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OF THE  
COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS  
FIRST SESSION

*January 6, 2015 to December 18, 2015*



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COMMITTEE ON FOREIGN RELATIONS

*January 6, 2015 to April 1, 2015*

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JAMIL JAFFER, *Majority Chief Counsel*  
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*April 2, 2015 to December 18, 2015*

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## **BUSINESS MEETING**

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**Wednesday, January 28, 2015**

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

The committee met, pursuant to notice, at 9:48 a.m., in Room 419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Johnson, Flake, Gardner, Perdue, Isakson, Menendez, Coons, Udall, and Markey.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. Okay. I am going to call the meeting to order. I want to thank everybody for being here, and I know people have differing places to go. So what I thought I would do is walk through what we are going to do so when people arrive and we have 10 here, we can vote. But, again, thank you.

This is the first business meeting of our committee. We have had the opportunity to organize the committee, establish our subcommittees, and set rules for the Congress. In addition, we will consider resolutions authorizing expenditures for the committee and commemorating the 70th anniversary of the liberation of the Auschwitz extermination camp in Nazi-occupied Poland.

First, we are considering the proposed subcommittee membership and jurisdiction for the 114th Congress. I have worked with Senator Menendez to structure our subcommittees and issues that they cover. I appreciate his support in this effort and the work of his staff in helping us strike the right balance. In modifying our subcommittees, I hope they will play an even greater role in the work that this committee does.

I also want to thank each and every one of you for your willingness to serve on these important subcommittees, and I look forward to working with respective chairmen and ranking members. And I do want to say there was an extreme amount of interest relative to these committees this year, and I want to thank you for that. The subcommittee process I think will be very robust.

I would also note that we are approving the chairmen, and ranking members, and membership of these subcommittees subject to the approval of waivers and other required procedures of the Senate Republican Conference and the Senate Democratic Caucus as appropriate. We are also considering the proposed rules for the 114th Congress. There are a handful of changes to the overall framework of the rules that have served this committee well in the

past, and we hope that these rules changes demonstrate our effort to help ensure that our committee members get the support and assistance they need, particularly with respect to staff support at classified hearings, an effort I know Senator Menendez also strongly supports.

With that, I would like to recognize the distinguished ranking member for his comments, Senator Menendez.

**STATEMENT OF HON. BOB MENENDEZ,  
U.S. SENATOR FROM NEW JERSEY**

Senator MENENDEZ. Well, thank you, Mr. Chairman, and let me again welcome all our new members and our returning members. Senator Isakson, it is great to have you back on the committee after all the work you did on Africa and other issues. So, good to see you, and the same for all of our new colleagues. Again, I think this is one of the most revered and longstanding committees of the United States Senate, and I think you are going to find the exceptional scope of it to be incredibly important in terms of your work.

We have a lot of work ahead of us, and I look forward to giving our input and carrying on the mission of one of the oldest and most revered committees in the Senate. I will look forward to working with you, again, Mr. Chairman, as I said at our first hearing in this Congress, in the same spirit of bipartisanship that marked our relationship in the last Congress.

And in that spirit, I intend to vote for the rules, jurisdiction documents, and budget resolution before us, as well as S. Resolution 35 by Senator Mikulski, commemorating the 70th anniversary of the liberation of Auschwitz. And I urge my colleagues to do the same.

I want to congratulate all of our subcommittee chairs and ranking members on their selections. As an ex officio member, along with the chairman, of the subcommittees, I look forward to visiting with you from time to time when hearings are held on certain topics that may be of interest to me .

And with that, Mr. Chairman, when we get the quorum that you need for votes, I am ready to cast my votes.

The CHAIRMAN. Thank you, and I know Senator Coons just arrived. He did an outstanding job this morning, by the way, in a previous meeting. But we have one more member that is necessary. Does anyone want to speak to jurisdiction or rules? Any questions or comments? We might move on and discuss, if it is okay. Does anybody want to talk about S. Res. 35, the resolution that was just referred to?

Senator MENENDEZ. Well, if I may, Mr. Chairman?

The CHAIRMAN. Yes, go ahead.

Senator MENENDEZ. Yesterday I went to speak to the floor—Senator Gardner was presiding—about the 70th anniversary of the liberation of Auschwitz. And we are losing a generation of the survivors of the Holocaust, and increasingly in doing so, those of us who are in the positions of public trust, and particularly on this committee and beyond, I hope, will continue to remember, particularly as it relates to what we saw in Auschwitz, which I visited last year.



It is just such an incredibly moving place to visit and to understand the totality of man's inhumanity to their fellow man, the extent to which that can take place. So that when we say "never again," it is, I think, critically important to mean what we say and to say what we mean. And in that respect, some of the work that this committee has been doing on the question of challenges in the world, the issue of anti-Semitism, which is rearing its ugly head once again, is incredibly important. And this resolution, I think, speaks volumes to that, and I will look forward to supporting it. Thank you, Mr. Chairman.

The CHAIRMAN. I am very pleased that this is the first resolution we are taking up, and I appreciate your comments yesterday on the floor. I know we have a quorum now. Does anyone else wish to speak to the resolution we are talking about? [No response.]

The CHAIRMAN. I am going to go ahead and move through it quickly then. I know that—first of all, I would ask a motion to approve the committees and their jurisdiction.

Senator MENENDEZ. So moved.

The CHAIRMAN. Is there a second?

Senator JOHNSON. Second.

The CHAIRMAN. Without objection, so approved.

I would also like to hear a motion, if we could, on the budgets for the committee itself.

Senator MENENDEZ. So moved.

The CHAIRMAN. Second?

Senator JOHNSON. Second.

The CHAIRMAN. All in favor? [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. I would like to hear a motion, if I could, on the resolution, as amended by the chairman's amendment.

Senator MENENDEZ. So moved.

Senator JOHNSON. Second.

The CHAIRMAN. All in favor? [A chorus of ayes.]

The CHAIRMAN. If I could, I would just like to ask unanimous consent that staff be authorized to make technical and conforming changes. Without objection, so ordered.

If I could, tomorrow at 2:00, General Allen is going to be here in a classified setting. He just returned today from Gaziantep. I think it is going to be an impactful hearing relative to the AUMF, and would urge people to attend.

Without any further business, I want to thank everybody for organizing this way. And without objection, we stand adjourned. Thank you.

[Whereupon, at 9:55 a.m., the hearing was adjourned.]



## **BUSINESS MEETING**

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**Thursday, February 26, 2015**

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

The committee met, pursuant to notice, at 9:36 a.m. in Room S-116, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Rubio, Johnson, Flake, Gardner, Barrasso, Menendez, Cardin, Shaheen, Coons, Udall, and Kaine.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. We will go ahead and call the meeting to order and thank those who are here. I know we need one more to actually conduct business, but I really appreciate people being here today. I know there is a lot happening, but the meeting is now coming to order.

We have had some compelling hearings I know on the issue of modern slavery. We have worked very closely with Senator Menendez's office and others. We certainly appreciate all the effort that has taken place. But I really believe we have come to a place where we have a bill that is going to have a significant impact on the issue of people around the world being in bondage in modern slavery and being involved in sexual servitude.

And we have done it in a way that is really a unique way of delivering this type of service through leveraging the private sector with U.S. dollars and other settlements two-to-one. And I think it is a way for us to actually establish metrics, get results, affirm best practices.

And I am just really proud of our committee today and all those who have worked on it. I think this is a pragmatic approach. And I especially want to thank Senator Menendez, the ranking member, partner and friend, and his staff. Charlotte Oldham-Moore and Margaret Taylor really dug into the details, and we just greatly appreciate their efforts.

I think this is a very big moment for the Senate Foreign Relations Committee. I really do. We are dealing with all kinds of other issues that involve conflict, that involve war, and yet in the midst of this, dealing with an issue that affects so many people so deeply. And I am really glad that we are here today, and hopefully we are getting ready to pass out a very important piece of legislation.

And with that, I would like to recognize our distinguished ranking member.

**STATEMENT OF HON. BOB MENENDEZ,  
U.S. SENATOR FROM NEW JERSEY**

Senator MENENDEZ. Well, thank you, Mr. Chairman. And first of all, let me acknowledge your leadership on this issue, and your deep commitment to ending modern day human slavery, human trafficking in all its forms. There are a lot of things happening in the world that rivets the attention of this committee at any given time. And as your first major piece of legislation, it is the problems about—the focus that you have, and I appreciate your leadership. I am thrilled to have joined you in this effort.

Ending human trafficking in all of its forms, whether forced labor, sexual exploitation, debt bondage, involuntary servitude, or the sale and exploitation of children, is one of the great moral challenges of our time. And I believe that we are stepping up to it in a very bold way. So I want to recognize all of the NGOs in civil society that have been doing great work for a long period of time. But I think this is going to be a tremendous boost in defeating what is a rather pervasive challenge in the world today.

I appreciate you recognizing my staff. I hope it does not cause salary increases for me. [Laughter.]

Senator MENENDEZ. If it is, I am going to revisit with you on the budget. But on a serious note, they have done great work, as have your staff. They worked together on this, and we are speaking with one voice and a strong vote.

The CHAIRMAN. Thank you. And, you know, there are very few times when we have legislation that is so personal and affects so many people, and this is a blight on our society. U.S. leadership matters. There are tremendous efforts, though, underway by NGOs, not only here, but around the world. And yet having this central focus on it no doubt will empower them to do even greater things, so I thank you.

Are there any other members that wish to speak to this issue? [No response.]

The CHAIRMAN. Okay. I would like to—Senator Gardner?

Senator GARDNER. Well, I just—Mr. Chairman, thank you. I just want to say thank you again to the staff that worked with us on some issues, too. So I appreciate the work and your willingness to move on this.

The CHAIRMAN. Thank you. Thank you. I know today is Senator Kaine's birthday, so we do want to recognize him. [Laughter.]

The CHAIRMAN. Okay. So I think we have the ability with the number of the people here to go ahead and have amendments. And so, first of all, we have a manager's amendment that we worked very closely with Senator Cardin, Senator Flake, Senator Gardner, and Senator Shaheen. I would entertain a motion that we approve that by voice vote.

Senator MENENDEZ. Second.

Senator FLAKE. If I could speak to that for just a minute. I want to thank the chair, and the staff, and everyone on the Democrat and Republican side for working with us on a number of issues,

and a lot of them have been put in, and some good language has come up in terms of GAO reports and whatnot. That is great.

There are some things that I think are still not defined as well as we need to. If we are going to—if we are going to have a bill that hopes to end modern slavery, I think we have got to proceed with an understanding or a definition as to what that is. And I do have some concerns that there is a hyperbole and statements made about what it really is and what it is not, and I think that needs to be better defined before we get to the floor with this. And I hope to be able to work with the chairman and others as this proceeds to get a definition of peonage, slavery. They are not currently defined by U.S. law, and I think we are going to need a better definition if we move forward.

So I thank the chairman for working on this, and I will go ahead and I will make the motion to go to the manager's amendment.

Voice: Second.

The CHAIRMAN. Seconded. All in favor, signify by saying aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. It passes. My understanding is Senator Flake also has some amendments that he would like to offer in addition to the manager's amendment.

Senator FLAKE. Yes, I would call up Flake's second degree amendment to Flake one.

The CHAIRMAN. Is there a—is there a second?

VOICE. Second.

The CHAIRMAN. Would you like—would you like to speak to it?

Senator FLAKE. Yes, just very briefly. This amendment would prohibit the End Slavery Foundation from expending Federal funds unless the act is reauthorized, and until the foundation reports to Congress on the progress that has been made on the goal of eliminating modern slavery. The underlying text authorizes the foundation for seven years, and we all know that programs which lapse in authorization often continue to receive appropriations. We want to make sure that we put sufficient guardrails around this, and make sure that it is actually achieving the goals that have been set out in the act.

The CHAIRMAN. Voice vote okay?

Senator FLAKE. Yes.

The CHAIRMAN. All in favor of the Flake amendment? [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. That is passed. And you have a second amendment?

Senator FLAKE. Yes, this is Flake second degree to Flake four. This would simply include—may I speak to it?

The CHAIRMAN. Sure.

Senator FLAKE. Thank you. This is to simply include non-binding language to say that we are not authorizing this initiative—or we are authorizing this initiative, but do not—but we expect it will not be paid for outside of the Budget Control Act.

We just want to make sure that we live within the agreement that we have in the Budget Control Act. It is non-binding, but I think it is important to state that caps are there for a reason. Both

the Administration and Congress, we cannot be complicit in violating that from year to year. So with that, I urge support for the amendment.

The CHAIRMAN. Senator Menendez?

Senator MENENDEZ. Mr. Chairman, I appreciate having a manager's amendment and supported Senator Flake before. But this amendment was provided to members after midnight last night. I and my staff have not had time to review it, and its meaning is unclear. For me, that sets a bad precedent, and I would need more time to consider it since we intend to move it to the floor at some point in time. I intend to oppose the amendment.

The CHAIRMAN. Is there a second to the Flake amendment?

VOICE. Second.

The CHAIRMAN. Okay. And I understand a voice vote is acceptable?

Senator FLAKE. Yes.

The CHAIRMAN. All in favor of the Flake amendment, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [A chorus of noes.]

The CHAIRMAN. The amendment fails. Okay, the nays have it.

Are there any further amendments? [No response.]

The CHAIRMAN. Okay. The question before us then is the base bill, the motion to approve S. 552, the End Modern Slavery Initiative of 2015, as amended.

All in favor will say aye. [A chorus ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. It carries. The ayes have it.

This complete the committee's business. I ask unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

With that, without objection, the committee is adjourned. Thank you all very much.

[Whereupon, at 9:45 a.m., the hearing was adjourned.]

## **BUSINESS MEETING**

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**Thursday, March 26, 2015**

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

The committee met, pursuant to notice, at 11:22 a.m., in Room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Flake, Gardner, Perdue, Barrasso, Menendez, Boxer, Cardin, Murphy, and Kaine.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. Listen, we have got over 350 personnel that we are going to be able to promote and move along. And I want to thank the minority for their tremendous cooperation, along with the American Foreign Service Association who we have worked very closely with. Both sides have vetted these people, and I thank everybody for interrupting their day to cause this happen so the two-week period we are gone these people can go on about their lives.

So with that, our outstanding, distinguished, great ranking member, I do not know if you have any comments that you would like to make.

### **STATEMENT OF HON. BOB MENENDEZ, U.S. SENATOR FROM NEW JERSEY**

Senator MENENDEZ. You know, Mr. Chairman, there is a Spanish saying, “Ese huevo quiere sal,” which means this egg wants a little salt on it. [Laughter.]

Senator MENENDEZ. But thanks anyhow. Let me say that I am glad, and I am just doing this for the record because we have such an expansive audience here. I am glad that we are putting these lists through the committee because I am acutely aware of the damage and pain in delay in considering these lists can cause. I said it a year ago, and I will say it again today that these hard-working Foreign Service officers that we will vote on today deserve the recognition and promotions they have earned. And it is my hope that we can work with the full Senate leadership to make sure these lists are confirmed by the full Senate today before the upcoming recess.

But let me make two quick points that I think—I feel compelled to make about the seven names that have been struck from the list. First, I understand that some of them are being nominated for

these positions for the first time just this year, and that there are unresolved questions that could not be answered in a short time-frame. I understand that, and there is precedent in the committee for doing that.

However, I would like to say that if we had some more warning about this business meeting and the desire to strike these names, we may have been able to facilitate answers to the questions and gotten them through. Now we will have to wait, and I just think that is unfortunate. My hope is that any outstanding questions can be resolved quickly and we can move them at the next business meeting.

But there are other names that are struck from these lists that were also struck more than one at now the majority's request in the last Congress, and this brings me to my second point. These names have been known to us for some time, and I believe we have a responsibility to handle decisions about their promotions in a fair and timely way. And so, I will not drive the point any further other than to say we need to have a discussion and a review about those who are struck from the list because I think we—on this particular point we may have a different point of view on some of these individuals.

The CHAIRMAN. Well, as always, and I would love for anybody else to make a comment certainly before anybody gets here and we have enough to vote. But I certainly as always will be glad to sit down and talk about it, and appreciate the comments, and again, people being here on short notice. Senator Cardin?

Senator CARDIN. Mr. Chairman, let me just underscore the point that Senator Menendez made. First, we appreciate having these positions acted on at this time, so we want to move forward, and as I understand, some names have been stricken. I do not know the details about that because these are personnel issues, so we do not generally talk about them in a public setting.

And I agree with Senator Menendez. If there are some concerns, particularly those who on the list for the first time, we need to resolve those concerns, and that is how we go about doing it. But if it has been more than once, it seems to me that we need to make a decision, and if necessary, have a closed session so that we understand the reasons, and that we can take collective action either to approve or not approve the position. But to just keep it in abeyance I do not think is fair to the person. And I do not know the circumstances here at all, so I would just urge us if it becomes a lengthy issue, let us resolve it one way or the other, but not just keep it open.

