary. That will probably be China.

But this piece of legislation contemplates a pretty dizzying set of sanctions against ports, individuals, companies, shipping entities in countries all around the world. They are mandatory sanctions. The Chairman is right. Worked into this bill is an ability to waive those mandatory sanctions.

But I am much more comfortable with a sanctions policy that is permissive because I think there will be all sorts of times where it is good policy to make Iran policy the priority and sanction that entity overseas.

But there will be many moments in which there is a conflicting priority. Sanctioning, in particular, port infrastructure, sanctioning a particular company may cause damage to our work to try and build an anti-China coalition, for instance, or an anti-North Korea coalition if you are rubbing up against an ally in Southeast Asia.

And so, Senator Risch is right. There is not really bipartisan disagreement on turning the screws on Iran; it is just a question of how we do it. I do not like the fact that these are all mandatory sanctions that have permissive sanctions and, more broadly, I just wish we were able to have a more holistic conversation about the kind of tools that we need around the world to try to turn the screws on Iran. Sanctions are not the only way you do that.

Support for human rights and democracy and anti-corruption efforts in the Middle East, where Iranian proxies exist in a vacuum of U.S. leadership

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because we do not resource the State Department and USAID significantly enough, is part of the problem as well.

So, I appreciate all the work that has gone into this. I do believe that the sanctions can have an impact. I am much more comfortable when the sanctions are permissive, and so for that reason I will be voting against this particular piece of legislation, which is probably the most significant package of mandatory sanctions that we are going to consider as well.

Thank you.

The Chairman: Before us is S. 1829, the Stop Harboring Iran Petroleum Act of 2023 as amended. Is there a motion to favorably report it?

Voice: So moved.

The Chairman: Second?

Senator Shaheen: Second.

The Chairman: Been moved and seconded.

Does -- Senator, do you want a roll call vote on this? Are you --

Senator Murphy: I am happy taking a voice vote. That is fine.

The Chairman: All in favor signify by saying aye.

All opposed, nay.

The ayes have it. The majority of members being present it will be reported favorably to the Senate.

Senator Schatz: Chairman, can I be recorded as a no?

The Chairman: Certainly. Senator Schatz has --

Senator Murphy: I would ask to be recorded as a no.

The Chairman: Senator Murphy.

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We will now move to S. 2336, the MISSILES Act, Senator Menendez's legislation.

Would anyone like to comment on the bill before we vote on it?

Senator Menendez: Mr. Chairman?

The Chairman: Certainly. Senator Menendez?

Senator Menendez: Very, very briefly.

It is pretty self-evident. The United Nations Security Council had sanctions on Iran as it relates to missiles and those who worked with Iran either by supplying, providing and/or in any way assisting in the creation of their missile program.

Unfortunately, that lapsed, and this is why I have been promoting this legislation for a while since it lapsed. Obviously, the other day showed us how significant the launch of missiles and the barrage of missiles and the scope of missiles that Iran has to launch and that is even without its proxies.

So, for all these reasons I think that at least having U.S. leadership lead the way in restoring those sanctions is incredibly important and, hopefully, as we try to engage other countries in the world in response to Iran in a diplomatic way, they might join with us either individually as nations or seek an opportunity to renew it at the U.N.

The Chairman: Is there a motion to approve the Manager's Amendment?

Senator Shaheen: So moved.

The Chairman: Second?

Senator Murphy: Second.

The Chairman: All in favor signify by saying aye.

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All opposed, nay.

The Manager's Package is adopted.

Are there any further amendments or comments?

Senator Schatz?

Senator Schatz: Mr. Chairman, I have the same reporting requirement -

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The Chairman: You are offering that amendment?

Senator Schatz: -- an amendment to offer --

The Chairman: Any debate on that amendment?

If not, all in favor signify by saying aye.

Opposed, nay.

The ayes have it. Any further debate?

If not, is there a motion that we favorably report it as amended?

Senator Schatz: So moved.

The Chairman: A second?

Senator Menendez: Second.

The Chairman: All in favor signify by saying aye.

Opposed, nay.

The ayes have it. The bill as amended will be reported to the Senate floor.

We are now up to S. 3235, End Iranian Terrorism Act of 2023.

Senator Risch, thank you for your leadership on this bill. Would you like to comment on it?

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Senator Risch: I think the bill is pretty straightforward. It has been kicking around for a long time. Almost everybody has got fingerprints on this one way or another.

So, again, it falls directly in line with what we have been saying all along and that is the problem here is Iran in the region, period. If we cut off the head of the snake, things are going to be a lot different in the region. This does it. I recommend the bill.

The Chairman: Is there a motion to approve the Manager's Amendment?

Voice: So moved.

The Chairman: Second?

