

that is undergirded with a political framework that can sustain a lasting rejection of the bankrupt ideology pedaled by ISIS. We don't have time to stick to a plan that has proven not to work.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NUCLEAR AGREEMENT WITH IRAN

Mr. TOOMEY. Mr. President, I wish to address an issue that has kind of been pushed into the background by virtue of a series of events that has, quite understandably, captured all of our attention. The atrocities committed by ISIS has justified a focus of attention on how we can make America more secure from this very frightening and dangerous threat, but we shouldn't lose sight of an ongoing threat that is simultaneously developing, and I am referring to the Iran nuclear deal and the very disturbing developments that have occurred just in the short period of time since the JCPOA, the agreement between the Western powers, including the United States, and Iran, was announced.

This is a deal that in its own right is very disturbing. I found it impossible to defend. Since then, it has gotten worse, and in my view additional developments clearly indicate that we don't really have an agreement here, and the President should not be lifting sanctions in a few weeks. My fear is that is exactly what the President intends to do. Let me walk through several of the items that have occurred recently that are particularly disturbing.

Item No. 1, almost immediately after the deal was announced, the Iranian leadership insisted they would essentially rewrite some very important parts of the deal. Specifically, they demanded that the sanctions had to be permanently lifted rather than suspended indefinitely. The JCPOA language says the United States will "cease the application of sanctions." The administration has been very clear. They told us that means the sanctions are suspended, but the framework remains in place in case they need to be reapplied. They have predicated the entire viability of this agreement on the ability to reimpose sanctions, so it is essential that they in fact be available to reapply. The Iranians have said: No, absolutely not. That is not what the agreement says. It says these sanctions are to be lifted and permanently removed and they cannot be restored for any reason under any circumstance.

Well, which is it? The Iranians have clearly indicated that they have a very

different understanding than our administration does, and this matters because whether sanctions can be reimposed in the event of a violation is absolutely central to the enforcement of this agreement, and that is according to the administration.

Item No. 2, shortly after the deal was announced, a couple of our colleagues—a House Member and a Senator—discovered the existence of two secret side deals. While on a trip to Europe, they discovered that these agreements were negotiated between the IAEA, the International Atomic Energy Agency, charged with much of the enforcement of this agreement, and the government in Tehran. It went to the heart of the past nuclear weapons activity that the Iranian Government was involved in. The administration didn't tell us about these side agreements or give us these side agreements, but it turns out they exist.

The nuclear review act stated very clearly that the President was obligated to give us all related documentation—all of it. The actual language is "any additional materials related thereto, including annexes, appendices, codicils, side agreements, implementing materials, documents, and guidance."

I think it is abundantly clear that the legislation actually in fact says, and intended to say, that anything in any way related to this agreement had to be handed over to Congress. It never happened. We never got it. To this day, we haven't gotten it. In fact, no Member of Congress has seen these agreements—these two documents. It is not just that no Member of Congress has seen them, nobody in the administration has seen them because the administration thought it was OK to just trust some other entity to negotiate a very central enforcement provision of this agreement without ever being able to even see it. It is unbelievable. No. 1, the President is in violation of the law if he lifts these sanctions because the law clearly states that process can't begin until we have gotten all the documents, and we still haven't, and a very important aspect of this agreement is something that the administration has never seen.

Item No. 3, October 3, just a few weeks ago, Iran launched a new long-range, precision-guided ballistic missile. Even the Obama administration acknowledges that this is a violation of U.N. Security Council Resolution 1929, which prohibits any ballistic missile activities on the part of Iran. Let me briefly quote from that resolution. It is a resolution that, by the way, supports the JCPOA. It is an integral part of the nuclear deal with Iran. It states that Iran is "not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology, until the date eight years after the JCPOA." The intermediate-range ballistic missiles that the Iranians launched could abso-

lutely hold nuclear weapons. They have a 1,000-mile range and could reach Israel.