The CHAIRMAN. Okay. I think that is fair, and more than glad to work with you towards that end. Any other comments? [No response.]

The CHAIRMAN. Iran discussion? [No response.]

The CHAIRMAN. Budget discussion? [No response.]

The CHAIRMAN. East Asia?

Senator GARDNER. Mr. Chairman, there are several people on this list from Colorado. I would congratulate them. I am happy to read their names if you would like. [Laughter.]

Senator GARDNER [continuing.] Particularly related to Charles Jess of Colorado. I do appreciate the chairman's willingness to at-



tend the event we held last night. It was a great event with our ambassadors from across East Asian nations, and certainly look forward to working with you to continue our relationship and build stronger relationships.

The CHAIRMAN. Thank you.

Senator MENENDEZ. Mr. Chairman, since we have time—

The CHAIRMAN. Let us talk about Cuba.

Senator MENENDEZ. [continuing.] Well, we do not have enough time to do that. [Laughter.]

Senator MENENDEZ. Let me just say as we move to the budget debate shortly, I just hope the chairman talks—I have on my side—to some our colleagues about thinking about very serious foreign policy issues in the snapshot of a budget amendment.

The CHAIRMAN. Yes.

Senator MENENDEZ. And, you know, I understand messaging as much as anybody else. I have been around a bit, you know. But some of these things may seem inconsequential to those who are offering it, and I am sure they feel very strongly about it. But they have resonance, and when it is not structured with the type of attention that this committee under your leadership this year and together in the past, has taken very difficult issues and structured it in a way that is thoughtful so that we have most of the time a united view on what our foreign policy should be in some very difficult places in the world. It is a challenge.

And I hope some of our colleagues would just think about the greater good then the momentary message that can be achieved by some of these amendments. I have said that to several of my colleagues who are inclined to try to do something on our side, and I just hope that that is, you know, something that they really will consider because it does have meaning.

The CHAIRMAN. Well, I could not agree more, and I do not know if anybody else wants to make a comment. But I think, you know, we have the Kirk amendment that is coming up. I have looked at it, and it looks to me like it is should a 100-zip kind of deal. I know you are not co-sponsoring. I am not co-sponsoring. But do you agree with that, by the way, in looking at it?

Senator BOXER. What does it do?

The CHAIRMAN. It just sets up a definite neutral reserve fund so that in the event there are violations in the JPOA or in the final agreement, sanctions can be put in place. It does not look like to me—it looks to me, again, a lot like the amendment yesterday that was put forth, you know, that you can almost take on voice. But I would love—

Senator BOXER. It sounds like it is—

The CHAIRMAN. Hey, Tim. Sit over here with us. So we are almost there.

Senator MENENDEZ. You can sit there temporarily, Tim. You sit on this side over here. [Laughter.]

Senator KAINE. A rookie mistake.

Senator MENENDEZ. I understand Senator Murphy is on his way, too. [Laughter.]

Senator MENENDEZ. Now, that is the ultimate southern gentleman.

The CHAIRMAN. If somebody could get a photograph for the Atlanta Journal, I would appreciate it. [Laughter.]

VOICE. If I could get Tim to cross the line.

Senator BOXER. Are there any cameras out there to catch this moment in history?

The CHAIRMAN. I think we are close. But do you agree with that, what I just said, though, about the——

Senator MENENDEZ. Well, look, even—you know, I love Senator Kirk—— [Laughter.]

Senator MENENDEZ [continuing]. And we have worked extremely hard together. But even this, you know, I am sure it will receive a very significant vote, but it does not say have sanctions, but if there is a minor, you know, violation of the agreement, if there is a major violation of the agreement. It does not differentiate, and so——

The CHAIRMAN. We may need to get him to amend that.

Senator MENENDEZ. I mean, I think—I am for sanctions if at the end of the day there are violations to the agreement. But I understand the difference between a rather insignificant violation of the agreement and a very significant one. So this is just by of example of the type of—— [Applause.]

Senator MENENDEZ. We have it, but, oh, my god, I am losing money—— [Laughter.]

The CHAIRMAN. Is there any more discussion on the matter before us?

VOICE. Hey, Corey, we have email. [Laughter.]

The CHAIRMAN. Is there any more discussion?

All in favor of the business that is before us——

Senator MENENDEZ. And, Mr. Chairman, the business before us is the foreign relations list of——

The CHAIRMAN. Moving the foreign——

Senator MENENDEZ [continuing]. ——of candidates, Foreign Service officers, promotions.

The CHAIRMAN. Not the Kirk amendment to the budget.

Senator MENENDEZ. Right, okay. I will second that.

The CHAIRMAN. Okay. Everybody okay? [A chorus of ayes.]

The CHAIRMAN. Thank you. I appreciate it. Thank you.

[Whereupon, at 11:31 a.m., the hearing was adjourned.]

## **BUSINESS MEETING**

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**Tuesday, April 14, 2015**

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

The committee met, pursuant to notice, at 2:49 p.m. in Room 419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Rubio, Johnson, Flake, Gardner, Perdue, Isakson, Paul, Barrasso, Cardin, Boxer, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, and Markey.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. This business meeting for the Senate Foreign Relations Committee will come to order. The only order of business today is S. 615, the Iran Nuclear Agreement Review Act of 2015, and that bill is now the pending business of the committee.

I want to start by thanking all the members of the committee for the tremendous amount of work that has been done over several months to get us where we are. And in any piece of legislation obviously there are things that members would like to see different, but I think we have reached a balance here that is very, very appropriate.

I want to thank the former chairman and the former ranking member, Senator Bob Menendez, for his tremendous efforts on all things Iran, but certainly this piece of legislation. I cannot imagine a member being more constructive. And I want to say that to me what may occur today is the true reemergence of the Foreign Relations Committee becoming more than just a debating society, but a committee that takes up the significant work that we have before us around the world. And I want to say again to our former chairman and our former ranking member, there is no question that over the last two years you have helped bring us to this point where instead of debating things, we may well be taking up important legislation that will have a significant impact on the security of the Middle East and certainly of our citizens.

I want to thank Tim Kaine for his incredible effort. Tim is someone who truly understands the role of the United States Senate and issues of this significance, and has been a stalwart to articulate more clearly than anyone else why it is important for us to take the role that I hope this legislation today will allow us to take.

And then to Ranking Member Cardin, I do not know how many times we have talked on the phone over the last several days. I

cannot thank you enough for your temperament, for your tone, for your seriousness on a very, very important issue, and I look forward to working with you on other significant issues. To be where we are today is a testament to the type of Senator you came here to be, and I want to thank you for that.

Look, let us set the stage. In spite of what may be being said by buildings down the street on the other end of Pennsylvania, this legislation is exactly the congressional review that we have been working on from day one. And I want to thank everyone here for allowing this legislation to be in the form that it is in today with 100 percent of the integrity that we had hoped to be a part of this process embodied in this piece of legislation.

What this legislation does—I think everyone understands that these Iran nuclear negotiations are incredibly important to the citizens that we represent. I think all of us would like to see a strong negotiated agreement that ensures that Iran does not get a nuclear weapons. But what this legislation does is allow us—Congress has been a partner in this. Congress, as we know, has passed four pieces of legislation since 2010 that most people credit for having brought Iran to the negotiating table.

Many times, let us face it, this was not something that the administration favored, but Congress prevailed. And the sanctions that we have put in place are the sanctions that brought the Iranian economy down certainly a great deal, has certainly caused the inflation and the destabilizing effect that has caused them to want to be at the negotiating table.

What we have before us today is a bill that forces the administration, before they are able to lift the sanctions that we collectively put in place that brought them to the table, it forces the administration to bring to us every detail if there happens to be a final agreement. Every detail. We have left timeframes in here we have worked through with the parliamentarian. We have worked through the House to make sure that the procedures are appropriate. I know that Ben and I will have a colloquy in a minute to further confirm that.

But what this does, it means that the sanctions that have been put in place by this body, by the Senate and by the House, cannot be lifted—without the administration bringing to us every detail of the deal. And then the clock will start, and there will be a period of time that Congress—that Congress will have the ability to debate and decide whether Congress wants to move ahead with a resolution of approval or a resolution of disapproval. During that time, no congressional mandated sanctions can be lifted.

After that process is over, there is a third process that is very important. I think everybody understands what has happened in North Korea where arrangements were made, but there was no follow-through. And a very important aspect, a third leg to this agreement, is that Congress stays involved if an agreement is reached, and if one is not disapproved, Congress stays involved. And every 90 days the administration has to certify that in every way Iran is in compliance. And if there are violations, within a 10-day period they have to give that to Congress so that we have the ability, if we wish, to quickly reapply the sanctions that if a deal is approved

would be alleviated. So I think this puts Congress in its rightful role.

People should know, and I think everyone understands, the sanctions that are being negotiated right now with Iran are the nuclear sanctions only. The sanctions relative to ballistic missile testing, they stay in place. The sanctions relative to terrorism, they stay in place. The sanctions relative to human rights, they stay in place. And so, today we are only focused on the nuclear piece, but I would say in the event over time these sanctions are lifted because a deal is approved and Congress chooses not to disapprove it, I would just say to everyone here, this bill gives us more reporting on terrorism than we have ever had, more reporting on ballistic missile testing than we have ever had, more reporting on human rights than we have ever had. And we will have that entire arsenal of sanctions that we put in place since 2010 to reapply in those areas if we feel like Iran is again doing things that are not in our national interests, and certainly not in the country's.

So I want to thank again the ranking member. I want to thank everybody who has worked with us in this regard. I know that many people may have opening comments. But it has been a true pleasure to work with Senator Cardin and others, for us to be in the place that we are, with the entire integrity of the congressional review process that we started with, staying in place.

And with that, I will turn it over to our ranking member, who worked with us to get this in a place that I hope many Democrats will be able to join in, and he did so valiantly. He did so toughly. But he did so with a temperament that allowed us to move along in a very productive way.

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

Senator CARDIN. Well, Chairman Corker, first of all, thank you very much. I want to completely agree with you in regards to the role that Senator Menendez has played in us reaching this moment. I do not believe we would be here today, on the verge of reporting out, I hope, by a very strong vote on a congressional review of the Iranian accords that we hope will be presented to us in June, without him. And Senator Menendez enjoys the strong thanks for the incredible leadership he has given the Senate Foreign Relations Committee as its chairman and as ranking member. I can assure everyone here I am honored to be the ranking member. I did not want to become ranking member under these circumstances, and I hope that Senator Menendez's issues will be resolved very quickly.

Mr. Chairman, I look at my position as working with you to achieve our mutual goals, and that is this Senate Foreign Relations Committee has an extremely important role to play, and we want to do that in the best interests of the United States. So sure, I represent the Democratic members, but in a broader sense I think we both represent all the members of the Senate in bringing as much unity as we possibly can to foreign policy in this country. So I look forward to working with you in that regard.

It is clear to me that there is a strong common commitment in the Congress of the United States and in the White House to make sure Iran never becomes a nuclear weapons state. That is our ob-

jective. That is a game changer for the Middle East. It is something that we cannot allow to occur. I think we all agree that the preferred course to achieve that objective is through diplomatic means, through the negotiations that are taking place, with a strong agreement that would prevent Iran from becoming a nuclear weapons state.

Such an agreement would have to provide ample time before Iran could break out to a nuclear weapon so that if they do not comply with the agreement, we will know about those breaches and can take effective action to prevent Iran from becoming a nuclear weapons state. Bottom line, there is no disagreement in this committee or in the Congress that we cannot trust Iran, and the agreement must be able to ensure that Iran does not become a nuclear weapons state. I think we also will reach agreement today on an appropriate role for Congress in reviewing what we must do in that regard.

And I start by saying thank you to Senator Corker, and thank you to Senator Menendez, and thank you to Senator Kaine for giving us the framework to achieve that. I agree with Senator Corker. The basic framework of the bill that we are working on today provided a way in which Congress, in a thoughtful and meaningful way, could weigh in and review any agreement reached between our negotiating partners in Iran in regards to their nuclear weapons. And secondly, it provided a means that we could use to get timely notice in the event there is a material breach so Congress could take appropriate action. Those two principals were in the original bill and they are still in there today, and I agree completely with those purposes, and said so well before this markup today.

I am pleased, though, we were able to negotiate a manager's package that has broad support and input from many member of this committee, and I want to thank members on both sides of the aisle for their input into the manager's amendment. It reflects, I think, the best thoughts of all the members of the committee. It provides, I think, the right framework for the congressional review and potential action.

And, Mr. Chairman, I just want to quote from some language that is in the manager's amendment that, "It is the sense of Congress that the sanctions regime imposed on Iran by Congress is primarily responsible for bringing Iran to the table to negotiate its nuclear program." We are the ones who imposed the sanctions, as you pointed out. "These negotiations are critically important matters of national security and foreign policy for the United States and its closest allies. This legislation does not require a vote by Congress for the agreement to commence. This legislation provides for congressional review, including and appropriate for approval, disapproval, or no action on statutory sanctions relief under an agreement."

I just really want to point that out because people have asked why we are involved here. We have to be involved here. Only Congress can permanently change or modify the sanctions regime, which is clearly part of what the President is negotiating in regards to the Iran nuclear program.

Secondly, let me point out that the manager's amendment, I think, has the appropriate role for Congress in regards to when we get the agreement and how we act on it. It is clear that we will only act after the administration has presented an agreement to us. That is when the clock starts. So we're providing an orderly way for our consideration. We will go in to the timeframe in a moment, but under the assumption that we are going to get the agreement on time, there would be an initial 30-day review period for Congress to review the agreement.

We have checked that out. That gives our committee ample time to hold hearings, to do what is appropriate, and for Congress to take appropriate action. We do not know whether that will be no action, a resolution of approval, resolution of disapproval, a resolution dealing with sanctions. All of that is possible. No pre-judgment on that. We will wait until we receive the agreement, and we have our committee hearings, and determine the appropriate role for Congress. But there would be no action prior to receiving the agreement. It is also very clear that the April 2nd framework is not part of that type of a review process.

The 30 days could be extended if there was action taken that required presidential approval during the period of the presidential review, and potential veto and veto overrides, the periods would be extended. No one can anticipate where we will end up on this, but it basically is a 30-day review process.

I want to thank the chairman because we got into a big debate, and we may have an amendment being offered on this, so I will just cover it briefly now. We have eliminated from the original draft certain presidential certifications that were not related to the Iranian negotiations, and I think that was the right thing to do. This is a complicated enough agreement. We are not going to be able to solve all the problems with Iran. If we can prevent Iran from becoming a nuclear weapons state, that is the objective of these agreements. Does Iran have other issues with the international community and us? You bet they do, and we are concerned about that.

And I would just urge my colleagues to take a look at the manager's amendment because we have strengthened this bill as it relates to getting adequate information about their terrorist activities and their violations of human rights so that we have that information and can use that information as we see fit. So I believe the manager's amendment strengthens this bill as it relates to the other types of activities that are problematic to the United States that are caused by Iran, but does it in the right way without interfering. In fact, I would suggest that this bill strengthens the President's ability to negotiate in regards to the nuclear framework itself.

And lastly, let me just say I think there is an amendment that is offered that makes it clear that the security of Israel and the survival of Israel is one of the paramount goals of this legislation. And I agree with that completely, and I am glad that we were able to add that to the manager's amendment. I thank Senator Rubio and I thank Senator Boxer for their leadership on that issue.

I do want to particularly thank Senator Coons for his help in the shortening of the period, Senator Shaheen for her work on the

framework of how we put this together, and all the members on both sides for their incredible work. I think this is a proud moment if we can get this type of legislation as to how Congress can really weigh in on this agreement. I think it is the right thing not only for Congress, but for the American people.

The CHAIRMAN. Do you want to do the colloquy?

Senator CARDIN. Oh, yes. And, Mr. Chairman, if I might, I just want to make one point on some of the new text in the manager's substitute amendment, which has been agreed to between Senator Corker and myself, regarding the period of congressional review. The original bill mandated a 60-day period for congressional review during which time the President would not be able to provide statutory sanctions relief.

In the new text, if the agreement is submitted by July 10th, the congressional review would be 30 days, and during that period, the President would be unable to provide statutory sanctions relief. The new text then provides for a further 12 days for the president to consider a veto of a resolution of disapproval, and 10 days for Congress to consider overriding a veto. The 10-day period for Congress to consider overriding a veto would begin the day after a presidential veto.

The CHAIRMAN. That is absolutely my understanding, and I think it is your understanding that the time clock only begins when the President presents all of the materials for us to weigh in, including all of the classified annexes that the public will never see, but are important for all of us to see, and to be able to weigh in on prior to any sanctions being relieved. But that is my understanding.

Senator CARDIN. Well, I appreciate that, and you are correct. The President has to submit the agreement. The agreement is defined in the manager's amendment to include the relevant documents.