Senator Merkley: Second.

The Chairman: It has been moved and seconded. All in favor signify by saying aye.

Opposed, nay.

The Manager's Amendment is adopted. Are there any further amendments?

Senator Schatz?

Senator Schatz: Reporting requirement.

The Chairman: You are offering your amendment. Any debate?

All in favor signify by saying aye.

Opposed, nay.

The ayes have it. S. 3235 as amended is before us. Is there a motion to report it favorably?

Senator Risch: So moved.

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The Chairman: Second? Moved and second.

All in favor signify by saying aye.

Opposed, nay.

The ayes have it. A quorum being present S. 3235 will be reported favorably.

That brings us to S. 3874, Hamas and Palestinian Islamic Jihad International Terrorism Support Prevention Act. I believe this -- is that yours?

Senator Rubio, any comments, Senator --

Senator Rubio: Thank you. It would impose sanctions with respect to foreign support for terrorist organizations. So, that would include foreign governments that provide material support for these activities and any other affiliates.

The Chairman: Is there a motion to approve the Manager's Amendment?

Senator Risch: So moved.

The Chairman: A second?

Senator Shaheen: Second.

The Chairman: Moved and second.

All in favor signify by saying aye.

Opposed, nay.

The ayes have it. The Manager's Package is adopted. Are there any further amendments or any further debate?

Senator Schatz: Mr. Chairman, I suggest a reporting requirement.

The Chairman: I take Senator Schatz first.

Senator Schatz is offering his amendment on reporting.

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All in favor signify by saying aye.

Opposed, nay.

The ayes have it.

Senator Cruz?

Senator Cruz: I call up Cruz First Degree 1.

Immediately after October 7, the Biden administration announced sanctions on a handful of the many, many Hamas members that it had tracked. We have every reason to believe that there are many, many more files with known Hamas terrorists who have not been sanctioned sitting on the shelves.

My amendment is straightforward. The administration should report those terrorists to Congress by name and sanction them. While this bill targets foreign persons affiliated with Hamas, it must go further to have direct impact on Hamas terrorists responsible for the atrocities of October 7.

The Biden administration has poured hundreds of millions of dollars into the Gaza Strip while knowing that this would benefit Hamas terrorists. They also allowed \$100 billion to flow to Iran, part of which was used to fund Hamas' planning and execution of the October 7 attacks.

Time and time again, the Biden administration refuses to enforce sanctions against Hamas for terrorism, for use of human shields, or against those who violate terrorism sanctions and provide Hamas with financial or material support.

Now is the time, I believe, to do it and help Israel destroy Hamas who must never again be permitted to conduct another October 7.

My amendment would impose immediate sanctions on every single Hamas official and affiliate on the books within 15 days.

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The Chairman: Senator Cruz, once again I agree with your point. This is identical to the amendment you offered on the previous bill.

I have a Second Degree Amendment with the same provisions that makes it consistent with the sanction regimes that are included in the bill, and I would offer my Second Degree Amendment.

Senator Risch: Mr. Chairman?

My staff tells me that there was at least an understanding last night to see if we could not get all this in one bill and everybody agreed. It is yours and Senator Cruz's. Am I right or wrong? Am I missing something here?

Senator Cruz: If your staff is telling you that, it is different from what my staff is telling me.

Senator Risch: All right. We will just take it a step at a time then, I guess, what we do here -- what we always do.

The Chairman: I might have jumped ahead. I withdraw my Second Degree and yield to Senator Van Hollen. I think we will get the script here right. No?

Senator Van Hollen: Well, I am not sure. My understanding is that you have a Second Degree. I have a Second Degree that does not trump yours.

The Chairman: Oh, okay.

Senator Van Hollen: So, I would suggest, Mr. Chairman, you go first.

The Chairman: We were under the impression that these two Second Degrees were going to be accepted but that it is -- I mean, it might be in there. I guess we are in there. My Second Degree is a --

Senator Cruz: Somehow that impression did not make it to my end.

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The Chairman: Okay. So let us take it one step at a time. You have offered your amendment. I have offered my Second Degree Amendment which includes the three provisions that were on the previous amendment that you offered.

That is the sunset, the waiver, and the humanitarian issues. It is identical to the Second Degree.

Senator Cruz: And I would say briefly, concerning the Second Degree I am saying in this instance, which is this administration, for whatever reason, refuses to do this and they are dragging their feet.

They have the names of these Hamas terrorists right now, that they can do it today. They are not. They are busy right now sanctioning Israelis who are settling in Judea and Samaria, and they are not sanctioning Hamas terrorists.

I do not understand that, but that is what they are doing, and so I would point out the waiver, at the end of the day, decreases the chance that this administration is going to do anything serious against Hamas.