A few weeks after that, on November 21, Iran launched a second ballistic missile. In spite of everybody pointing out that they were in violation of the JCPOA with the first launch, they demonstrated just how concerned they were about that by a second launch. It was a slightly different system, quicker setup time, more mobility, more maneuverable, and still capable of delivering nuclear weapons. Why does this matter? Well, it matters because it demonstrates that Iran has every intention to continue to improve its ability to deliver nuclear weapons great distances, with great precision. It demonstrates the continued intent of Iran to develop the capability to threaten and attack Israel and U.S. allies.

It is a fact that with this technology in place, if and when they violate this agreement and develop nuclear weapons—or even if they just wait until it is over and develop nuclear weapons, which the agreement permits—they will be immediately prepared to launch these weapons great distances. Maybe most fundamentally, Iran is in open violation of the JCPOA. They obviously have contempt for this agreement. How can we trust them when they are blatantly and flagrantly violating central parts of it?

Item No. 4, October 29, Iran sends weapons to the Assad regime on Russian cargo planes, violating another U.S. Security Council Resolution, as was part of a bigger deal. It included, in the negotiation of the deal, that Commander Soleimani travel to Russia, which is in violation of the U.S. Security Council Resolutions because a travel ban had been imposed personally on him. That didn't matter. He went to Russia and negotiated an agreement that included weapons for Assad, in violation of another U.N. Security Council resolution, and Russian delivery of the SA-300 Air Defense System for Iran.

Why is this important? Well, it is yet another flagrant violation of international law and U.N. Security Council resolutions but also because the delivery of these surface-to-air missiles diminishes the ability and credibility of a military strike against Iran, which we have been told is always the ultimate backstop. You would think that maybe the administration would have some concern about this.

Item No. 5, October 29, Iran arrests an American and convicts another American. The Iranian regime arrested the Iranian-American businessman Siamak Namazi and convicted Washington Post reporter Jason Rezaian in a show trial. This American reporter has now been held for over 500 days. Meanwhile, of course, the Iranian hardliners continue to hold their anti-American rallies, burn American flags, and shout "Death to America."

Why does all of this matter? After all, this was not contemplated by the

JCPOA directly. It matters because it reveals the ongoing open hostility of the Iranian leadership to the United States. In response, of course, America has taken no steps and no action, but it is fundamentally clear that this deal has not changed the mindset or attitude of the regime toward America, and now it appears that Iran is holding some additional chips, if you will, in the form of American hostages and that should be pretty disturbing.

Item No. 6, December 2, just a few days ago, the IAEA report came out on the previous military dimensions of Iran's weapons program. What did they conclude? They concluded that up until and through at least 2009, Iran was, in fact, working on a nuclear weapons capability. That is from the IAEA's report. That is not my opinion. That is their conclusion. They confirmed, among other things, that the Iranians were working on neutron triggers for detonation purposes, miniaturization efforts for warheads so they could be put on ballistic missiles, and specific designs for fitting them on weapons.

In addition to confirming the nuclear weapons activity of the Iranian regime, the IAEA report highlighted that the Iranians were not fully cooperating as they were trying to determine the extent of the past military dimensions. Again, according to the IAEA, the Iranians consistently tried to mislead investigators.

At the Parchin site, where much of the research and weaponization process was underway, the Iranians were heavily sanitizing the site. In recent months, they were trying to destroy the evidence prior to the IAEA investigation and determination, and the Iranians did not provide all of the information that was requested of them. This is all from the IAEA.

Why does all of this matter? First and foremost, it is absolutely indisputable proof positive that Iran has been lying through this entire process. They have always said they have no nuclear weapons program and that all of their nuclear research has always been exclusively for peaceful purposes. It has been a lie. It was always a lie. It was a lie through the entire negotiations. If they are willing to lie about this, what else are they lying about? Since they were not willing to fully cooperate, how much do we really know about exactly how far along their weapons process was? And if and when we discover future weapons developments, we might not know whether that was prior to the agreement or post-agreement. It just creates a great deal of dangerous ambiguity.

Finally—and this to me is maybe the most shocking—on November 24, the State Department acknowledged that the Government of Iran had never ratified and had not signed the JCPOA. They haven't signed the agreement. The administration acknowledges this. In a letter to a Member of Congress, Congressman MIKE POMPEO, on November 19, 2015, the State Department said,

among other things, the "JCPOA is not a treaty or an executive agreement, and is not a signed document. The JCPOA reflects political commitments. . . ."