The CHAIRMAN. And he submits after that period of time. All of our members should know because of the way Congress functions and non-functions during the period of August, there is a 60-day process that we revert back to. That is our understanding and certainly it is spelled out that way in the manager's amendment. But I want to make sure that we have an agreement, and I thank you for that.

At this moment, I really think it is important for Senator Menendez, who has been such a champion not only on this piece of legislation, but regarding our mutual concerns with Iran. I would like to call on him to make some opening comments.

Senator MENENDEZ. Well, thank you, Mr. Chairman. Let me—let me thank you for your gracious remarks, and I appreciate having worked with you on the legislation and your consultations with me on changes to the legislation, which I support. And I think this continuation of the bipartisanship that I tried to set out when I had the privilege of chairing the committee rises to the high calling of what the United States Senate is all about, and particularly upholds the significance of the Senate Foreign Relations Committee as it relates to foreign policy and national security. So I want to thank you and congratulate you in that respect.

I want to thank Senator Cardin, the ranking member, for his incredibly hard work in perfecting the legislation that brings us to what I hope will be a broad, strong bipartisan vote. And I could not



think of anyone better, Ben, to take my place during this interim period. And I want to thank Senator Kaine, whose thoughtful input throughout the genesis of the legislation was incredibly helpful.

In my view, the way to send a message to Tehran about our expectations is for Congress to put politics aside and pass the Corker-Menendez Iran Nuclear Agreement Review Act with unified, bipartisan action that underscores Congress' critical role in one of the highest priority, national security, nuclear nonproliferation challenges of our time. The fact is if the P5+1 and Iran ultimately achieve a comprehensive agreement by the June deadline, at the end of the day Congress must have oversight responsibility, and this legislation provides it.

This bill establishes a managed process for congressional review and a framework for congressional oversight. Now, I differentiate between this agreement and others the administration has cited for exclusive executive action because of the congressionally-mandated sanctions that are law. And as the author of those sanctions, working with many others on this committee and beyond, I can tell you that we never envisioned a wholesale waiver of those sanctions without congressional input and action.

My goal is one goal, and that is to make certain that Iran does not have the infrastructure to develop a nuclear weapon. And the best way to achieve that goal is with bipartisan support that strengthens the United States' hand in moving from a political framework to a comprehensive agreement and sets out expectations for Iranian compliance. So let us send a message to Tehran that sanctions relief is not a given, and certainly not a prize for signing on the dotted line. Iran must fully comply with all provisions of an agreement that effectively dismantles its nuclear weapons infrastructure and verifies compliance with every word of the deal.

Now, I have many questions about the framework agreement, including, but not limited to, the divergent understanding of the agreement, the difference in what Iran can do with research on advanced centrifuges, the timing and pacing of sanctions relief, the ability to snap back sanctions if there are violations of the agreement, the lack of addressing the possible military dimensions of Iran's program, the degree of the IAEA's ability to have snap inspections—not regular inspections, snap inspections, among others. But that is all the more reason for Congress to have an in-depth oversight role.

So with that, Mr. Chairman, I thank you for your leadership. I thank the ranking member for his. And I urge a strong bipartisan vote on the chairman's mark.

The CHAIRMAN. Are there additional opening comments?

Senator BOXER. Mr. Chairman?

The CHAIRMAN. If I could, I might want to go this way since we want to stay in balance here.

Senator RISCH. Mr. Chairman, first of all, again I want to join in with everyone and recognize your efforts on this. They have been Herculean to say the least.

The reason this is so difficult is the fact that we are negotiating towards two different goals. Usually when people are negotiating, they are negotiating to get to a particular point. The United States and the world wants to negotiate to a point where the Iranians

cannot now, cannot ever have a nuclear weapon. The Iranians are negotiating to get a very specific clear path forward to how they can get a nuclear weapon.

Now, people talk about 10 years, 15 years. Look, this is a culture that has been around for five millennia, two and a half since they actually were the power in the world. Ten to 15 years is nothing for them. Under the agreement that has been talked about, they patiently can put step—one foot in front of the other and get to where they want to go. And unfortunately, that leaves people that are going to be sitting in these chairs in the future to deal with that, and that has—that is what has made this so difficult.

Having said all that, I think there are steps that we can take at this point to at least slow it down. And who knows, maybe the Iranian people will overthrow what they are burdened with with their government, and decide that they want to be reasonable actors in the world, and at some point in time get to the point where they do abandon their nuclear ambitions.

This agreement that we are talking about right now does not get them to the point where they are abandoning their nuclear ambitions because it would be very simple if they wanted to. They just destroy all their infrastructure, abandon it completely, and we move on. That is not what we are talking about here. Having said all that, there is some good stuff in here that I think we are going to have to get on board with. Thank you, Mr. Chairman.

The CHAIRMAN. If I could, just to clarify, I think the comments you are making about the agreement, you are talking about the agreement that is being negotiated between the P5+1, not today's agreement.

Senator RISCH. Not this agreement.

The CHAIRMAN. Today's agreement is just putting in place a structure for us to be able to deal with that once it is presented. And hopefully by giving us a seat at the—not at the negotiating table, but to be able to weigh in, a way to influence it to a better place.

Senator RISCH. Well said, Mr. Chairman.

Senator CARDIN. And, Mr. Chairman, could I just speak on that point? I think it is critically important that we underscore that because we are going to have strong bipartisan support for this agreement, for this review process. There may be different views on what has been negotiated to date, and I think it is very clear that this vote on the review process is not at all a reflection on how members feel on the underlying negotiations. And quite frankly, I am just going to speak for myself, I want to see the agreement before I comment on the agreement. It is still a process being negotiated.

I do want to acknowledge the President's success in keeping the framework with Iran intact during these negotiating periods, his ability to get negotiating partners in unity and staying in unity, and keeping the sanction regime in place when many of us thought when the first framework was announced that we would not be able to do that. So I think we will reserve judgment on the merits at a different point, but right now I hope we can focus on the framework for our review.

The CHAIRMAN. Someone on this side? Senator Boxer?

Senator BOXER. Thank you so much. I really do appreciate the very hard work that you, Mr. Chairman, did along with our ranking member, Senator Menendez, and so many others—Senator Kaine. I do not mean to slight anyone. So many people were involved in this. And to me, it is very, very important.

I believe this bill has been changed from a point at which I did not support it to a point in which I can. And it is because I believe the former bill would have disrupted and upended the ongoing negotiations between Iran and the P5+1. And I believe this new bill will not do that.

Now, I have received assurances today—all morning I was on the phone with experts saying do you feel that if we vote for this bill we will upend negotiations, and the answer came back in a very straightforward way, no, this bill will not do that. And so, I am very pleased.

Now, the reason for that is there is no longer language in the bill tying extraneous issues to the agreement. Now, we may have an amendment to do that, and everyone has a right to their opinion. My own view, that would be a deal breaker because we know how many problems we face with Iran. We could count the ways. We would be here all day. But we are trying to take care of one of these problems today, so I would urge colleagues to refrain from trying to solve every problem with Iran. There are years' worth of mistrust, years' worth of problems, years' worth of terrorism, and we are still dealing with them, and we will still deal with them, and there is language in there that states that we will still deal with them. But let us not tie it to this legislation.

Also I am pleased that what is highlighted in this is a section that says we will not be voting on the final deal, if there is one, until after it is concluded. I think those are very important, and I do appreciate Senators Corker and Cardin accepting language that I wrote reaffirming the United States' commitment to Israel's security and its right to exist. We all feel that way, every one of us. I am proud that it is in there.

And I also am glad that the language I wrote with Senator Schatz on expedited procedures, should there be a breakout so that we can immediately go onto the floor of the United States Senate, no filibuster allowed, and add back sanctions or do other things that are—everything will be on the table if there is a breakout. So in its new form, the bill clears, I think, a very strong path forward for Congress to vote up or down on sanctions that it imposed. That is the way I view the bill. I view the bill a vote on sanctions that we imposed.

Now, I want to be clear because, you know, I always am straight from the heart, straight from the shoulder. If this bill is altered in ways that threaten this once-in-a-lifetime opportunity to deal with a looming crisis, I will use every tool at my disposal to stop that from happening. This is just too important.

So I want to thank not only the leaders of this committee, and that does include Senator Menendez if I failed to mention him before, but also this administration for its extraordinary efforts in putting together a framework addressing Iran's nuclear future. And I looked at the framework, and what I can say about it is it does call for intrusive inspections, not only of Iran's nuclear facilities,

but of the supply chain. That is critical and an actual rollback of nuclear capabilities. This is not a freeze. This is a rollback.

So I for one have positive views about the framework, and literally pray that the progress will continue because as I look at the alternative, to me—did you plan that? [Laughter.]

Senator BOXER. As I look at the alternative to this negotiation, this ongoing negotiation, it is frightening to the American people. They do not want another war. We had a colleague on the other side of the aisle actually call for bombing Iran now, and I fear that there are a lot more than one that feels this way. And I think by taking control—this committee taking control of this process, Mr. Chairman, I think it is the best thing we can do.

The very last point, I hope people read the letter we got from 50 leaders, bipartisan, eight administrations, five Republican administrations and three Democratic administrations, urging us not to take any action to derail the ongoing negotiations. And I have to tell you, they are smart people. They know what they are talking about. And that is why I was very, very concerned.

Now, frankly, if I was in the chair, which I am not, I would probably start off by holding hearings and call up all those experts and look at the framework before we went to today's markup. But we are where we are, and I feel good that we have moved to a place that does not threaten these ongoing negotiations. And I thank everyone again for their effort.

The CHAIRMAN. Thank you. If I could, I want to move to Senator Rubio. But I just want to clarify again, it is my understanding that no one is discussing waiting to vote on this legislation after it comes out of committee on the floor, that we are ready to vote on the floor. You were referring voting on the resolution for approval or disapproval—

Senator BOXER. Correct.

The CHAIRMAN [continuing.] After the administration actually presents us a bill. So we are clearing the way for a strong vote on the floor if we pass this out today. Senator—

Senator BOXER. Well, if I could say what I meant?

The CHAIRMAN. Yes.

Senator BOXER. There may be some horrible amendments that are offered on the floor that to me these amendments that could be offered on the floor, which would destroy this very delicate balance that you two have achieved. And I wanted to put it out there that I am not going to sit back and say, go for it. I am not. I am going to use every tool at my disposal to keep it the way it is because, I mean, there is no such thing as perfection, but I think the two of you have struck just the right balance. I want to protect that on the floor when this comes up.

The CHAIRMAN. Thank you so much. Senator Rubio, who has contributed heavily, especially on the issues relative to Israel, and I want to thank him so much for his contribution and constructive efforts in that regard.

Senator RUBIO. Well, I want to thank you, Mr. Chairman, and the ranking member for your cooperation and your help on this issue, and for Senator Boxer who as well had a second degree amendment on this issue. We were able to work together.

But I do want to say that I am even more concerned about not simply destroying the delicate balance of this bill. I am concerned about the destruction of Israel, and I will tell you why I am concerned about the destruction of Israel. In July of 2014, Ayatollah Khamenei tweeted, “This barbaric, wolf-like, and infanticidal regime of Israel”—hashtag Israel by the way—“which spares no crime, has no cure but to be annihilated.”

In November of 2014, the Supreme Leader’s Twitter account posted this. It is a chart showing nine questions about the elimination of Israel. “Why should the Zionist regime be eliminated? During its 66 years of life so far, the fake Zionist regime has tried to realize its goal by means of infanticide, homicide, violence, and iron fists, while it boasts about it blatantly.” It goes on to say—he calls for some sort of referendum where the Jews cannot participate, and they will have to go back to their country, whatever that means. “But until a referendum is held, how should Israel be confronted? Up until the day when this homicidal and infanticidal regime is eliminated through a referendum, powerful confrontation and resolute and armed resistance is the cure of this ruinous regime. The only means of confronting a regime which commits crimes beyond one’s thought in imagination is a resolute and armed confrontation.” Here’s another quote from Ayatollah Ali Khamenei. “It is the mission of the Islamic Republic of Iran to erase Israel from the map of the region.”

I think at some point when someone keeps saying they want to destroy you, you should take them seriously. And our concern here, and what I want to do is I wanted there to be an amendment on this where the President would have to certify to Congress that Iran’s leaders have publicly accepted Israel’s right to exist, or at a minimum that whatever deal we are agreeing to here does not put the existence of Israel, not to mention its security, on unstable ground.

Now, I appreciate that there have been changes to the bill that, “It is the sense of the Congress that the President should determine the agreement in no way compromises the commitment of the United States to Israel’s security, nor its support for Israel’s right to exist.” I think that is better than not having it in there at all.

But this an issue we are going to have to talk about on the floor as we move forward beyond this place today, because while we are concerned no doubt about the national security of the United States and the implications of a nuclear Iran, that is also, by the way, moving forward on ballistic missiles. And you do not build ballistic missiles because you want to do some fancy fireworks show. You build ballistic missiles because you want to put a nuclear warhead on it. And as they move forward on this program, not only does that pose a risk to the United States ultimately, it poses an immediate risk to Israel. You want to know how I know that? Because the Supreme Leader has said it himself repeatedly.

And so, I appreciate the work and the accommodations that you have made to include this language. It is certainly better than not having it at all. This is an important debate for us to have. And I also appreciate, by the way, that we added in the “sense of the Congress that United States’ sanctions on Iran for terrorism, human rights abuses, and ballistic missiles will remain in place

under an agreement.” I thought that was important. But thank you for allowing me to work with you.

The CHAIRMAN. Thank you. Senator Shaheen?

Senator SHAHEEN. Thank you, Mr. Chairman. I will not repeat all of the eloquent statements that have been made. But I do want to reiterate what has been said about the leadership from you, Senator Cardin, Senator Menendez, and Senator Kaine, relative to getting an agreement on this legislation, because I think, as you have said, it is not only important to the future of the Foreign Relations Committee and the very important work that we should be doing, but I think it also sends a very important signal to the people of this country that we can work together on big issues to address common problems that face the country, and we should be doing that as often as possible in the future.

So I just want to congratulate you again for the work that you have done, and I do intend to support this legislation.

The CHAIRMAN. Thank you. Senator Johnson?

Senator JOHNSON. Mr. Chairman, I also thank the chairman and the people who have worked on this agreement. I understand it has been a tough row to hoe, and I realize your challenge in trying to accomplish creating a piece of legislation that could get bipartisan support and overcome a threatened presidential veto. So I understand what you have been working with here. I understand the challenge.

I did offer a number of amendments to provide clarity. Now, if we have reached agreement and we can take this to the floor of the Senate, I will withhold offering those amendments during this markup. But I do want to talk about what this piece of legislation is and what it is not, provide that type of clarity.

You said it creates a rightful role of Congress. Well, it creates a role, no doubt about that, and right now we have no role. So I would rather have a role than no role whatsoever because this administration has pretty well bypassed Congress from the standpoint of negotiating this agreement. And I realize it is the executive, the Commander-in-Chief, that has to negotiate this. But this is a role. It is congressional review, potentially congressional oversight, but it is not advice and consent.

It is a long way from advice and consent. From my standpoint, I think this agreement that President Obama is negotiating certainly rises to the level of a treaty, and there is no set criteria for what a treaty is. There are considerations, and the U.S. State Department’s own Foreign Affairs Manual lists those considerations, and one of them is the extent to which the agreement involves commitments or risks affecting the Nation as a whole. I think this agreement affects and involves the commitments and risk affecting this Nation. The third consideration, whether the agreement can be given effect without the enactment of subsequent legislation by the Congress. I think that applies.

So from my standpoint, what President Obama is doing on behalf of America is a treaty, and according to the Constitution, treaties should be subjected to the advice and consent of the Senate. Now, that would what mean if we were really doing—engaged in our role of advice and consent, that requires 67 senators to affirmatively approve of this deal. That is not what is going to happen here. We

will not have 67 senators approving of this deal. That is not what this bill is going to do.

Now, there are basically three types of international agreements. There is a treaty that requires the advice and consent. There is also congressional executive agreements. Now, if you have congressional executive agreement subject to regular order, well, that would be subject to a filibuster, so in that case you would need 60 senators affirmatively approving of that agreement. And that is still a pretty high hurdle.

Now, there potentially could be congressional executive agreements under expedited procedures, would not allow filibuster. That would then require 50 senators as well as a majority in the House. Both the congressional executive agreements would require a majority of the House affirmatively approving the agreement. In other words, allowing the American people to have a say in an agreement that involves commitments or risks affecting the Nation as a whole through their elected representatives.

Now, what this bill does, it kind of turns the advice and consent on its head because it basically allows for a vote of disapproval. In order for that vote of disapproval to actually have an effect of potentially stopping a really bad deal that involves commitments or risks affecting the Nation as a whole, well, if it is not vetoed, that would require 60 senators voting for disapproval, which means 41 senators could approve this deal and we would not have that vote of approval. Now, if that vote of disapproval is vetoed by the President, we would need to overcome that veto with 67 senators, which means 34 senators would be required to approve this deal.