The Chairman: Do you want a record vote or a voice vote separately here?

Senator Cruz: I would like a record vote.

The Chairman: Is there any further debate on this Second Degree Amendment?

Senator Risch: Oh, is this the Cardin Second Degree?

The Chairman: Cardin Second Degree amendment. The clerk will call the roll on the Second Degree Amendment.

The Clerk: Mr. Menendez?

Senator Menendez: Aye.

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The Clerk: Ms. Shaheen?

Senator Shaheen: Aye.

The Clerk: Mr. Coons?

Senator Coons: Aye.

The Clerk: Mr. Murphy?

Senator Murphy: Aye.

The Clerk: Mr. Kaine?

Senator Kaine: Aye.

The Clerk: Mr. Merkley?

Senator Merkley: Aye.

The Clerk: Mr. Booker?

Senator Booker: Aye.

The Clerk: Mr. Schatz?

Voice: Aye by proxy.

The Clerk: Mr. Van Hollen?

Senator Van Hollen: Aye.

The Clerk: Ms. Duckworth?

Senator Duckworth: Aye.

The Clerk: Mr. Risch?

Senator Risch: No.

The Clerk: Mr. Rubio?

Senator Rubio: No.

The Clerk: Mr. Romney?

Senator Romney: No.

The Clerk: Mr. Ricketts?

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Senator Ricketts: No.

The Clerk: Mr. Paul?

Senator Risch: No by proxy.

The Clerk: Mr. Young?

Senator Risch: No by proxy.

The Clerk: Mr. Barrasso?

Senator Risch: No by proxy.

The Clerk: Mr. Cruz?

Senator Cruz: No.

The Clerk: Mr. Hagerty?

Senator Risch: No by proxy.

The Clerk: Mr. Scott?

Senator Scott: No.

The Clerk: Mr. Chairman?

The Chairman: Aye. Clerk will report.

The Clerk: Mr. Chairman, the ayes are 11. Noes are eight.

The Chairman: The Second Degree Amendment is adopted.

Senator Van Hollen?

Senator Van Hollen: Thank you, Mr. Chairman.

I have a Second Degree Amendment that requires a report on the extent to which any transfers of funds to Hamas or its agents were made with the concurrence of the government of Israel or its agents.

So, let me just spend a few minutes here talking about this issue because it is well documented including in now Prime Minister Netanyahu's

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own words that he and his allies essentially wanted to allow Hamas to continue as a going concern until, of course, the horror of October 7.

Why did he want to do it? Because he saw it as in his interest to prevent a two-state solution. He has been very clear. From the beginning, he was an opponent of the Oslo Accords that created the PA back in the 1990s.

He is an opponent of the two-state solution, and it was pretty clear so long as Hamas was a going concern that everybody would say we cannot have a two-state solution that includes Hamas. None of us would want to see Hamas as part of that.

And so, it was a two-pronged strategy. One was essentially to allow Hamas to continue where they thought they were not a threat -- wars from time to time. Obviously, October 7th changed that.

But I am just going to quote from Benjamin Netanyahu himself back in 2019 at a Likud Party meeting where he said, and I quote, "Anyone who wants to prevent the creation of a Palestinian state needs to support strengthening Hamas. This is part of our strategy, to divide the Palestinians between those in Gaza and those in Judea and Samaria." That is Benjamin Netanyahu.

I will just say it was not only words. He spent a lot of time concurring to funding flowing to Hamas entities. So, I am just going to read some headlines here.

This one is from the Jerusalem Post October 7th, "Failure connected to Netanyahu helping Qatar on Hamas." Here is another one, Times of Israel. "Documents show Israel sought valued Qatari aid for Gaza in years leading to October 7th."

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Here is another one, a CNN article just from December. Quote, headline "Qatar sent millions to Gaza for years with Israel's backing."

A New York Times piece from December of last year titled "Buying quiet: Inside the Israeli plan that propped up Hamas," sub headline, and I quote, "Prime Minister Netanyahu gambled that a strong Hamas, but not too strong, would keep the peace and reduce pressure for a Palestinian state," unquote.

So, look, I am fine imposing sanctions on Hamas and entities related to Hamas, but I think the public deserves some context here for at least some of those transfers and that is all this does.

This just says please tell us in those instances where the U.S. government finds that any transfers made to Hamas were done with the concurrence of the Israeli government. Seems like a pretty straightforward transparency map.

The Chairman: Senator Risch?

Senator Risch: Senator Van Hollen, would you respond to an inquiry?

Senator Van Hollen: Sure.

Senator Risch: It seems to me you have got this pretty well documented and this calls for simply a report documenting what you have indicated.