The President had previously called it a negotiated diplomatic agreement and attached great weight to it. The President said:

The agreement now reached between the international community and Iran builds on this tradition of strong principled diplomacy. After two years of negotiations, we have achieved a detailed arrangement that permanently prohibits Iran from obtaining nuclear weapons.

Except that it doesn't and Iran hasn't signed it. The President even compared it to the START treaty and the non-proliferation treaty. It is very different. The fact is, the State Department letter openly admits that this agreement, if you can call it that, is not legally binding on Iran, and the Iranians have refused to sign it. Instead, it is supposed to depend on extensive verification, and we have talked about the problems with that, and the ability to snap back sanctions, which, likewise, have been dramatically undermined at best.

Then let's look at what the Iranians have done. President Ruhani pushed the Iranian legislature specifically not to adopt the JCPOA. They have ignored it. They have not voted on it. They have not ratified it. They have not affirmed it. So, in addition to not signing it, they have not had an eradication vote to approve it. In fact, they voted on some other framework. Ayatollah Khamenei has suspended further negotiations with the United States, so they have not signed the agreement, they have not voted on the agreement, and they have announced that they have no intentions of discussing any more with us the substance of it.

It looks pretty clear to me that the Iranians are creating the ability to completely deny any obligation on their part to honor the terms of the agreement. It looks pretty obvious to me that that is what is going on here. Yet we are just a few weeks away from what this agreement, which hasn't really been agreed to, calls the "implementation day." That is the day on which the sanctions will be lifted.

By all accounts, it appears as though the administration intends to go ahead and lift the sanctions. Principally among them is the release of many tens of billions—maybe \$100 billion—to Iran, despite the fact that the Iranians have demanded that these sanctions be permanently lifted, despite the discovery of these secret agreements, despite at least two ballistic missile launches in direct violation of the agreement, despite the violations of the arms embargoes, despite the arrest of Americans, despite the confirmation that we all now know that Iran has been lying throughout this entire process about the past weaponization, and despite the fact that they refuse to sign or pass this agreement. Despite all

that, we apparently are just a few weeks away from lifting the sanctions, releasing upwards of \$100 billion to the Iranians, and, of course, at that moment, losing virtually all leverage over Iran and their pursuit of nuclear weapons.

I think it is time the President of the United States realizes and acknowledges that there is no agreement here. There is not a deal. Any reason one would think of at this point that Iran is going to honor this agreement that is not really an agreement I think is extremely naive at best.

I hope that in the very short time that remains, we are able to persuade the administration to reconsider their apparent intent to lift these sanctions and reward this regime with a staggering amount of money with which they will do, in my view, very likely great harm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I ask unanimous consent for an additional 10 minutes to the 10 minutes I have been allotted.

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

#### EVERY STUDENT SUCCEEDS BILL

Mr. BENNET. Mr. President, I am sorry the Senator from Colorado has the misfortune of presiding over the Senate when I am giving a speech, but it is nice to see him.

I wanted to come to the floor today to mostly say thank you but also to make some observations on a day where I am actually proud of the Senate. I am proud of the work we have been able to do to reauthorize the Elementary and Secondary School Act with a vote in the Senate of 85 yes votes. This came after a vote in the House of Representatives that was 359 yes votes. And this comes after a time when just months ago it seemed as though we were paralyzed on this bill and unable to get a vote in the House and in the Senate. In fact, the House passed a very partisan bill that didn't get one Democratic vote. And when the Democrats were in charge, we passed bills that didn't get Republican votes, and then we couldn't even get them to the floor. Now we find ourselves just a few months later with a huge bipartisan result.

I want to start by commending LAMAR ALEXANDER, the Senator from Tennessee, the chairman of the Health, Education, Labor, and Pensions Committee, for his extraordinary leadership, as well as PATTY MURRAY, the ranking member of the committee, for her leadership. They ran this committee and they ran this process in a way that ought to set the standard for the rest of the committees in the Senate. They followed regular order. They started with a bipartisan product. They asked every single member of the committee whether we had ideas to try to