So, again, this piece of legislation, which, again, I appreciate the fact that at least this gives us a role. It is an incredibly limited role. It is a role with very little teeth. It is a far cry from advice and consent of 67 senators voting in the affirmative that this is a good deal for America. I still—it is beyond me why Democrats simply will not agree to the fact that more than one person should actually be able to evaluate whether this is a good deal or not. Right now the way it is, there is one person, the President of the United States. President Obama is going to decide for America that this is a good deal or a bad deal.

I believe the American people should be involved in that decision through their elected representatives. I believe this agreement that President Obama is negotiating rises to the level of a treaty. I believe we should be providing that advice and consent. I believe we should be affirmatively approving this thing with 67 votes, but, in fact, it is going to be this piece of legislation.

So, again, I have made my point. I think I have provided clarity, and I will support this as long as basically the deal that has been struck is approved here. Thank you.

The CHAIRMAN. Well, I appreciate the comments. And, you know, if I could wave a wand or pigs begin to fly, we could turn this into the type of agreement that has been discussed, but I will say this. The administration, as you know in the previous hearing we had, has been fighting strongly against this. Secretary Kerry was fighting against this earlier today. I know they have relented because of what they believe to be the outcome here. But I believe this is going to be an important role, and especially the compliance pieces

that come afterward, a very significant thing that did not occur under the North Korean agreement, and gives us significant teeth if a deal is achieved. But I want to thank you for your comments.

Senator JOHNSON. And, again, and I agree with that, and I appreciate that, which is why I will vote this out of committee.

The CHAIRMAN. Thank you so much.

Senator CARDIN. Mr. Chairman, I do not think we will convince any administration, Democrat or Republican, that Congress should have any role in anything that they do. We understand that. [Laughter.]

Senator CARDIN. That is a given. But I just want to assure you that in my conversations with the administration, it has been a very positive conversation over the last 10 days looking for a way that they could resolve the concerns that they had in a genuine way. So I just want it to be clear that I think the administration has been very open about trying to get where we are today, and I just thank you for allowing us to have that open process.

The CHAIRMAN. Senator Coons, who also has been incredibly constructive. And we made our first trip—your first trip to Afghanistan together, and I appreciate your significant input on the committee.

Senator COONS. Well, thank you, Chairman Corker and Ranking Member. Thank you for the clear-eyed and the tough way in which you have negotiated this compromise that is in front of us this afternoon. We have a broad and shared common goal, which is to prevent a nuclear capable Iran. The only question in front of us is what role will this Congress and this committee play in important foreign policy decisions, and, in particular, in the consideration of a deal with Iran and the P5+1 partners, should there be one.

And so, I want to thank Senator Menendez for his leadership of this committee in his role as ranking member in laying a lot of the groundwork for this, Senator Kaine for persistently raising on a bipartisan basis that Congress should have a role. And I want to thank you for including in this package, this compromise, two amendments I filed a week ago. And I look forward to supporting it and hopefully to our moving it out today with a strong bipartisan vote.

But we have a simple question about which path forward today this committee will take. We can by passing this package ensure that in the event of a deal with Iran, Congress has a constructive and a defined role to play, an opportunity to review the deal and, as you have said, to stay engaged in oversight, or we can reject it and expose a potential deal with Iran to messy, endless, unpredictably timed attempts from Congress to prevent that from being implemented. We can embrace this compromise and thus help our diplomats and our negotiators by presenting a unified position and a reasonable process for congressional review, or we can reject it and hurt our diplomats and negotiators by creating another partisan fiasco and sending mixed messages to the world.

It is my hope that we will not reject this agreement. By doing so, we would once again have this committee serve as a minor speed bump as this administration and future administrations proceed to make American foreign policy largely unrestrained. We can enact this. We can pass this out of committee today and reassert



that the Senate Foreign Relations Committee has an important role to play in our Nation foreign policy decisions. It is my hope that on a bipartisan basis we will do just that and take the reasoned and responsible path forward. And thank you to both of you for making this possible.

The CHAIRMAN. Senator Flake, who has been so constructive throughout this from the very beginning. Thank you so much.

Senator FLAKE. I appreciate that, and in the interest of voting on this before the administration submits the final agreement, I will yield. [Laughter.]

The CHAIRMAN. Any other opening comments? Senator Udall?

Senator UDALL. I agree with the thrust of what Senator Flake has said, and I just want to say very briefly—I will not take all my time here. But I think this committee and what Chairman Corker, and the ranking member, and Senator Menendez, and the others that have worked on this have done is has been incredibly important because Arthur Vandenberg used to use the phrase “Politics stop at the water’s edge,” which is the best tradition I believe of the Senate Foreign Relations Committee. And I think that is what we have seen today with you, Chairman Corker, and Ranking Member Cardin, and Senator Menendez, everybody working together to try to find a way through this. And so, I just congratulate you on doing that.

I think, Chairman Corker, you had incredible restraint in not getting on that letter that was sent to the Ayatollah, and I think once again I would just pat you on the back for that because I think once again that is in the tradition of this committee trying to do the best bipartisan foreign policy it can.

The one other thing I want to do is, and it is behind the scenes. This agreement that the administration is working on has had a lot to do with the National Laboratory Secretary Moniz talked about to us earlier. We have two of the three national security labs in New Mexico. We cannot talk now about all the great things those scientists have done and the contributions they have made, but they are really on top of these nuclear enterprise issues. And I know the story will come out eventually how important that is. And I would ask that the Washington Post editorial by Moniz be put in the record at this point.

Thank you all for your work again.

[The information referred to above can be found at the end of this transcript.]

The CHAIRMAN. Thank you, and I have visited both of those labs with you, as a matter of fact. And certainly they play an incredible role in our national security as does the Oak Ridge Lab in Tennessee in cooperation with them on these issues.

So any other comments? Senator Kaine, yes, sir.

Senator KAINE. Thank you, Mr. Chair, and to all committee members. I strongly supported the beginning of the negotiation with Iran when President Obama announced it in November of 2013, and really viewed it as the fruition of your efforts. I was not in the Senate when the sanctions regime were passed, and so to those of you who were, the economic realities of that regime opened up an opportunity, and our President did what we would want the

President to do, to seek a diplomatic answer to a very difficult question.

I also have a number of questions about the framework of the deal that was announced on April 2nd, but see much in that framework that I feel positively about. The rollback of the enriched uranium stockpile from 10,000 kilograms to 300 is massive, and the agreement of Iran, at least in the framework, to participate in the IAEA as an additional protocol for inspection, also significant.

So I am pro-diplomacy, and I see positives in the framework, but I have been strongly pro the need for congressional approval. There has been some suggestion that if you think Congress needs to approve this you are anti-diplomacy. That is ridiculous. There has even been some suggestion if you think Congress needs to approve this, you are pro war. That is offensive. We have a role under Article 2, and I actually think that congressional approval in this instance under the framework that is now before us is necessary, helpful, and what the American public demands and deserves. It is necessary because at the core this is a negotiation about what must Iran do to get out from under a congressional sanctions regime, so Congress will be involved.

It is helpful because since Congress will be involved, the only question is will that involvement be helpful and orderly, or will it be under free-for-all rules. Much better for us, much better for the administration, much better for the P5+1, much better for Iran that we are asking to make concessions, big concessions, for them to see a process that is orderly and constructive.

And finally, it is something that the American public, our role, they really deserve it. I have been talking to Virginians about this now for many months, and then I have recently—more recently seen some polling that seems kind of odd if you look at it, but it does make sense. The American public, just as we do, is deeply concerned about an Iranian nuclear weapons program. The American public, just as we are, really hopes that we will find a diplomatic answer to that problem if we can. They prefer diplomacy over war just like we all do.

The American public is deeply skeptical, just like we are, about Iran's intentions. Will Iran comply with an agreement? The American public overwhelmingly wants Congress to approve a deal rather than the President just to announce a deal. Focus on that one for a minute. Why do my constituents and yours want a deal to have to be approved by Congress? It is not out of disrespect for the President, and it is not because they love Congress. Let me share with you what they think about Congress. It is not exactly great.

They are so concerned about the magnitude of this deal that they will feel more comfortable if both the executive and the legislature take a look and say this is in the best interests of the Nation. This is why people get a second opinion if they hear from a doctor something they do not like. The American public knows this is big. They will feel more comfortable if it is both the executive and the legislature reviewing it.

So that is why I am strongly in support of this, and I want to thank you, Mr. Chair, Senator Cardin, Senator Menendez, all the colleagues, and the White House for weighing in here at the end so that we could find a path forward. Thank you very much.

The CHAIRMAN. Thank you. Senator Murphy?

Senator MURPHY. Thank you very much, Mr. Chairman. Thank you to you and the ranking member, as well as the White House for bringing, I think, this incredibly productive compromise before us today.

You know, I have been of like mind with Senator Boxer. I have believed that this has been a largely unnecessary endeavor in that the legislation that we are debating today does not really reserve for Congress any power that we do not already have. We had the ability before this debate to be able to review this agreement once it is submitted to Congress and to be able to take away from the President the power to waive sanctions. And after the passage of this bill, we still have that power.

And so, all along my concern has simply been whether we are engaging in an effort that is going to make it less likely rather than more likely that we are going to get a deal to review. I reserve the right to be able to weigh in that agreement. I just want to make sure that we are not taking any steps that lessen the chances that we will be able to conduct that oversight when the time is appropriate.

And I would just reiterate what we have heard today from the administration. I think we have heard very clearly that the changes that have been made over the past 24 to 48 hours essentially make this legislation benign as it relates to the negotiations, that there is a belief that with these changes—the shortened timeframe, the removal of the terrorist certification—that this legislation, the passage of it, is not going to effect the negotiations or the ability for us as a body to see the final agreement. So I am happy to support it.

My final comment is just this one, and it builds frankly off of a comment from Senator Kaine. I do worry about a double standard of oversight in this Congress, and I do not worry about it when it comes to Senator Kaine because he was right there at the beginning saying that we should oversee the President's proposed military action in the Middle East. But we have a constitutional duty to declare war, and we have been in this committee now for about four months and have not taken any progress to fulfill what is our constitutional obligation to oversee war.

I would argue in a differential position to Senator Johnson that we do not have a constitutional obligation here, and we frankly do not even have the ability to weigh in until after we see a final agreement. And so, I just do not want to be in a situation where we have a higher standard of oversight on diplomacy than we have for war.

And so, I am glad to support this compromise moving forward. I think it will provide for a useful framework for the review of this agreement should it be entered into. But I want to make sure that this committee moving forward is just as vigorous in its oversight over war making powers as it is over diplomacy. I do not think is an attack on diplomacy, but I am hopeful that we will show some consistency in the weeks and months to come.

The CHAIRMAN. Thank you. I do want to—I have to say this. I apologize, but I think the reason the administration in the last two hours has chosen this path is that the number of senators that

they realized were going to support this legislation. So anyway, I have a 180-degree different view of what has happened over the last couple of hours, but I appreciate your comments.

Senator Markey?

Senator MARKEY. Thank you, Mr. Chairman. And, again, we cannot praise you enough for the way that you are conducting this committee. I think this is really in the best tradition of the Senate Foreign Relations Committee in the way that people might understand it to be, but oftentimes it is not. And I thank you, Senator Cardin, for your excellent work in helping to create a bridge that has brought us to this moment.

But I also want to thank Senator Menendez and Senator Kaine for their work in ensuring that there would be a protection of congressional prerogatives, especially in an area where the sanctions were actually a congressional idea. It originated here, and to a very large extent that is why the Iranians have come to the table. So it is all together fitting and appropriate that we are at this moment, and that there is going to be an assertion of this congressional prerogative to oversee such an important matter. So we congratulate all of you. And by the way, every member of the committee who participated in this process.

There is no more important subject for the Congress to have to deal with. The IAEA is perhaps the least well-known, most important institution on the planet. That is what we are going to be debating over the next four or five months, the role that the IAEA can play in avoiding a dramatic escalation of nuclear weapons proliferation in the Middle East that we have avoided for 70 years. And so, it is going to be critical for the Senate, for the House to be able to determine the adequacy of the inspections regime. The funding made available to ensure that the IAEA can be the policeman on the beat, can be the protector against a compromise of a civilian nuclear program that in the wrong hands can turn into a nuclear bomb factory. That is what this is all about.

That is why the Israelis are looking at this so closely. It is why the Saudis, the Egyptians, the Turks are all looking at this one issue so closely, because if we get it wrong, it is going to lead to the escalation that we have awarded over all of these decades.

And so, this is a big moment, and I think this committee has handled this issue very responsibly. And I think to a certain extent, just listening to expert opinion, I think there is kind of a surprise that some people have had with regard to the specificity in the agreement, which Senator Kerry and Senator Moniz—Secretary Moniz and President Obama have brought back to America. And it should give us some hope that an agreement can be reached that accomplishes all of those goals.

But it is also appropriate for this committee, for the Senate, to advise and consent, to have a role in conducting the hearings and hearing the evidence, and the making the decision because a lot of the rest of the history of the 21st century is going to actually ride on how this agreement is, in fact, written and enforced.

And so, I keep coming back to thanking you for the way in which you are conducting it. It is the appropriate role for this committee and for the Senate. And I cannot praise Senator Kaine, Menendez,

Cardin, and you, Mr. Chairman, enough for the incredible work which you have done. And I yield back.

The CHAIRMAN. Thank you. Are there anymore opening comments? [No response.]

The CHAIRMAN. Seeing none, I would entertain a motion that we consider the manager's amendment by roll call vote.

VOICE. So moved.

The CHAIRMAN. Moved. Is there a second?

Senator BOXER. Second.

Senator ISAKSON. Mr. Chairman? At the appropriate time, I would like to make a comment with regard with what we incorporated in the manager's amendment.

The CHAIRMAN. Actually I think you can go ahead and do that now. That would be fine. Thank you. Thank you for your involvement in this and making this bill better as it is today.

Senator ISAKSON. I just want to thank Chairman Corker and Ranking Member Cardin for their cooperation today. As many of you will remember, for five years I have worked to see to it that the 44 living Americans who were hostages in Iran in 1979 are compensated for their loss and their time. When we negotiated the Algerian Accords to release those people, at that time is was 52 living people. We specifically negotiated away their ability to get compensation from the Iranian government.

I have a bill which I offered as an amendment which I will withdraw for reasons that I understand that would allow us to collect compensation from the Iranian sanctions money, which is available and accessible, to compensate each one of those remaining 44 citizens who are still alive today. The chairman and the ranking member asked me to withdraw the amendment because it is not appropriate given the nature of the framework of the deal, and I agree with that. But you were both gracious enough to include it in the manager's amendment.

I appreciate that very much and appreciate Chairman Corker's willingness to, at a time in the near future, which hopefully will be the immediate future, to allow the legislation to come before the committee. We owe those Americans everything. They were captive and tortured and beaten for 444 days. They are the only American civilians ever kept in captivity that never got some sort of compensation back from their captors and their tormentors, and I want to see to it that that happens.

But I want to thank the chairman and the ranking member for everything they have done to allow that and put that in the manager's amendment. And I withdraw my other amendment.

The CHAIRMAN. Thank you, and thank you for your steadfast support of these families with everything they have gone through. Is there any member that would like to offer an amendment to the manager's package?

Senator BARRASSO. Mr. Chairman?

The CHAIRMAN. Senator Barrasso?

Senator BARRASSO. Thank you, Mr. Chairman. I would like to call up Barrasso amendment to the manager's amendment. This restores the language from the underlying base bill on the terrorism certification. It is simple. It is straightforward. It just reestablishes the requirement that the President certify Iran has not directly

supported or carried out an act of terrorism against the United States or a United States person anywhere in the world.

This was in the original piece of legislation. It is the bill that had significant bipartisan support, bipartisan co-sponsorship. And Iran has been designated by the United States as a state sponsor of terrorism since 1984. I think it is critical for the President to make this certification to Congress and to the American people we are serious about our national security. I think it is important that the committee clearly state that we will not tolerate terrorism against our Nation.

The CHAIRMAN. Thank you, and if I could just respond. First of all, I want to thank the Senator for the way he has conducted himself and certainly raising this issue. And I just would like for the audience and the world to know, this was a request by Senator Menendez actually that this initially be put in the bill. It is very difficult for me to understand why a certification like this would not easily be made, candidly. We have more information about terrorism in this bill than we have ever had before.

And my guess is if Iran attempted terrorism against an American, they not only would have sanctions, but likely missiles and bombs. So I do not know why this could not be agreed to, but it was true that the administration did not want to have other issues not relevant to the nuclear deal in this. I have agreed to that, and while I support your amendment and support the base bill as it was before, I think the senator knows that I will oppose it. And I think I understand this creates problems for the balance, if you will, that we have today with that.

The ranking member?