I guess the problem I have is it seems -- you know, we all know that there is a robust internal political debate in Israel and it looks to me like -- and I do not mean this derogatorily but, I mean, it is going to insult Netanyahu. I do not think that is a good idea to do that and, I mean, I think the bill is a good bill to try to do something. I am just -- I am afraid if we stick this in there, it is going to go a different direction.

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I mean, I understand your point and I think there are some valid points there. But I do not think -- do we really need it in the bill? We have already got

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Senator Van Hollen: Well, Senator Risch --

Senator Risch: I get a report -- you have just given us a report.

Senator Van Hollen: Well, no. I want -- you are asking for sanctions to be imposed by the U.S. government. I am fine with that. So, I want the U.S. government to tell us what they know about this. What I have read to you are press reports. They are very well documented.

Also, this is not aimed only at Prime Minister Netanyahu. This goes back to other governments of Israel that were not headed by Netanyahu. It goes back for a period of time here, and I just think in full transparency that as we are imposing sanctions on Hamas, we recognize and get the U.S. -- and we are asking the U.S. government to do that. The U.S. government should go through this information and just tell us what they know, and I think it would be -- I do not know why we would not want our government to do that.

Senator Risch: It just seems to me it is counterproductive to the bill. I mean, it certainly lays out the facts as you have indicated it and also, I think you have stated the reasons why this was done. It just seems to me that it is going to be an internal political thing.

Senator Van Hollen: Senator Risch, you are calling for sanctions on a whole range of Hamas entities. I am for that. But do you not think that we should know in those instances where the funding that was provided to a Hamas entity was cleared and okayed by the government of Israel?

Is it not -- why would you not want to know that?

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Senator Risch: We already know that, do we not? You have already laid out the --

Senator Van Hollen: Well, no. Actually, the U.S. government -- well, the U.S. --

Senator Risch: It seems to me putting it in a bill like this is counterproductive.

Senator Van Hollen: But you are -- so let me ask you this. Would it matter to you when you are applying a sanction to some Hamas entity that the government of Israel okayed it?

Senator Risch: It would not matter to me.

Senator Van Hollen: It would not matter?

Senator Risch: Not --

Senator Van Hollen: So even though it was not only invited by the government of Israel but encouraged by the government of Israel that would not matter to you?

Senator Risch: It would not because I am trying to sanction the bad guys, not the good guys.

Senator Van Hollen: So, but we are doing this in part, obviously, to protect Israel's interest and our interests and so it is certainly relevant. It does not prohibit you from doing the sanction. In fact, the sanctions are mandatory.

But it seems to me it would be relevant for the U.S. government to know when they are imposing sanctions on a Hamas entity whether or not -- for receiving funds -- a person who provided funds to Hamas entity. It seems relevant whether it was cleared by the government of Israel in advance -- in fact, cleared as part of a strategy to support that entity.

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Senator Risch: I understand your point.

The Chairman: Senator Cruz?

Senator Cruz: I very much agree with Ranking Member Risch. I will say I and a number of other senators sat in this room with the Chairman looking at photograph after photograph of what happened on October 7th and listening to survivors and families of hostages who are still there.

What Hamas did was an act of grotesque evil that rivals what the Nazis did during World War II, and I think there is utterly no moral equivalency between Hamas and the government of Israel.

I think the reason Hamas is being sanctioned is not because of where they got money from. Hamas has also gotten sanctioned from the Biden administration.

We are not putting a report in here about how much the Biden administration knew when it sent hundreds of millions of dollars to Gaza that went straight to Hamas, and mind you, a bunch of us at the time said do not send them money because it will go to Hamas.

The Biden administration concluded in its own terms it was, quote, "highly likely this money will go to Hamas" and they sent it anyway.

I think that was a mistake but that is not why Hamas is being sanctioned because this administration gave them money. Hamas is being sanctioned because they murdered 1,200 Israelis, they murdered 30 Americans, they raped little girls and women, they tortured and murdered infants, and they committed unspeakable atrocities and I agree with Ranking Member Risch, it is counterproductive when we are sanctioning Hamas to

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include within it a provision that is designed to, and would in fact undermine, Prime Minister Netanyahu.

I get that many of the Democrats on this committee do not like Prime Minister Netanyahu. That is fine. The people of Israel elected him. He is the elected leader. In my view, we have an obligation to deal with whomever they elect. We elect -- we dealt with Naftali Bennett when he was the elected leader.

It is the people of Israel that get to elect their leaders. That is democracy, and I think undermining the elected leader of Israel at a time of war days after they sustained a massive rocket and drone attack from Iran, I think that is highly counterproductive.

Senator Van Hollen: Well, Senator Cruz, look, I agree with everything you said about the evil of Hamas. I have supported every effort to sanction Hamas and I am supporting that sanction again today.