Senator CARDIN. Thank you, Mr. Chairman. Let me explain. First of all, I agree with the chairman. I know that the sponsor of this amendment is well intended. We all want to see Iran end its terrorism influence in many regions of the world that are very, very troubling to world stability. It is a major continuing problem. So we agree completely with the intent of this amendment.

I disagree with the chairman, though, about the impact of this amendment. This amendment would have had the unintended consequence of, I think, defeating any possibility for diplomacy, and let me explain why. The President would not be able to make this certification. Because he could not make the certification, there would be an expedited process for sanctions against Iran. And, therefore, it would be totally contrary to what is being negotiated today in regards to the nuclear nonproliferation obligations of Iran related to what they will do to give up their nuclear weapons in regards to sanctions that were imposed because they violated their nuclear proliferation obligations.

There are separate sanctions in regards to terrorism, ballistic missiles, and human rights. And the manager's amendment makes it clear that nothing in the negotiations affect those sanction regimes. So we have that tool in place, but it is not the sanctions that were imposed in regards to the nuclear proliferation discussions. So, therefore, if this became a part of the bill, it would very likely be used as a reason to say that diplomacy cannot work because the President cannot make those certifications, cannot give the relief that is being negotiated. And the U.S. would be blamed for the

ends of negotiations, putting Iran actually in a stronger position internationally than they are today. I know that is not Senator Barrasso's intent, but I think that is the consequence.

Let me, though, point out Senator Menendez in the original bill included very strong report language on the terrorism activities of Iran that must be submitted to Congress on a periodic basis. That language is not only included in the manager's amendment, but strengthened in the manager's amendment. We have also included other language stating that, "The President must submit all actions, including international fora being taken by the United States to stop counter condemn acts by Iran to directly or indirectly carry out acts of terrorism against the United States and U.S. persons, the impact of national security of the United States, and the safety of American citizens as a result of any Iranian actions reported under this paragraph."

And an additional paragraph was added, "an assessment of whether violations of internationally recognized human rights have changed, increased, or decreased as compared to the prior 180-day period." These reports are due every 6 months. So it is a very strong provision in regards to keeping Congress informed as to these types of activities. And, of course, we always have the right to take action.

So I just would urge my colleague to recognize that the certification provisions could very well compromise the ability of the United States to continue its negotiations, whereas this manager's amendment is very strong on the terrorism issues.

The CHAIRMAN. Yes, sir. Senator Menendez?

Senator MENENDEZ. Very briefly, let me say I have no doubt that Iran is a major state sponsor of terrorism, and not because I say it, but because the State Department says it, so that is real. Having said that, my reason for seeking to include it was concerns that non-nuclear sanctions would be waived as it relates to terrorism and other elements.

In view of the language that makes it clear that none of those other sanctions will be waived as a result of any nuclear deal, I certainly support the bill as it presently stands, and I will continue to pursue Iran as it relates to a state sponsor of terrorism in other venues. But I think it is so important having that clear now, that it is not going to be waived under any set of circumstances to have this type of process for the Senate to review any potential deal at the end of the day, that I do not think that this is an impediment to our goal of both having a review process and making sure that Iran continues to suffer the consequences for being a state sponsor of terrorism. Thank you.

The CHAIRMAN. Thank you. If there are—yes, sir?

Senator GARDNER. Mr. Chairman, I would speak in favor of the Barrasso amendment. We know that Iran has targeted and killed Americans. And I would just point out in the op-ed written about a week ago by Secretaries Schultz and Kissinger in the Wall Street Journal, their statements that, "With the recent addition of Yemen as a battlefield, Tehran occupies positions along all the Middle East strategic waterways and encircles arch rival Saudi Arabia and American allies. And unless political restraint is linked to nuclear restraint, an agreement freeing Iran from sanctions, risks, empow-

ering Iran's hegemonic tendencies—efforts”—excuse me. “Absent the linkage between nuclear and political restraint, America's traditional allies will conclude that the U.S. has traded temporary nuclear cooperation for acquiescence to Iranian hegemony.” I think it is important that we have this in here as the former secretaries have pointed out.

The CHAIRMAN. Thank you very much. I have spent a lot of time talking to Secretary Kissinger. Like many of us, we have that ability, and I could not agree more with the comments that were in the op-ed. And that is why the language that Senator Menendez has mentioned clears that up and absolutely makes it known to all that we in no way—no way—as part of the agreement that we will discuss later if we pass this legislation, in no way will those sanctions be removed.

And I might add, to the extent we have the information that will be much more available to us from an intelligence standpoint as to what has happened, we have the tool of all of these sanctions that we are talking about today to even add to that. But I know the senator would like to have a vote if there is no objection. Do you want to speak to it anymore? [No response.]

The CHAIRMAN. Let us have a roll call vote.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. No.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Perdue?

Senator PERDUE. No.

The CLERK. Mr. Isakson?

Senator ISAKSON. No.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Boxer?

Senator BOXER. No.

The CLERK. Mr. Menendez?

Senator MENENDEZ. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Udall?

Senator UDALL. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?



Senator Kaine. No.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are six, the nays are 13.

The CHAIRMAN. Thank you. And, again, I thank you so much for the way you have worked on this and your ability to raise that issue again in here. I very much appreciate that.

So it is my understanding then if there are no other amendments—are there any other amendments?

VOICE. No.

The CHAIRMAN. I think we have had a motion and a second to move to the manager's package, which we will now vote on. And if the clerk would please call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Perdue?

Senator PERDUE. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Boxer:

Senator BOXER. Aye.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Udall?

Senator UDALL. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator Kaine. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are 19, the nays are zero.

The CHAIRMAN. Are there any other amendments now to the base legislation that has been amended by the manager's package?[No response.]

The CHAIRMAN. Is there a motion that we move ahead with approving the bill as amended by the manager's package?

Senator RISCH. So move.

Senator JOHNSON. Seconded.

The CHAIRMAN. It has been moved and seconded. The question is a motion to approve S. 615, the Iran Nuclear Agreement Act of 2015, as amended. If the clerk would call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Perdue?

Senator PERDUE. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Paul?

The CHAIRMAN. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Boxer:

Senator BOXER. Aye.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Udall?

Senator UDALL. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CHAIRMAN. Thank you.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye. [Laughter.]

The CHAIRMAN. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 19, the nays are zero.

The CHAIRMAN. The ayes have it. Obviously that completes our committee's business.

I ask unanimous consent that staff be authorized to make technical and conforming changes. Without objection, so ordered.

And with that the committee will stand adjourned. Thank you all.

[Whereupon, at 4:04 p.m., the hearing was adjourned.]

#### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

A NUCLEAR DEAL THAT OFFERS A SAFER WORLD—*The Washington Post*, April 12, 2015

BY ERNEST MONIZ<sup>1</sup>

The recent announcement of the Lausanne framework concerning Iran's nuclear program has stimulated a lively public and political debate. This is an important discussion that the nation deserves to have, and it must be informed by clarity on the specifics of the negotiated technical parameters for a final Joint Comprehensive Plan of Action (JCPOA).

I joined Secretary of State John F. Kerry's negotiating team in late February, but throughout the negotiations, leading nuclear experts at the Energy Department and its national labs have been involved in the careful development and thorough evaluation of the technical proposals to help define U.S. positions.

As a result, the key parameters for the agreement that was announced April 2 in Switzerland provide a technically sound path for certifying Iran's nuclear program as peaceful, quickly determining if it is not and providing the breathing room needed to respond appropriately.

Iran has repeatedly emphasized its commitment to a peaceful program, but today's reality of national and U.N. sanctions highlights the international community's concern about Iran's past nuclear activity. The Lausanne understanding is not built on trust. It is built on hard-nosed requirements that would limit Iran's activities and ensure vital access and transparency.

An important part of the parameters is a set of restrictions that would significantly increase the time it would take Iran to produce the nuclear material needed for a weapon—the breakout time—if it pursued one. The current breakout time is just two to three months. Under the JCPOA, that would increase to at least a year for at least 10 years, more than enough time to mount an effective response.

The negotiated parameters would block Iran's four pathways to a nuclear weapon—the path through plutonium production at the Arak reactor, two paths to a uranium weapon through the Natanz and Fordow enrichment facilities, and the path of covert activity.

To start, Iran would not have a source of weapons-grade plutonium. The Arak reactor would be redesigned and internationally certified to produce much less plutonium and no weapons-grade plutonium. In addition, we have agreed that all of the plutonium-bearing spent reactor fuel would be sent out of the country for the lifetime of the reactor. Any attempt to use the Arak reactor to produce weapons-grade plutonium would be easily detected.

Furthermore, for the indefinite future, Iran would have no capability to extract plutonium from spent fuel from any reactor and conduct no research and development on such reprocessing. No other heavy-water reactors, a type often associated with weapons programs, would be built for at least 15 years, and any excess heavy water would be sold off. This framework shuts down the plutonium pathway.

To block the pathways to a uranium weapon, Iran would reduce the number of operational centrifuges at Natanz to just over 5,000, from a current national inventory of almost 20,000—and for a decade its only operational centrifuges would be IR-1s, Iran's oldest and least capable model. When combined with a reduction in its enriched uranium stockpile from 10 tons to just 300 kilograms and enriched to less than 3.7 percent, the time necessary to accumulate enough highly enriched uranium for a first bomb would match our requirement of at least a year for 10 years. It would take even longer to assemble a complete weapon. The uranium stockpile limitation would be in place for 15 years.

<sup>1</sup>Ernest Moniz is U.S. energy secretary.

Additionally, for at least the first decade, there would be no R&D on a more advanced centrifuge model at the scale needed to confidently deploy that model for production.

Iran would no longer use the underground Fordow facility to enrich uranium or conduct uranium enrichment R&D; in fact, no uranium would even be allowed at the facility. Nearly two-thirds of the centrifuges and infrastructure would be immediately removed, with just more than 10 percent of the centrifuges left operational. Furthermore, over time these centrifuges would be transitioned to non-uranium activities, and Fordow would become a physics research and medical isotope center. The monitoring provisions of an agreement would easily detect any misuse of the facility.

The fourth pathway would be to produce enough fissile material for a weapon through covert means. We counter that pathway with unprecedented safeguards and access to not just enrichment facilities, but also to the full uranium supply chain, from mines to centrifuge manufacturing and operation. The uranium supply chain verification comes with a 25-year commitment.

Iran would quickly implement, and eventually ratify, the Additional Protocol to the International Atomic Energy Agency (IAEA) safeguards agreement. The Additional Protocol allows inspections and sampling at both declared nuclear facilities, such as Natanz, Fordow and Arak, and undeclared sites at which out-of-bounds activities are suspected. The IAEA would also be allowed to use advanced technologies to enhance continuous monitoring.

This agreement is not for 10, 15 or 20 years; it is a phased agreement built for the long term. And if Iran earns the international community's confidence in its peaceful objectives over this extended period, then the constraints will ease in phases, though its obligations under the Nuclear Non-Proliferation Treaty and the Additional Protocol would remain in place indefinitely.

Since the parameters were announced, there have been reports of differences between the fact sheets put out by the United States and Iran. It is not surprising that Iran seeks to frame the debate over certain parts of the framework, but the parameters remain the same. And over the next few months, the United States and its negotiating partners will continue to work toward a formal agreement with Iran.

No—sanctions, diplomacy or other—are taken off the table. When combined with other political provisions in the framework for an agreement negotiated by Kerry and his partners, the recently concluded negotiation represents an important step toward a safer world.

## **BUSINESS MEETING**

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**Thursday, May 21, 2015**

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

The committee met, pursuant to notice, at 9:22 a.m., in Room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Johnson, Flake, Gardner, Perdue, Isakson, Barrasso, Cardin, Boxer, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, and Markey.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. I think what we will do, if it is okay with everyone, is get going, and then when we get two more members, go ahead and vote. But I want to thank everybody—actually we may be close to voting.

I want to bring the business meeting to order. Thank everyone for being here. We have a number of items on the agenda today including two items of legislation, seven nominations, and over 600 personnel who have been nominated for appointment and promotion into and within the Foreign Service. So I especially thank people for coming together for that. It will affect 600 folks if we are successful.

First, we want to consider S. 802, Girls Count Act of 2015. I commend Senator Rubio, Senator Cardin, Senator Shaheen, and Senator Coons for bringing up this bipartisan bill. This bill highlights and establishes practical steps to ensure that appropriate attention and resources are focused on making sure that young children, particularly girls, beginning at birth have basic identity documents that they will need to succeed in life.

With that, I would like to recognize the distinguished ranking member for his comments, Senator Cardin.

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

Senator CARDIN. Mr. Chairman, if I understand correctly, we do not have yet have the numbers necessary to report out. I will talk only as long as we have a quorum. If we get a quorum for reporting out, I will be glad to—

The CHAIRMAN. And I am sure other people might want to—

Senator CARDIN. Okay. So let me, if I might, first thank you very much for conducting this markup. I agree with you. The two bits

of legislation we have are both very important, and I want to thank Senator Rubio and Senator Shaheen for their work on Girls Count Act. It is absolutely true that the manner in which a country treats its young people, its women particularly, will very much be an indicator as to how stable and how safe that country will be and how prosperous it will be. So I thank very much our leaders for bringing this bill to us and for—I strongly support it.

In regards to the Combating Anti-Semitism bill, I want to thank Senator Menendez and Senator Kirk for their leadership on this resolution. Let me just point out, I have recently visited Europe on behalf of the OSCE. I am their special representative on anti-Semitism, racism, and intolerance, and the security of the Jewish community in Europe is really being threatened today. And I am glad that our committee will speak with a strong voice on this resolution in regards to the problems facing Jewish communities in Europe, and our concern about their safety and our activism on that issue.

And lastly, let me just point out that I thank you very much for bringing up these nominations for action. And I know we are at the early stages of this session, but let me just urge, and I have told this chairman this in our personal conversations. I hope that we can move nominations as quickly as possible through this committee. I know there will be challenges on the floor. In most cases, we are dealing with career people whose lives, in some cases, are on hold pending the action of the United States Senate.

And it is important in their lives, but also important in regards to the responsibilities of the mission in which they are being nominated that we have confirmed nominees. And I thank the chairman for his cooperation, and I particularly thank you for bringing up these nominations.

The CHAIRMAN. And I could not agree more that we need to move these people along as quickly as possible. Is there anyone else that would wish to speak to the—to the item before us, S. 802? Senator Shaheen?

Senator SHAHEEN. Well, thank you, Mr. Chairman, and I want to thank Senator Rubio and his staff for working with us to get this important bill drafted. It directs U.S. foreign assistance programs to ensure that developing countries provide birth registries for their girls as well as their boys. Every year about 51 million children, mostly girls, are not registered at birth, and that leaves them subject to human trafficking. They are excluded often from basic services, including education. And this legislation would help to address that.

And I would just point out it is supported by groups as varied as Catholic Relief Services, the United States Conference of Catholic Bishops, the Grow Up Campaign of the UN Foundation, the Alliance to End Slavery and Trafficking, and the International Justice Mission. So there are a wide variety of groups supporting this legislation. It makes sense, and I hope everyone will join us in supporting it this morning.

The CHAIRMAN. Thank you for bringing it forward. Any other comments on this particular legislation? [No response.]

The CHAIRMAN. If not, I will entertain a motion—  
Senator BOXER. So moved.

The Chairman:—that we actually consider the substitute amendment by voice vote. [Laughter.]

The CHAIRMAN. Thank you. We are excited today. Is there any objection? [No response.]

The CHAIRMAN. All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. Did anybody second that, by the way?

Senator PERDUE. Second.

The CHAIRMAN. Let us do that again, okay? [Laughter.]

The CHAIRMAN. Perdue seconded. So moved and seconded.

All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. Thank you. And the ayes have it. The substitute amendment is agreed to.

Are there further amendments? [No response.]

The CHAIRMAN. Hearing none, is there a motion to approve the legislation, as amended?

Senator BOXER. Second.

Senator SHAHEEN. Second.

The CHAIRMAN. Thank you. So moved and seconded.

The question is on the motion to approve S. 802, Girls Count Act of 2015, as amended.

All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. The ayes have it.

Next, we will consider S. Res. 87, a resolution to express the sense of the Senate regarding the rise of anti-Semitism that Senator Cardin just mentioned in Europe to encourage greater cooperation with European governments, the European Union, and the Organization for Security and Cooperation in Europe in preventing and responding to anti-Semitism.

We thank Senator Menendez for bringing this bipartisan resolution to the committee. Fifty-six Senators, including myself, have co-sponsored this resolution. The shocking murder of Jews in Europe and rising anti-Semitic sentiment requires this—a call to this resolution makes for the United States and our democratic allies to speak and take action. Senator Cardin, do you have any additional comments other than the ones you have already made? [Nonverbal response.]

The CHAIRMAN. Would anyone else like to speak to this particular piece of legislation? Senator Menendez?