But at some point, we have to recognize that this was -- at least part of the funding that has flowed to Hamas and people that you want to sanction for sending money for Hamas did so after getting the concurrence of members of the Israeli government.

So, it seems to me that does not --- we are not stopping the sanctions. But it seems to me that that is something that people should be aware of as part of this public debate.

It is great to hear all of us talk about how bad Hamas was. But it turns out, at least according to multiple reports, that during this whole period of time leading up to October 7th, people like Benjamin Netanyahu were actually working with others to make sure that some level of funding was provided to Hamas.

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Senator Cruz: Would you -- Tony Blinken?

The Chairman: Let us -- I think we have to bring this to a conclusion.

Let me -- I respect deeply what Senator Van Hollen is saying and the points he is raising, as Senator Risch has pointed out, is historically accurate as to what happened 15 years -- we go back 15 years.

The policies concerning Gaza and the West Bank have changed over the 15-year period. This is not the Netanyahu government. This is the government of Israel's decisions to have relations to try to maintain civil order in Gaza.

Now, those in retrospect may not have been the right decisions but these were decisions made in good faith to try to deal with civility for Gazans during this period of time.

I think it does confuse the purpose of this bill and I am not going to support your amendment, but I certainly understand the reasons for it.

Senator Van Hollen: If I just could, Mr. Chairman.

As I understand the amendment, you are -- because Senator Cardin is putting this in a sort of prospective view, right? This is where we are going to -- they may have made many mistakes in the past, but we are going to provide these sanctions, going forward. Your amendment looks backwards, does it not?

Senator Cruz: The people we --

Senator Van Hollen: So all -- so with respect, I mean, we are -- the government of Israel may have made mistakes in the past. But you are going to sanction somebody potentially who provided funding to Hamas with not just the concurrence sometimes but with the encouragement of the government of Israel.

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So, if this were just looking forward, we would not need this -- my amendment. But your amendment, Senator Cruz, looks back and so you are going to be punishing people, sanctioning people, who may have taken an action with the concurrence of the government of Israel.

You are going to punish them and that is -- you know, that is the reason for providing this information. I am not sanctioning the members of the Israeli government who may have said go send that money. You are sanctioning the people who did so.

The Chairman: Before Senator Coons leaves, I just want to announce to the committee after we complete the receiving of the impeachment documents, we have a photo. It will take place immediately after we are freed from the floor.

So, I would ask members to come down here once we are free from the floor and the proceeding. I did not mean to interrupt you, but I wanted to make sure that --

We are going to -- we got to bring this to a conclusion.

Senator Merkley?

Senator Merkley: I just want to give a concrete example of this. I have read a number of articles that are attacking Qatar for having provided funding to Hamas.

My understanding is that there were a lot of conversations related to Israel trying to facilitate funds to Hamas. If we are having a bill that is looking backwards and saying we are going to sanction Qatar, it is absolutely essential that we have the understanding of the context those funds were provided.

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This is why I support -- Senator Cruz, if you are looking -- if you wanted to eliminate the looking backwards in time and look forward in time, I think it would look different.

But you are looking backwards, and this is essential to understanding the context in which funds might have been supportive helping Israel out in their efforts.

The Chairman: Maybe I am misunderstanding. I am reading the Cruz Amendment shall submit to Congress a report listing all foreign persons currently known to the United States to be members or affiliates of Hamas currently.

Where is the look back?

Senator Van Hollen: Right. But I -- so you are going to get a name of everybody who is currently a member of Hamas but then you are going to look back in time to sanction, for example, to punish the government of Qatar or anything else that may have provided funding to somebody who is currently a member if they were five years ago.

So that is what it does. I mean --

The Chairman: I understand. Are we ready --

Senator Van Hollen: [Inaudible]

The Chairman: Do you want a roll call vote?

Senator Van Hollen: Yes, I do.

The Chairman: The clerk will call the roll on the Van Hollen Secondary Amendment to the Cruz Amendment.

The Clerk: Senator Menendez?

Senator Menendez: No.

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The Chairman: Ms. Shaheen?

The Chairman: No by proxy. I am sorry.

The Clerk: Mr. Coons?

The Chairman: Aye by proxy.

The Clerk: Mr. Murphy?

Senator Murphy: Aye.

The Clerk: Mr. Kaine?

Senator Kaine: Aye.

The Clerk: Mr. Booker?

Senator Booker: Aye.

The Clerk: Mr. Merkley?

Senator Merkley: Aye.

The Clerk: Mr. Schatz?

Voice: Aye by proxy.

The Clerk: Mr. Van Hollen?

Senator Van Hollen: Aye.

The Clerk: Ms. Duckworth?

Senator Duckworth: Aye.

The Clerk: Mr. Risch?

Senator Risch: No.

The Clerk: Mr. Rubio?

Senator Rubio: No.

The Clerk: Mr. Romney?

Senator Risch: No by proxy.

The Clerk: Mr. Ricketts?

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Senator Ricketts: No.

The Clerk: Mr. Paul?

Senator Risch: Not recorded.

The Clerk: Mr. Young?

Senator Risch: No by proxy.

The Clerk: Mr. Barrasso?

Senator Risch: No by proxy.

The Clerk: Mr. Cruz?

Senator Cruz: No.

The Clerk: Mr. Hagerty?

Senator Risch: No by proxy.

The Clerk: Mr. Scott?

Senator Scott: No.

The Clerk: Mr. Chairman?

The Chairman: No.

The Clerk: Mr. Chairman, the ayes are eight and the noes are 12.

The Chairman: The Second Degree amendment is not adopted. Now before us is the Cruz Amendment as amended.

Senator Murphy: Mr. Chairman?

The Chairman: On the Cruz amendment as amended?

Senator Murphy?

Senator Murphy: Mr. Chairman, I think this amendment has been made better by your Second Degree Amendment. But I just want to point out how completely unworkable this is. I mean, you are talking about submitting a

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list of individuals to be censured, individuals that belong to Hamas, tens of thousands of individuals, individuals who belong to an affiliate of Hamas.

I am sure many would argue that any Muslim Brotherhood political entity that exists in the Middle East would be an affiliate of Hamas. You are talking about hundreds of thousands of people who are now going to be sanctioned by the United States. There is no additional appropriation in this bill to do this, turn over the virtual entirety of our sanctions operation to the State Department and the Department of Treasury, not just to list these people and to sanction them but then to understand when they come off the list.

The whole point of U.S. sanctions is to try to influence people's behavior. I assume the point is, is that if you renounce your affiliation with Hamas you would no longer be sanctioned and you would not be sanctioned for the rest of your life.

And so, the very act of just keeping this list of tens if not hundreds of thousands of people current would be a management nightmare. So, what you have to prioritize is your sanction decisions. This is what I mean by our foreign policy becoming sanctions crazy.

You will not be able to conduct any other meaningful sanctions policy without additional massive appropriations if you have to keep a running list of every individual in Hamas, with a connection to Hamas, with an opportunity to come off the list.

Listen, I am not saying that there should not be a consequence for people who are members of this organization. I am not disagreeing with anything Senator Cruz has said about the cruel nature of this attack or about the

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culpability of individuals still aligned with an organization that is engaged in this kind of terrorism.

I just do not think this works without a significant new set of resources for those that would. This seems to be something that sort of looks really good on paper but is unworkable in practice.

So, even with the amendment I would hope that we reject this amendment.

The Chairman: Are we ready to vote?

Let me comment. I am going to oppose the amendment. I think it does go too far and I want to get this bill to the finish line. So, I will not be supporting it. I just wanted Senator Cruz to know.

The clerk will call the roll.

The Clerk: Mr. Menendez?

Senator Menendez: Pass.

The Clerk: Ms. Shaheen?

The Chairman: No by proxy.

The Clerk: Mr. Coons?

The Chairman: No by proxy.

The Clerk: Mr. Murphy?

Senator Murphy: No.

The Clerk: Mr. Kaine?

Senator Kaine: No.

The Clerk: Mr. Merkley?

Senator Merkley: No.

The Clerk: Mr. Booker?

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Senator Booker: No.

The Clerk: Mr. Schatz?

Senator Booker: No by proxy -- Mr. Schatz.

The Chairman: Pardon?

Senator Booker: Schatz is no by proxy.

The Chairman: Thank you. No by proxy.

Senator Booker: Yes. I carry Schatz's water.

[Laughter.]

The Clerk: Mr. Van Hollen?

Senator Van Hollen: No.

The Clerk: Ms. Duckworth?

Senator Duckworth: No.

The Clerk: Mr. Risch?

Senator Risch: Aye.

The Clerk: Mr. Rubio?

Senator Rubio: Aye.

The Clerk: Mr. Romney?

Senator Risch: Aye by proxy.

The Clerk: Mr. Ricketts?

Senator Ricketts: Aye.

The Clerk: Mr. Paul?

Senator Risch: Not recorded.

The Clerk: Mr. Young?

Senator Risch: Aye by proxy.

The Clerk: Mr. Barrasso?

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Senator Risch: Aye by proxy.

The Clerk: Mr. Cruz?

Senator Cruz: Aye.

The Clerk: Mr. Hagerty?

Senator Risch: Aye by proxy.

The Clerk: Mr. Scott?

Senator Scott: Aye.