Senator MENENDEZ. Just thank you and Senator Cardin for having it on the business agenda. I think it is incredibly important that those of us who are unaffected by the reality of anti-Semitism are equally as outraged as those who are. And when we turn a blind eye to what is happening either at home or around the world, we allow the voices of hatred to rise, and words have consequences as we have seen in history.

So I think this is fitting and appropriate, and we are up to 60 co-sponsors.

The CHAIRMAN. Good.

Senator MENENDEZ. And hopefully we will get a resounding vote when we get to the Senate floor. Thank you for putting it on the agenda.

The CHAIRMAN. Continued significant bipartisan efforts on your behalf. Thank you.

Senator KAINÉ. Mr. Chair?

The CHAIRMAN. Anything else?

Senator KAINÉ. Mr. Chair?

The CHAIRMAN. Yes?

Senator KAINÉ. If I could just speak in favor of this was well. You know, I think we spend an awful lot of time in this committee, and I am on the Armed Services Committee, too. And we spend an awful lot of time talking about problems with authoritarian nations and problems with non-state Jihadists and criminal networks. But we can sometimes then take for granted that democracies are doing fine, but there are some troubling trends in democracies that we do not spend enough time on. And I think the rise of anti-Semitism in Europe is one of those troubling trends.

We cannot take for granted that democracies will remain in a forward-looking posture, and that is why I am proud to support this.

The CHAIRMAN. Thank you. Any other comments? [No response.]

The CHAIRMAN. Is there a motion to approve this legislation?

Senator FLAKE. So moved.

The CHAIRMAN. Is there a second?

Senator BOXER. Second.

The CHAIRMAN. Boxer? So moved and seconded.

The question is on the motion of S. Res. 87.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. The ayes have it. The resolution is approved.

The next order of business is seven nominations before the committee: Charles Adams to be the ambassador to the Republic of Finland; Cassandra Butts to be the ambassador to the Commonwealth of the Bahamas. Pretty nice job. [Laughter.]

The CHAIRMAN. Paul Folmsbee to be the ambassador to the Republic of Mali; Fitz Haney to be the ambassador to the Republic of Costa Rica; Matthew McGuire to be the U.S. Executive Director of the International Bank of Reconstruction and Development; Mary Katherine Phee to be the Ambassador of the Republic of South Sudan; Gentry O. Smith to be the director of Office of Foreign Missions.

I will seek to move them en bloc by voice vote. However, I understand there may be some folks that want to be recorded differently. [No response.]

The CHAIRMAN. It sounds like that it is okay to move them en bloc. Senator Cardin, do you have any comments regarding these nominations? [Nonverbal response.]

The CHAIRMAN. None? Anyone else want to speak to these nominees? [No response.]

The CHAIRMAN. Okay. Is there a motion to move these en bloc?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve these seven nominations.



All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

Senator BARRASSO. I just want to be recorded as a no vote on Matthew McGuire.

The CHAIRMAN. Thank you.

Senator BARRASSO. Thank you.

The CHAIRMAN. The ayes have it. The nominations will be recommended to the full Senate for Senate consideration of advice and consent.

Our last business is six Foreign Service officer lists. Again, I want to thank everybody for their cooperation. I support these appointments and promotions, and would like to thank all those officers for their outstanding service to our country. In addition, I would like to note that we work with the relevant agencies to approve the vetting that these agencies conduct and the information they provide the committee. I do not know if Senator Cardin would like to speak to that.

Senator CARDIN. No. Once again, I appreciate the—getting this quickly onto the agenda for approval. So thank you.

The CHAIRMAN. Thank you. Is there any other discussion? [No response.]

The CHAIRMAN. Thank you. Seeing none, I would like—I would—wonder if someone would move—

VOICE. So moved.

The Chairman:—that we move these en bloc. Second?

VOICES. Second.

The CHAIRMAN. Thank you. The question on—the motion is moved and seconded. The question is on the motion to approve six Foreign Service lists en bloc, as modified.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All oppose? [No response.]

The CHAIRMAN. With that, the ayes have it, and the appointments and promotions are agreed to.

That completes the committee's business. I ask unanimous consent that staff be authorized to make technical and conforming changes. Without objection, so ordered.

With that, we are adjourned. Thank you all so much. I appreciate it.

[Whereupon, at 9:33 a.m., the hearing was adjourned.]



## **BUSINESS MEETING**

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**Tuesday, June 9, 2015**

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

The committee met, pursuant to notice, at 3:23 p.m. in Room S-116, Capitol Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Johnson, Flake, Gardner, Perdue, Isakson, Paul, Barrasso, Cardin, Boxer, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, and Markey.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. I am going to call the meeting to order, and I appreciate everybody's patience. I know there is an NDAA vote that went on. We were waiting for that to occur.

And I want to thank the ranking member and his staff and our staff for the way we have worked to submit a manager's package that I think is going to make the meeting go much more quickly than anticipated. I hope that is the case.

But anyway, we have got a number of items on the agenda, including three pieces of legislation, six nominations, two Foreign Service lists totaling over 500 officers of appointment and promotion into and within the Foreign Service.

The largest item on our agenda, of course, is the State Department authorization. I want to thank all members and their staffs for working with us to produce a draft bill for consideration of the committee. Just like our work on Iran and other issues, it is an important opportunity for the committee to assert its jurisdiction and shape and provide oversight and priorities in the functionality of the agencies within our purview.

With that, I would like to recognize our distinguished ranking member for his comments, Senator Cardin.

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

Senator CARDIN. Mr. Chairman, first of all, thank you very much for this opportunity. I really do appreciate the manner that you have reached out to all members of our committee in an effort to carry out one of the primary responsibilities we have as the Senate Foreign Relations Committee, and that is to do the authorization for the State Department.

And it has been a challenge to try to get that completed. We recognize that this is not the best way to do this. It would be better to have a separate bill that we could spend a little more time on, but in this Congress, this is, I think, our best opportunity for us to exercise our committee's jurisdiction.

And when you look at the National Defense Authorization Act and you see so much of the work that is done in that bill affects our committee, I think it is extremely important that we come together with the State Department authorization. And I congratulate you for the manner in which you have worked with us to try to come together with a bill that reflects the work of this committee.

This is a compromise. I am sure there is provisions in here and other provisions you would like to see included that will not. And the same thing is true with, I think, the Democratic members. But I think this has been done in an open way with all of our members. I am very proud of the way that we have been able to come together, and we will be submitting a manager's package that incorporates many of the amendments that have been offered by members of this committee.

It is important that we move forward. This product will include embassy security, which is critically important. Many areas of good governance and human rights within the State Department's mission, including dealing with atrocities prevention, dealing with anti-corruption issues, dealing with anti-Semitism and other forms of intolerance, dealing with child abduction, dealing with gender discrimination, dealing with diversity within the department, dealing with the State Department needs on its Foreign Service officers, and I could go on and on and on.

And there are many other issues. So, but I want to just end with one other issue that is in this bill that I think is very important. And that is it includes reports by the State Department to us in many areas that I hope you will get those reports, look at those reports, work on them so that next year, when we work on the State Department authorization, we have a lot more information before us, and we can have a more robust authorization in many of the areas that are not included in this bill that we need to move on.

But I am very proud of the work that we have done this year. I think it is the right step forward, and we have more work to do in the future.

Last point, there are other issues on the agenda that you mentioned, the Syrian War Crimes Accountability Act. I thank you for including the legislation that I authored. I think we need to point out that there has been 7.6 million people displaced in Syria. Two hundred thousand people have been killed.

And I think it is important for the United States Senate and for Congress to take leadership that we need to demand accountability for those who have committed war crimes in Syria.

I want to congratulate Senator Isakson for sticking with the Iran Hostage Compensation Act. I know it has been a long road. I think you are almost there, and I am very proud to support your efforts and thank you for the extraordinary work that you put in on behalf of people who really need the attention of this Congress.

And lastly, Mr. Chairman, thank you for including the six nominees and the Foreign Service lists that are included here so that we can move those positions forward and, hopefully, get those people in their assignments.

The CHAIRMAN. Well, thank you.

And if I could just make note on the NDAA, look, what we have done is we have a placeholder amendment in the NDAA that was an old draft of an authorization bill. If we pass something out today, what I hope to do is substitute that. Let me just say with the state of play on the floor and the way amendments are being processed, I cannot guarantee that that is the route that we will actually be able to consummate. But it is obviously the one we hope to consummate, and actually, we think it is the best way for this to become law.

But I thank you so much for the way.

So, with that, what I would like to do is ask the committee to proceed en bloc in a voice vote in consideration of six nominees. Anybody who wants to be recorded otherwise can be, or we can call for a roll call vote.

It is Mr. Raji, to be ambassador to Sweden——

Senator CARDIN. Ms.

The CHAIRMAN [continuing.] Ms. Pettit, to be ambassador to Latvia; Mr. Delawie, to Kosovo; Sabharwal, Alternative Executive Director to the IMF; Kelly, to be ambassador to Georgia; and Noyes, to be ambassador to Croatia.

I want to thank all those for being willing to serve, and Senator Cardin, I do not know if you want to make additional comments relative to these nominees?

Senator CARDIN. I move the approval en bloc.

The CHAIRMAN. Is there anyone else that wishes to speak to any of these? [No response.]

The CHAIRMAN. If there is no further discussion on the nominations, I would entertain a motion to approve this by a voice vote. [Motion.] [Second.]

The CHAIRMAN. Moved and seconded. The question is on the motion to approve the nominations.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. Hearing none, they pass. The ayes have it. Recommended to the full Senate.

Next we consider the Foreign Service lists. There are two lists here of Foreign Service officers who are either being promoted or getting tenure from the service.

I support these appointments and promotions. I would like to thank all those officers for their service.

Senator Cardin, would you like to have any additional comments?

Senator CARDIN. Just thank you for bringing them.

The CHAIRMAN. Does anyone wish to speak to any of the lists? [No response.]

The CHAIRMAN. With that, if there is no further discussion on these lists, I would entertain a motion to approve these lists en bloc by voice vote. [Motion.] [Second.]

The CHAIRMAN. It has been moved and seconded. The question is on the motion to approve the Foreign Service lists.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. Hearing none, passed. And the ayes have it. The Foreign Service lists are approved in order to be reported.

I would now ask that the committee proceed to consideration of S. 756, the Syrian War Crimes Accountability Act of 2015. Syria is the greatest humanitarian crisis the world faces today. The bill is a small step in the right direction and, hopefully, will call attention to what is happening in Syria right now.

Senator Cardin, would you like to speak to this legislation?

Senator CARDIN. Mr. Chairman, again, thank you for putting this on the markup. I mentioned it earlier in my opening comments, and I thank you. I know that Senator Markey has an amendment that I believe he is going to ask consent for a couple of modifications, and I think we can do this quickly.

The CHAIRMAN. Are there any other comments on this legislation? Would you like to offer an amendment?

Senator MARKEY. Mr. Chairman, yes. I have an amendment at the desk, and it is quite simple. It is that we want to do full justice to all of these poor people in Syria. And so, I propose strengthening S. 756 to require the President of the United States to introduce a resolution before the United Nations Security Council to establish an international war crimes tribunal for Syria and to make its passage this year a high and urgent United States priority.

And towards that end, Mr. Chairman, I ask unanimous consent to revise the words "most urgent priority" in lines 12 to 13 on page 2 to read "high and urgent priority" and to revise the word "immediately" on page 1, line 8 to "in a timely way."

And I would say, Mr. Chairman, that we should help to elevate this to the international crisis which it is. I mean, this is on all sides. There are atrocities being committed on all sides in Syria, and by having the United Nations be forced to deal with it, I think it will get the attention which it needs and deserves.

So I ask for an "aye" vote.

The CHAIRMAN. Any other comments relative to this amendment? I think we have got—

Okay. We have some issues with the amendment, and I am going to vote against the amendment. But I appreciate very much you raising these issues, and do you want a roll call vote?

Senator MARKEY. If I could, Mr. Chairman?

Senator CARDIN. And his amendment has been modified. Is that right? He asked consent to modify his amendment.

Senator MARKEY. I asked unanimous consent to modify it, yes.

The CHAIRMAN. Is there any objection? That is fine.

I guess without further comment, why do we not go ahead and vote on the Markey amendment. Would you call roll?

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio? [No response.]

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Flake?

Senator FLAKE. No.  
 The CLERK. Mr. Gardner?  
 Senator GARDNER. No.  
 The CLERK. Mr. Perdue?  
 Senator PERDUE. No.  
 The CLERK. Mr. Isakson?  
 Senator ISAKSON. No.  
 The CLERK. Mr. Paul?  
 Senator PAUL. No.  
 The CLERK. Mr. Barrasso?  
 Senator BARRASSO. No.  
 The CLERK. Mr. Cardin?  
 Senator CARDIN. Aye.  
 The CLERK. Mrs. Boxer?  
 Senator BOXER. Aye.  
 The CLERK. Mr. Menendez?  
 Senator MENENDEZ. Aye.  
 The CLERK. Mrs. Shaheen?  
 Senator SHAHEEN. Aye.  
 The CLERK. Mr. Coons?  
 Senator COONS. Aye.  
 The CLERK. Mr. Udall?  
 Senator UDALL. Aye.  
 The CLERK. Mr. Murphy?  
 Senator MURPHY. Aye.  
 The CLERK. Mr. Kaine?  
 Senator KAINE. Aye.  
 The CLERK. Mr. Markey?  
 Senator MARKEY. Aye.  
 The CLERK. Mr. Chairman?  
 The CHAIRMAN. No. Report?  
 The CLERK. Mr. Chairman, the yeas are 9. The nays are 9.  
 The CHAIRMAN. The amendments fails. It is not agreed to.  
 So I guess we would now vote on the base bill. Is there—do we need a motion to do so? [Motion.]  
 The CHAIRMAN. So is there a second? [Second.]  
 The CHAIRMAN. Is a voice vote okay? All in favor of the legislation? [A chorus of ayes.]  
 The CHAIRMAN. Any opposed? [No response.]  
 The CHAIRMAN. The ayes have it. The Syrian bill passes.  
 I would now like to call up the State Department operations—  
 Senator CARDIN. Do you want to take the Isakson bill?  
 The CHAIRMAN. No, we are going to take it up in just a minute.  
 Next I would like to call up the Department of State Operations Authorization and Embassy Security Act of Fiscal Year 2016. Let me just say we worked up until just a few minutes ago getting amendments cleared on both sides. We have a large manager's package. I am going to go through each of those amendments.  
 But I want to say we have never done this. We have not done this since 2002. I do hope it is going to become law by virtue of the NDAA. If not, we will figure out another package to get it on.  
 In going through this, and I know this is just an element of the State Department operations, there is no question that this should be done every single year. There is so much more that we could do

in the State Department authorizations that would hugely, hugely affect what is happening there and allow us to leverage our efforts more so on a daily basis versus just taking up important and urgent issues as they come up. To actually go through an authorization in detail every year and ensure that the State Department has the tools that it needs to be effective, but to make sure they are carrying out their work in a way that is important to national interests is something we have to do.

So, again, we hope to build on this. I think this has been a very good effort. I want to thank Senator Cardin and all the members of this committee that have been so involved. And with that, I would now like to entertain a motion and consider the following amendments as part of a manager's amendment by voice vote en bloc.

And those are Corker 2, embassy security. It has a second degree regarding immediate threat mitigation. It has a second degree regarding FASTC, something that we have worked both with Senator Perdue and Senator Kaine on, and with a Cardin second degree, language training.

I do want to say there is going to be a GAO report that is going to be coming out soon relative to the selection of a FASTC location. I would ask at this time permission of the ranking member and others that we have a subcommittee hearing, interestingly to be chaired by Senator Perdue and Senator Kaine. But a subcommittee hearing to go through this GAO report and just make sure that we do not have any additional questions.

There is also an amendment that has been filed, asking—has been part of this, asking the State Department to provide us all documentation relative to the selection and asking OMB to provide us all of the paperwork that went with the selection of this location. I know that Senator Kaine is aware there has been some controversy over this. The State Department has not been forthcoming with its information. As a matter of fact, the House actually has a subpoena request out to get that information.

If, for some reason, we find this to be unsatisfactory, my sense is the committee is going to want to take up additional issues relative to this. All of us want to make sure that people are trained properly. We want to make sure they have the right facilities, but we also want to make sure that the taxpayers are, in fact, dealt with appropriately.

In addition to that, there is the Boxer 1, gender-based violence strategy, with a Corker second degree regarding implementation that has been accepted.

A Cardin 1, international corruption report.

A Coons 2, QDDR, with a Corker second degree, no new funds.

A Coons 3, review of SRAP and SCA.

A Corker 3, sense of the Congress on Japan.

A Corker 4, sense of the Congress on India.

A Corker 5, sense of the Congress on Korea.

A Gardner 2, State Department international cybersecurity policy.

A Johnson 2, adoption fee waiver.

An Isakson 1, Iran hostages.

A Markey 2, disappeared persons, with Markey second degree.



A Menendez 4, TVPA country reports.