The Clerk: Mr. Chairman?

The Chairman: No.

Senator Menendez: Mr. Chairman, I would ask to be recorded as a no.

The Chairman: Menendez no?

Clerk will report.

The Clerk: Mr. Chairman, the yeas are 9. The nays are 11.

The Chairman: The amendment is not agreed to.

The issue now is S. 3874 as amended.

Senator Merkley: Mr. Chairman, I do have an amendment.

The Chairman: Senator Merkley?

Senator Merkley: Yes. I call up Merkley Second Degree to Cardin First Degree number two and this is simply a statement of the principles that Antony Blinken has laid out. He laid them out for the Middle East back when he presented the message in Tokyo in December.

He laid them out again in Israel on February 7th at the press conference in Tel Aviv laying out the foundations for the most durable process of peace and security following Gaza and I think they should be included in this bill and I appreciate everyone's support.

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Senator Risch: Mr. Chairman?

The Chairman: Senator Risch?

Senator Risch: I am going to vote no on this. This actually puts in U.S. policy the prohibition of reoccupation of Gaza by Israel. We do not know how this is going to come out.

I mean, that may be one of the terms when they sit down at the peace table and decide how they are going to do this. It prohibits reoccupation for any period of time by Israel.

I think this is a bad -- we do not know where we are with this. I cannot support this.

Senator Merkley: Thank you, Senator Risch.

And I will just note that this is current U.S. policy reiterated a number of times by the Secretary of State and it really is pretty extensive regarding how this sets a foundation for a durable peace.

These principles involve being very clear, first and foremost, to support the security of Israel from terrorism, to support the security of Israel from violent attacks emanating from Gaza, to oppose the forcible displacement of Palestinians from Gaza, support the right of Palestinians displaced to return to their homes, and to express concerns and opposition to the reoccupation of Gaza by Israel, all laid out to present the opportunity for durable peace.

The Chairman: Any further discussion?

Senator Risch: Well, Mr. Chairman, right now Israel is occupying Gaza with a military force. If we pass this, does that say they got to pack up and leave? I mean, I think you have got the -- I think you have the cart in front of the donkey, to be honest with you.

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Senator Merkley: It is the principle expressed that -- my belief in the importance of the cessation of hostilities for the path going forward looking to how we interrupt this cycle of hate and violence and we -- not all of us may agree with the principles that Blinken has put forward, but I think many of us do and I think it is worth putting our stamp of yes, we want a foundation for a durable peace in the region.

The Chairman: And let me just point out, Israel is at war right now. It is a different situation when you are at war and the post-war period. I think Senator Merkley is correct. Israel has no intentions to occupy Gaza and I think this expresses not only the U.S. policy but also the Israeli policy. So, I will support your amendment.

Senator Merkley: This is the policy regarding reoccupation and supported by the U.S. Ambassador from Israel to the United States.

Senator Risch: Mr. Chairman, this puts a poison pill in this thing. I mean, this is a difficult vote if you stick this in there. I know what we are trying to do with the bill but man oh man, this is tough language.

The Chairman: The question is on the Merkley Amendment. Actually, it is a free-standing amendment now because the --

Senator Merkley: Yes, it is an amendment --

The Chairman: -- the Manager's Package has already been adopted. So it is a freestanding amendment.

On the Merkley amendment, do you want a roll call vote on this?

Senator Merkley: I am fine with a voice vote.

The Chairman: All in favor, signify by saying aye.

Opposed, nay,

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The ayes appear to have it. The ayes have it. The Merkley amendment is adopted.

Now, we are up to the S. 3874 as amended. Is there a motion to report it favorably to the floor as amended?

Senator Menendez: So moved.

The Chairman: A second?

All in favor signify --

Senator Risch: Mr. Chairman, I --

The Chairman: Senator Risch?

Senator Risch: I want a roll call vote for this one.

The Chairman: The clerk will call the roll on S. 3874 as amended.

Senator Risch: Mr. Chairman, I want to state for the record and I want to put it in the record that I am voting against this strictly because of the Merkley Amendment.

The Chairman: Understood.

The Clerk: Mr. Menendez?

Senator Menendez: Aye.

The Clerk: Ms. Shaheen?

The Chairman: Aye by proxy.

The Clerk: Mr. Coons?

The Chairman: Aye by proxy.

The Clerk: Mr. Murphy?

Senator Murphy: Aye.

The Clerk: Mr. Kaine?

Senator Kaine: Aye.

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The Clerk: Mr. Merkley?

Senator Merkley: Aye.

The Clerk: Mr. Booker?

Senator Booker: Aye.

The Clerk: Mr. Schatz?

Senator Booker: Aye by proxy. I am the Lorax. I speak for Brian. He

has gone but I will keep trying.