A Perdue-Kaine IG enhancement. Significant amendment, appreciate their work on that.

A Perdue 3, sense of Congress on anti-Semitism, with a Perdue second degree.

A Rubio 1, international religious freedom training, with a Rubio second degree.

A Rubio 2, Bahrain recommendation implementation, with a Rubio second degree.

A Rubio 5 anti-Semitic activity in the U.N., with a Rubio second degree.

A Rubio 6, Haiti, with Rubio second degree.

A Shaheen 1, former Soviet states, with Corker second degree, no new funds, with Johnson second degree on Russian propaganda.

We can move those en bloc with a voice vote, can deal with it however you wish. I do not know if anybody wants to——

Senator CARDIN. I move them en bloc.

Senator BOXER. Second.

The CHAIRMAN. Does anyone wish to speak to this?

Senator ISAKSON. Mr. Chairman?

The CHAIRMAN. Yes?

Senator ISAKSON. I do not want to make a speech, but I want to acknowledge your hard work, Senator Cardin's work, Senator Menendez, who 4 years ago really gave me the chance to make the Iran hostage reparations work, the State Department and Secretary Kerry, who even with a broken leg a week ago called to weigh in and help us with this. These Americans deserve to be compensated, and I really appreciate all the cooperation.

The CHAIRMAN. If I could, I should have spoken to that. I mentioned already Senator Isakson likely if this passes today and for some reason this does not become a part of the NDAA and become law, he may try to hotline this as a separate item, not a part of this, in the event when it passes today.

Senator Shaheen?

Senator SHAHEEN. Mr. Chairman, I just wanted to applaud Senator Isakson and everyone who has been part of finally getting this done. It is a real miscarriage of justice that those people who were in prison for such a long time in Iran, who endured such hardship, have never had any compensation because of their service.

And so, thank you very much for your continued effort, and I hope we can be successful this time around.

Senator BOXER. Mr. Chairman? Mr. Chairman, I really want to thank you and Senator Cardin. Like Senator Isakson, I will be very brief. But you worked so hard with us to include something that I worked on with Senators Menendez, Collins, Kirk, and Shaheen that had the support of three—that has the support of 300 humanitarian, faith-based, human rights, refugee, and women's organizations.

Our amendment requires the Secretary of State to develop a strategy to prevent and respond to gender-based violence globally, and to further the objectives of the strategy, our amendment also requires the Secretary to develop comprehensive individualized grants for at least four countries with the highest levels of violence against women and girls.

Mr. Chairman, I feel that women and girls are treated so badly across the world, and it is wonderful that this committee is taking a stand. And even though we know what we do here does not mean immediate change, it lets the women and girls of the world know that we are watching and we understand it, and we are going to be outspoken on it.

So thank you very much.

The CHAIRMAN. Thank you. Thanks for your efforts.

Any other comments on the manager's package? [No response.]

The CHAIRMAN. It has been moved and seconded. If it is not objected to, a voice vote en bloc should be good.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed, say nay. [No response.]

The CHAIRMAN. The ayes have it, and the manager's package is agreed to.

I think we have already got embassy security dealt with. And now we are open to any other amendments. Yes?

Senator CARDIN. Mr. Chairman, I am going to call up the Rubio amendment number 4, which is the—it deals with the Hong Kong, and I am doing that on behalf of Senator Rubio, who could not be here. Also to call up my second-degree amendment that I filed to Rubio 4.

I do not believe this is going to be controversial. So let me just do it quickly, if I might? The second-degree amendment that I called up is the one that deals with giving—with authorizing the President to designate an interagency hostage coordinator to lead fusion cells that would coordinate the implementation of USG strategy with respect to hostage situations abroad.

Mr. Chairman, I have had two circumstances in my State during this past year—Warren Weinstein, who lost his life in Pakistan, and Alan Gross, who came home from Cuba. In both cases, it is very difficult on the family.

And I think the administration is moving administratively in this direction. There is lots of agencies that get involved with the family, but there needs to be a coordinator within the agencies and a person in which the family can have reliable contact with that can get the information from all the agencies that are involved.

And I would ask—this is bipartisan. It is supported with Senator Cornyn, and I would ask support on my second-degree amendment.

The CHAIRMAN. Any discussion? [No response.]

The CHAIRMAN. All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. The ayes have it.

We will now vote on the base bill. The base amendment.

Senator MENENDEZ. On the base amendment. You said the base bill, Mr. Chairman. [Laughter.]

The CHAIRMAN. All those in favor of the Rubio amendment on Hong Kong, as amended by the Cardin amendment second degree, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. Adopted. Are there other amendments that wish to be—yes, sir?

Senator MENENDEZ. Mr. Chairman, I have an amendment. But before I have an amendment, I have an inquiry of the chair. So am

I to understand correctly, from what I understand from you and the ranking member, that assuming that this authorization passes the committee, that it is your intention with the ranking member to offer it to the NDAA as an amendment?

The CHAIRMAN. That is correct, sir.

Senator MENENDEZ. So I first want to applaud the chair for his evolution towards considering—

The CHAIRMAN. I was wondering when that was coming. [Laughter.]

Senator MENENDEZ. I think I said it rather nicely. For his evolution into considering this as an opportunity to NDAA. I know that you and I had the discussion in the last Congress, and you were somewhat reticent to do that.

But I think that there are times in which an opportunity to actually assert the committee's jurisdiction, even if it is through NDAA versus a freestanding bill, is important to do so. I want to applaud you for your willingness to do that now.

And I would like to call up my amendment. I am sorry, let me just see, Amendment 2, which is to promote accountability and combat corruption in Afghanistan.

My understanding, if I am not mistaken—and the chair can correct me—is that the chair considers this—this is a committee report. This is the implementation of a committee report that we did that deals with the issues considering the national assessment that we have had in Afghanistan, both in terms of national treasure and lives, as well as our national security interests in Afghanistan.

My understanding is that the chair considers this a rather broad amendment for the purposes of the authorization purposes and would consider a markup of it as a freestanding legislation. If that is the chair's—if I am correct about the chair's intention, then I would withdraw the amendment if I could hear from the chair as to what his intention would be.

The CHAIRMAN. What you have stated is correct, and I thank you for stating it the way you did. And I look forward in the near future to have a markup on that, and I appreciate your work in that regard.

Senator MENENDEZ. So may I say that I have the chair's commitment that we will have an actual markup at some point as it relates to this legislation?

The CHAIRMAN. You have my commitment as long as our ranking member does not object to that. [Laughter.]

Senator CARDIN. We will talk about that.

Senator MENENDEZ. Then I have to really get—but anyhow, with that understanding, Mr. Chairman, I will withdraw my amendment.

The CHAIRMAN. I want to also thank you for the work you did on embassy security, and Senator Menendez had looked at potentially doing that last year on NDAA. I thank him for working with us because in many ways, candidly, the embassy security portion helps be the—a big part of the need, if you will, on this bill, and a simple piece of it.

So we thank you. I think it has helped this process move along. So I thank you for your cooperation on that matter.

Are there other amendments? Senator Paul?

Senator PAUL. You have my second amendment, which is our “stand with Israel” amendment. And oftentimes, people talk about foreign aid as something in which we would project power, and I think one way to project power and influence behavior is to withhold it if the behavior is not the behavior you would like.

So this would withhold aid to the Palestinian Authority if they do not recognize Israel, if they do not renounce terrorism, purge all individuals with terrorist ties from security forces, terminate funding of anti-American and anti-Israel incitement, and publicly pledge not to engage in war with Israel and honor previous diplomatic agreements.

The reason why I think this is necessary is because now you have a joint unity government with Hamas and Palestinian Authority. I think that it needs to be very clear that the unity government adheres to this and is not using any of our money directly or indirectly to buy missiles that are being used against Israel.

The CHAIRMAN. Is there any discussion? I have a comment I want to make. Matter of fact, I will just go ahead and make it.

I, first of all, want to thank you for your continued pursuit of issues surrounding Israel. I do not support this amendment, but look forward to working with you in other ways in trying to address it.

As a matter of fact, Senator Barrasso, Senator Kaine, myself, and several others were just recently in Israel, and I know they do not support this amendment, the government of Israel does not support this amendment because of additional security issues it would create for them.

So I am going to oppose the amendment, but I look forward to working with you in other ways to try to get messages across in an appropriate way to the Palestinian Authority.

I do not know if anyone else wishes to speak to the amendment?

Senator CARDIN. Let me just concur with the chairman and your observations, and I also would oppose this amendment.

Senator PAUL. I would like just a quick rejoinder. And that would be that I do not think any one person can probably speak for all of the government. The government of Israel is very pluralistic. There are many different viewpoints.

The CHAIRMAN. That is a good point.

Senator PAUL. Some in Israel may object to this, but some actually support it.

The CHAIRMAN. I noticed that on the PATRIOT Act. So you are exactly right. People have differing views on that, and in the government of Israel, we have the same. So I agree with that, and I should not have spoken so fully about the government of Israel. I know some of the key leaders there are very concerned about this amendment.

Any other comment? [No response.]

The CHAIRMAN. I suppose you want a roll call vote?

Senator PAUL. Yes, please.

The CHAIRMAN. Okay. The clerk would call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio? [No response.]

The CLERK. Mr. Johnson?

Senator JOHNSON. No.  
 The CLERK. Mr. Flake?  
 Senator FLAKE. No.  
 The CLERK. Mr. Gardner?  
 Senator GARDNER. Aye.  
 The CLERK. Mr. Perdue?  
 Senator PERDUE. No.  
 The CLERK. Mr. Isakson?  
 Senator ISAKSON. No.  
 The CLERK. Mr. Paul?  
 Senator PAUL. Aye.  
 The CLERK. Mr. Barrasso?  
 Senator BARRASSO. Aye.  
 The CLERK. Mr. Cardin?  
 Senator CARDIN. No.  
 The CLERK. Mrs. Boxer?  
 Senator BOXER. No.  
 The CLERK. Mr. Menendez?  
 Senator MENENDEZ. No.  
 The CLERK. Mrs. Shaheen?  
 Senator SHAHEEN. No.  
 The CLERK. Mr. Coons?  
 Senator COONS. No.  
 The CLERK. Mr. Udall?  
 Senator UDALL. No.  
 The CLERK. Mr. Murphy?  
 Senator MURPHY. No.  
 The CLERK. Mr. Kaine?  
 Senator KAINE. No.  
 The CLERK. Mr. Markey?  
 Senator MARKEY. No.  
 The CLERK. Mr. Chairman?  
 The CHAIRMAN. No. And Senator Rubio should be recorded as a  
 yes, by proxy.  
 The CLERK. Mr. Chairman, the yeas are 5. The nays are 14.  
 The CHAIRMAN. Any other amendments? Yes, sir?  
 Senator BARRASSO. Mr. President? I am sorry. Mr. Chairman, I  
 have 10 amendments of which I will offer 1.  
 The CHAIRMAN. Okay. [Laughter.]  
 The CHAIRMAN. Actually, thank you very much. [Laughter.]  
 Senator BARRASSO. I call forth Barrasso amendment number 4.  
 This requires the Secretary of State to submit a report to Congress  
 on the status of United Nations peacekeeping missions. I could go  
 through a long explanation, but basically, we need to get a report  
 from the Secretary of State regarding prioritization of the missions  
 and the plan to phase out missions that have already met their  
 goals, of which we are not able to meet goals as well.  
 It includes a review of the status of the mandates of three open-  
 ended missions, some going back to the 1940s. It also requires the  
 United States to oppose future U.N. peacekeeping missions unless  
 there is actually a periodic renewal process mandated in this so  
 these things do not go on and on. No funding shall be provided to  
 new U.N. peacekeeping missions unless there is a periodic mandate  
 renewal.

The CHAIRMAN. I thank the Senator for offering the amendment. I support the amendment personally. I do not know if anyone else wishes to speak to the amendment?

Senator CARDIN. Yes, I do. Mr. Chairman, I oppose this amendment. The first part of the explanation I had no problems with. Reports on their peacekeeping missions and the needs to review the peacekeeping missions, that, to me, is the responsibility of our committee on oversight.

Where I disagree is that this puts restrictions on our future opportunities within the United Nations, that it requires the President to direct the permanent representative to use their influence and vote to ensure that no new United Nations peacekeeping mission is approved without the periodic mandate renewal so that it could very well affect our ability to operate within the United Nations and the priorities of the United States with peacekeeping.

That is one of our key tools that we have available is peacekeeping. I must admit peacekeeping does not always get the same headlines that active wars get, but peacekeeping prevents us from having to deal with active wars.

And I think that we need—we cannot stop, we should not restrict the ability of the United States to participate within the United Nations as it relates to prevention of conflict, and it seems to me that this amendment would be counterproductive to that end.

So I would just urge us not to restrict the benefits of the United Nations in preventing conflict, and I think this amendment would have that impact.

The CHAIRMAN. Any other comments on this amendment? Yes, sir?

Senator BARRASSO. And I would just say that of the \$8.5 billion in peacekeeping missions, the United States is paying \$2.4 billion of that. So I just think in terms of new ones, it is reasonable that there be periodic renewals. To me, it seems too open-ended the way it is now.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Thank you for offering the amendment.

Any other comments? Do you want a roll call vote?

Senator BARRASSO. Yes.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

The CHAIRMAN. Aye, by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Perdue?

Senator PERDUE. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Boxer?

Senator BOXER. No.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Udall?

Senator UDALL. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINE. No.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The CLERK. Mr. Chairman, the yeas are 11. The nays are 8.

The CHAIRMAN. The amendment carries. Thank you.

Are there other amendments? Senator Gardner?

Senator GARDNER. Thank you, Mr. Chairman.

I have an amendment on the sense of the Congress dealing with North Korea. The sense of the Congress talks about the violations that North Korea has endeavored upon in terms of human rights violations. It also talks about increasing sanctions on North Korea. It talks about the concern of North Korea from peace, stability point of view.

We all know, in fact, that they have estimated five nuclear warheads today. Possibly 5 years from now, 100 nuclear warheads. It talks about increasing economic sanctions, targeting financial institutions, and it talks about preconditions to make sure that they are living to their end of the bargain when it comes to denuclearization.

And I ask for your support.

The CHAIRMAN. Very good. I support the amendment. I do not know if others would like to speak to the amendment?

Senator CARDIN. I have no objection to this amendment.

The CHAIRMAN. Voice vote okay?

Senator GARDNER. Great with me.

The CHAIRMAN. Without objection, all in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. The ayes have it. The amendment is passed. Yes, sir?

Senator GARDNER. Thank you, Mr. Chairman.

I have another amendment on behalf of Senator Rubio, and I am going to ask unanimous consent to modify the amendment so it

may be an amendment to the underlying bill instead of Rubio amendment.

Senator CARDIN. What is the amendment number?

Senator GARDNER. The amendment is on the Taiwan Relations Act. It is Rubio amendment number 4, but I just asked unanimous consent to modify it.

Senator CARDIN. Just give me a chance to see what—

Senator BOXER. Reserving the right to—can you give us a minute?

Senator GARDNER. Sure.

Senator CARDIN. This is Rubio number 4?

Senator GARDNER. It is Rubio number 4.

Senator CARDIN. We have already passed it.

Senator GARDNER. Excuse me. It is a second-degree amendment to Corker amendment number 4.

Senator CARDIN. Corker.

Senator GARDNER. Corker. It is a Rubio second degree to Corker amendment number 4, expressing the sense of Congress on the relationship between the United States and Taiwan. [Discussion off the record.]

Senator SHAHEEN. Mr. Chairman?

The CHAIRMAN. Yes, ma'am?

Senator SHAHEEN. It is my understanding that Corker number 4 was part of the manager's package. Can second-degree amendments be offered to amendments that have been approved?

Senator GARDNER. That is why I am asking unanimous consent for permission to offer the amendment as a modification to the underlying bill.

Senator BOXER. Well, reserving the right to object, I need to know what you are doing.

Senator CARDIN. I was just trying to look at it.

Senator SHAHEEN. Oh, I did not hear you say that you were—

Senator CARDIN. The substantive amendment is what was the number?

Senator GARDNER. Taiwan, it is the Rubio number—let us see. It is the second-degree amendment Rubio has offered on the Taiwan Relations Act. I do not have the number for that. [Discussion off the record.]

Senator CARDIN. If I might, Mr. Chairman, I am going to read it so everybody understands what is in here because I think it is restating the current law. "It is the sense of Congress that United States policy towards Taiwan be based upon the 1979 Taiwan Relations Act and the six assurances given by President Ronald Reagan in 1982. Further, that the provision of defensive weapons to Taiwan shall continue as mandated by the Taiwan Relations Act and that enhanced trade relations with Taiwan shall be facilitated to mutually benefit both peoples."

It is my understanding that this is the current U.S. policy towards Taiwan. So I do not think there is anything here other than restating the current policy that we have towards Taiwan. For that reason, I would not object to what Senator Gardner is trying to do.