[Laughter.]

The Clerk: Mr. Van Hollen?

Senator Van Hollen: Aye.

The Clerk: Ms. Duckworth?

Senator Duckworth: Aye.

The Clerk: Mr. Risch?

Senator Risch: No.

The Clerk: Mr. Rubio?

Senator Rubio: Aye.

The Clerk: Mr. Romney?

Senator Risch: No by proxy.

The Clerk: Mr. Ricketts?

Senator Ricketts: No.

The Clerk: Mr. Paul?

Senator Risch: Not recorded.

The Clerk: Mr. Young?

Senator Risch: No by proxy.

The Clerk: Mr. Barrasso?

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Senator Risch: No by proxy.

The Clerk: Mr. Cruz?

Senator Cruz: No.

The Clerk: Mr. Hagerty?

Senator Risch: No by proxy.

The Clerk: Mr. Scott?

Senator Scott: No.

The Clerk: Mr. Chairman?

The Chairman: Aye. Clerk will report.

The Clerk: Mr. Chairman, the ayes are 12. The noes are 8.

The Chairman: A quorum being present the bill is reported favorably to the floor.

S. 2626, the MAHSA Act, is now before us. I want to thank Senator Rubio for his work on regards to this bill. Is there any discussion on this bill?

Senator Rubio: Mr. Chairman?

The Chairman: Senator Rubio?

Senator Rubio: It is just a determination on whether we should impose sanctions on the Supreme Leader of Iran, on the alleged so-called president of Iran, and their respective offices for human rights abuses inside of Iran and for their support for terrorism.

There is a Manager's Amendment.

The Chairman: There is a Manager's Amendment. Is there a motion to approve the Manager's Amendment?

Senator Merkley: So moved.

The Chairman: Second?

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Senator Menendez: Second.

The Chairman: Moved and second.

All in favor signify by saying aye.

Opposed, nay.

The ayes have it. The Manager's Package is adopted. Do we have a Schatz Amendment here?

Senator Booker: We have a Schatz Amendment. I speak for Schatz.

[Laughter.]

The Chairman: Senator Booker?

Senator Risch: Lucky you.

Senator Booker: Yes. Yes.

Hawaii and New Jersey are perfect together.

The Chairman: Would it not be surprising if he loses the amendment because you --

[Laughter.]

Senator Booker: I am surprised Schatz is willing to take the risk.

But in resonance with his previous four amendments that were adopted this is -- for the same reporting requirements I offer the Schatz Amendment.

The Chairman: The question is -- is there a second to the motion?
Moved and second?

Senator Rubio: Can I just make an observation about the amendment?

The Chairman: Sure. Sure.

Senator Rubio: I mean, unlike the others which impose sanctions this actually just asks for a determination as to whether sanctions should be imposed. So, I am not sure how you are going to have a report on the impact of

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sanctions that they made determine not to impose. So, unlike the other ones I think there is a mismatch here.

The Chairman: All in favor of the amendment signify by saying aye.

Opposed, nay.

The ayes appear to have it. The ayes have it. The amendment is adopted.

Any further amendments to this bill? Any further discussion?

Is there a motion to approve the bill as amended?

Senator Risch: So moved.

The Chairman: A second?

Senator Rubio: Second.

The Chairman: Moved and second. A quorum being present all in favor signify by saying aye.

Opposed, nay.

The ayes have it. S. 2626 is approved as amended to the floor.

Without objection, the staff will have the normal --

Senator Kaine: Mr. Chair? Mr. Chair?

The Chairman: -- authorities to make technical corrections.

Senator Kaine?

Senator Kaine: Mr. Chair, I just want to read something that -- to all of us. I have a friend who -- an American friend who lives in Jerusalem and this is a message to this committee and all in the Senate.

I wanted to reach out on Saturday night when I was home with my -- in Jerusalem but I just could not. In those very tense hours, I was hunkered

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down and I knew that my Israeli friends and neighbors were going insane sitting, watching, waiting for what was to unfold.

I would sneak pizza out of the window and could literally see missiles and flashes lighting the sky under massive [inaudible]. I did not know what we were experiencing until it was over.

All I did was thank God for Iron Dome, Arrow, and other lifesaving missile defense systems. Israel endured an unprecedented attack on its soil and the fact that it is not alone and that the air defenses that we have long invested in were so successful made all the difference.

That is thanks to you and your colleagues for the kind of bipartisan support you have demonstrated over the years, and I just wanted everyone to hear that.

Senator Risch: God bless America.

The Chairman: Again, I thank you all for your cooperation. Thank you. The business meeting will be adjourned.

[Whereupon, at 11:29 a.m., the meeting was adjourned.]