The CHAIRMAN. What has happened is because the second degree that he is amending was accepted as part of the manager's package and now is part of the base bill, that he just amend the base bill



as amended by the manager's package. And he is asking unanimous consent if it is okay, if it is cleared and okay with everyone.

So if that is—there is no objection, we will ask now for a vote.

Senator GARDNER. We will ask now for a vote.

The CHAIRMAN. Okay. And if there is no objection, I would ask that this go by voice vote.

All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. Thank you very much.

Are there further amendments? Yes?

Senator KAINE. I would like to call up Kaine amendment 1 and offer some thoughts. This is the draft authorization for use of military force against ISIL. And Senator Flake and I are cosponsoring this. So he may have a word as well.

We all know because we have been in hearings and even had a vote on this before, yesterday was the 10th month anniversary of the beginning of the war against ISIL. About 3,500 United States bombing runs against ISIL have been conducted. We have spent about \$2.5 billion. We have lost American service members as part of Operation Inherent Resolve, and American hostages have also been killed since the war began.

And we are here without Congress having taken a specific action to authorize this particular war. Now there is some legal dispute or differences of legal opinion about whether earlier authorizations cover this or not. The good news is my sense is overwhelmingly in both houses and in both parties, there is a belief that the United States should be engaged in military action to some degree against ISIL. That is the good news.

The challenge is that there is some significant differences of opinion about what that military action should be. Those differences appeared when we debated this in the Senate Foreign Relations Committee in December and reported an authorization that did not get action on the floor.

And the differences also became apparent when the President sent to us a draft authorization in mid February, 4 months ago, and there has not been a congressional—meaningful congressional debate on this or not.

In the aftermath of both that December vote and the reaction to the President's draft authorization, I know many of us have talked about this, and Senator Flake and I have tried to listen to what are the key differences. If there is some general sense that the United States should be engaged in military action against ISIL, what would be key differences among committee members and in the body about how that mission should be defined?

And so, without proclaiming to resolve anybody's issues, we nevertheless have presented an authorization where we tried to bridge the difference on three issues that we think were important, and the question about the extent to which ground troops may or may not be used in this campaign, first. Second, some more specificity about the definition of the U.S. mission against ISIL in Syria. And third, some more specificity about the ongoing relationship of the 2001 authorization with respect to this mission against ISIL.

So in each of these areas, the authorization that we have proposed tries to bridge a difference, but again, without our claiming

to solve anybody's problems. But we are trying to show that there could be a bipartisan path forward.

It is my strong view that our allies in ISIL, but especially the 3,500 plus troops who are engaged in this war and have been since August ought to know that Congress is behind them, and the way that we would signal that is through a meaningful debate and effort to find a bipartisan path forward and a vote. And for that reason, I have offered this Kaine amendment 1 as an amendment to the State operations bill.

And to Senator Flake?

Senator FLAKE. I would just say that Tim said it well. I think in the aftermath of the Iran Review Act, we showed that this committee can come together on something difficult where there were a lot of opinions expressed, but in the end, we had a bipartisan bill and a good outcome. And I think that our allies and our adversaries need to know, deserve to know, 10 months in, where we are and that we speak with one voice.

So I urge adoption.

The CHAIRMAN. Senator Paul?

Senator PAUL. I applaud Senator Kaine and Senator Flake for doing what I think is our constitutional obligation, and that is to debate going to war. They gave us this power because they wanted the power to be closer to the people. They wanted it to be spread among the representatives and not one representative or the President.

My main disagreement, why I will ultimately be a no, is that I think without a geographic limitation on this war, we have seen that executives in both parties have interpreted their mandate to go to war in a very, very broad fashion. We still use the 2001 AUMF to mean anything when, in reality, I think the people who voted on it thought it meant Afghanistan and those who attacked us on 9/11.

Right now there are 60 different groups in 30 different countries that pledge allegiance to ISIS. I think, as written, the resolution would allow us to have troops go back into Libya tomorrow. I fear that about voting, and I think it is very, very important that the wording be exactly correct that we are not voting and that we would be recorded whether we are voting to go to war in 30 countries.

For that reason, I will end up being a no, but I do applaud the effort.

The CHAIRMAN. Thank you. Thank you for your comments.

My understanding is they are not asking for a voice vote today. We have—as they mentioned, we have been through a very good session on Iran and were able to reach a somewhat historic agreement, and we will be dealing with that sometime soon if an agreement is reached between the P5+1 and Iran.

Hopefully, today we are going to pass out a State Department authorization bill, and if we do that, again, it will be a second hurdle, something that has not been done since 2002 on the floor.

And then I have mentioned I have talked to both Senator Kaine and Senator Flake several times. What I have suggested is that we get together in a closed setting and begin talking, as we did when we came back and did the Syrian authorization for the use of mili-

tary force, and unfortunately, unfortunately, it was never acted upon on the Senate floor.

I think we would be in a very different place had that occurred. But we get together like we did, get down in the skids, and just talk about some of the touch points and see if there is a place, a way for us to look at going forward.

Obviously, there are a lot of concerns expressed from a lot of different directions. There are some people that are concerned about an authorization that limits the scope when they are concerned about whether there is an actual strategy in place to be successful.

There are some people who look at this authorization as a way to right what they consider to be a wrong in the '01 AUMF, where you end up with this perpetual situation and maybe not defining it in the way that it should. There are some people that, you know, look at this as many believe, that there is already legal basis for conducting the operations, and so why engage in something that could show a split in the United States Congress when, in essence, we all support efforts against ISIS?

So taking those into concern, some of the ones that Senator Paul and others have expressed to me individually, what I think might be good would be for us to convene a meeting after this work is done today and to begin talking about a plausible way forward and to see if we think there is a way to bring this to the committee in such a way that we can actually pass it on the floor and pass it in the House.

From my perspective, since every single administration official that has been before us has felt that they have the legal basis to conduct operations against ISIS today and since many on this committee believe that while it is on the fringes, that that is the case, especially in light of what Senator Kaine has mentioned, what I do not want to do is for us to begin a process that ends up being a process that does not bring us to fruition.

Again, we did that on Syria. Unfortunately, it was not taken up by Congress. Unfortunately, the actions did not occur. Unfortunately, we are where we are. There is differing opinions on that. That is mine. But I would like for us to be able to finish something if we start it, and if we could just agree to convene shortly thereafter, we will begin the process.

And again, I want to thank both of these Senators for their sincerity on this issue, for their leadership on this issue. And candidly, thank you for the way you have dealt with me on this issue, the phone calls and the private meetings that we have had.

So thank you very much.

Ranking Member Cardin?

Senator CARDIN. Thank you, Mr. Chair.

I think Senator Boxer also wants to be recognized.

Let me first thank Senator Kaine and Senator Flake for their leadership on this. You are absolutely correct in that we have a responsibility to provide the basis for the use of our military force, and that is the responsibility, one of the most important responsibilities of the United States Congress. But for our committee, it is our principal responsibility to make that recommendation to the floor.

So I think we have a responsibility to move on this, and I think, Mr. Chairman, the process you are suggesting is the best one, is to sit around and make sure that we can come to an agreement. But I just really want to respond very quickly, personal process I do not think should be in this bill under any scenario. It needs to be on the floor with robust debate for all members of the United States Senate. So I do not think it should be put into legislation such as the State Department authorization. I think it should be its own separate bill.

And for process reasons, I very much appreciate the fact that we will not have to take action on it today here in this committee. At least I think that is where we are headed.

But I want to respond a little bit to Senator Paul's point because I share many of his concerns. But the interesting thing is the amendment before us is more restrictive on the use of military force for ISIL than President Obama's interpretation of the authority he has today.

You are limiting it in time. You are limiting it by purpose. Whereas currently, President Obama has made an interpretation that the 2001 authorization allows him to use basically unlimited force and, by the way, anywhere around the world.

So I understand your concern, Senator Paul. But I would suggest it is in all of our interests to come together, even if it is not the perfect bill, perfect authorization from our point of view because if we let stand the 2001 interpretation, it could be used pretty much globally, and it could be used without restriction, including the use of ground troops.

So I have concern. I have concern about the proposal that has been brought forward in this amendment, and I know that Senator Kaine and Senator Flake are not going to be surprised to learn this. I think we have a responsibility to deal with the 2001 authorization, and you deal with it as it relates to ISIL, but you leave it open for future use for other potential conflicts coming out of the problems in the Middle East. And I think that is unwise for us to leave that on the books, particularly with the current interpretation by this administration.

And then, secondly, I think we have got to be very cautious about the authorization for ground troops and the introduction of ground troops. We have heard over and over again from our strategic partners in the Middle East that the only solution to security in the Middle East is for the people in the Middle East to be able to defend themselves.

And every time we put our troops on the ground, we run a risk, and I think we have to be very cautious about the authorization given that regard. But, Mr. Chairman, today I hope is not the opportunity to debate that issue. But I agree with your statement that we should, as soon as is convenient, come together and see where we could find, I hope, common ground on the authorization of the use of military force as it relates to ISIL and as it relates to the 2001 and 2002 authorizations that are currently still open.

The CHAIRMAN. And before I call on Senator Boxer, if I could, I just want to say one thing. I do not think that the—you can nod your head in agreement or disagreement—I do not think there was

an expectation that we would debate the merits of the authorization today.

Of course, any Senator can debate whatever they wish, but I think the expectation was to raise the issue and to acknowledge the fact that very soon, we will have a meeting to begin with going forward. So it may not be necessarily—

Senator FLAKE. Although if we want to accept it today, we would probably agree to that.

The CHAIRMAN. I do not think anybody would move for a voice vote. But I think certainly you have raised the issue, and I again appreciate the leadership of both of you. The merits of it, I do not think, were necessarily what you all were anticipating necessarily debating.

Senator Boxer?

Senator BOXER. Thank you so much.

Mr. Chairman, I agree with you. I think the worst thing we could do, the worst thing we could do is have a huge split in this committee right now, just given what is going on in the world.

I just came back from an amazing conference. Ed Markey was there. It was a conference on terrorism. And it is quite a challenge for us, and it is confusing. And of course, Senator Paul, you are right. These folks are not staying in one place, but we have got to take the fight to them, and I want to take the fight to them.

Now I am known as kind of a dove here, but I am telling you, those people, ISIL, they cannot win. So we have to take it to them. So you cannot, in my opinion, restrict where we are going to take it to them because we are going to follow them wherever they go, and eventually, they are going to be degraded and destroyed.

It is not going to be easy, as the President said. It is going to be a tough, tough deal. It took a while to get bin Laden. Obama's administration finally did do it.

Now I want to say this. There is only one place I did not agree with what you said, and it had to do with the fact that you did not think it was wise to take up the Syria resolution. I believe the fact—

The CHAIRMAN. No, I did not say that.

Senator BOXER. Oh, I thought you did. I am sorry. Well, let me just say then I think when we did take up the Syria resolution and we had such a wonderful vote on that, as I recall, it sent a message. And the sides sat down, and we had a chemical weapons treaty, which we never, I do not believe, would have ever had, had we not shown that determination against the use of chemical weapons.

So maybe I misunderstood.

The CHAIRMAN. Yes.

Senator BOXER. But I am glad you did it. I do want to point out that our then-Chairman Menendez had a terrific piece of legislation that he worked on with Senator Kaine. We did not get one Republican vote, not one.

The CHAIRMAN. Now this is a different one you are talking about.

Senator BOXER. This is the one dealing not with Syria. This is the one dealing with ISIL. I am sorry. We had that vote in December, and we did not have one Republican vote. So I am glad that now that Republicans are in charge, we are getting Democrats to work with Republicans. Good.

However, I do want to say this. I read what you wrote, and there is a word in there. It is called "significant." Now if I tell you that I think significant 5,000 troops, and you think it is 100,000 troops, we are in a whole lot of hurt. So that type of language is, for me, a nonstarter. So I thought I would tell you that.

The last point I would make is this, and it is important for me to put it on the record. I voted to go after ISIL when I voted for that resolution AUMF after we were attacked in 9/11.

Now I did not know ISIL would be the outgrowth of al-Qaeda. You know, ISIL is made up of a lot of pieces, one of which is the Baathists who got pushed out of the military. They are, from everything I understand, the heart and soul of ISIL now. So we are dealing with the outflow of that war, which I proudly voted against.

The point is I voted to go after these terrorists, and I do not feel the need to open up a debate here over words and language. I feel comfortable.

Now for those who were not here then, I also feel your angst that you want to go on the record in some way or other. But I wanted to just be very, very clear. I am very hawkish on going after ISIL. I want to do it the right way. I do not think it should be limited geographically, but I think it should be totally limited in terms of troops on the ground.

So if we are going to open up a big dispute about this, I agree with you, Mr. Chairman. I do not think it is smart to do it. It sends a mixed message. If we can work together, as you are suggesting, that would be wonderful, and I stand ready to help in any way that I can.

The CHAIRMAN. Thank you.

And I mean, I think, in essence, your comments allude to the fact that you believe the administration today has the legal authority. You voted for it.

Senator BOXER. I do. I do.

The CHAIRMAN. To clear up so there is no misunderstanding, the authorization for the use of force in Syria that we dealt with in late August/early September of 2013, we passed out of committee, but there was not a way forward on the floor.

Senator BOXER. That is accurate. That is totally accurate.

The CHAIRMAN. And then, so that was what I was trying to clear up.

Senator BOXER. I am sorry. I misunderstood.

The CHAIRMAN. That is all right. Senator Murphy?

Senator MURPHY. Thank you very much, Mr. Chairman.

I appreciate all the work of Senator Kaine and Senator Flake. I think this is the right path for us to sit together and start to map out a strategy to bridge our differences.

Just two brief points. I had a second-degree amendment that would reinstate the language that we passed in December regarding troop limitations. I think there is, frankly, a lot of members on both sides of the aisle who do not think it is a smart strategy, who do not think that we could win the fight against ISIL with a massive redeployment of American ground forces.

And I would just make the pitch that if we are going to reassert our authority as a committee, it is perfectly within our right to place limitations that help shape strategy on these fights against

enemies abroad. There is no constitutional obligation that we, as a committee, endorse big, wide, open-ended authorizations for military force. And as members of this committee know, there is plenty of examples where we do that.

And I think Senator Kaine and Senator Flake made a really good attempt to try to bridge these differences. I hope that we will not just throw out the potential for getting to an agreement limitation on ground forces.

Second quick point is this. I have expressed this to Tim privately. But I think we have to be careful to read this draft authorization that we will work on in the most expansive terms possible.

Many of us would have never imagined that the 2001 and the 2003 authorization would be used as justification to fight this war, and it is just a caution that anything that you write that does not have a sunset on it, as Senator Menendez's draft did last year, can be twisted and interpreted in ways that the people who voted on it at the outset could have never, ever imagined.

And I think that this draft has some really creative ways to get at questions of associated forces and troop limitations. But my caution is simply to imagine different Presidents in different eras and what they could do with this in a scenario very different than what we are looking at.

But I think that those are the kind of conversations that are really appropriate to have when we pull together the committee after this markup.

The CHAIRMAN. Thank you for the comments.

Senator MARKEY. Thirty seconds.

The CHAIRMAN. We are going to have a lot of time to talk about this, and it is the most important issue that is actually before us right now. And certainly I am going to recognize others who wish to speak.

I do hope that before we lose the quorum, we are going to have the opportunity to vote out the base bill. And again, I thank you for the efforts.

I think, on the other hand, what is being eliminated at present are some of the issues that separate us. Yes, sir?

Senator COONS. I just want to commend Senator Kaine and Senator Flake for their work on this, and thank you for being willing to reconvene the same sort of process that then-Chairman Menendez led that I think produced a really great bipartisan, solid result.

We have a number of reasons to be concerned that the '01 AUMF is still being used, and I just want to agree with Senator Cardin that we should get also in this process moving on reconsidering the '01 AUMF.

I have another—I have an amendment I will not call up, I will not ask for a vote on. But I know at some point, we will also get into a discussion about Ambassadors for the next administration. I do think there are some unresolved issues there that my amendment was designed to try and address.

The CHAIRMAN. Thank you. I appreciate you mentioning it for the next administration.

Yes, sir?

Senator MARKEY. Yes, thank you, Mr. Chairman.

And I do. I see this as a conversation starter. We are coming up to the first anniversary of the United States intervention against ISIL in Syria and Iraq. We have not had a hearing on developments related to the U.S. military effort thus far.

I think that would be an important thing that we should have before we begin consideration, that we hear not only militarily, but politically where this issue has evolved in Iraq and Syria and other nations. I think we should hear that so we understand what the context is for us to be talking about the deployment of American troops.

In this particular draft, and I thank again Senator Kaine and Senator Flake for starting it, we have to have this conversation. Some of the language I do not think sufficiently limits U.S. combat troops in Syria and in Iraq. It does leave the 2001 AUMF in place so we could potentially have two open AUMFs simultaneously operating with some legal ambiguity in between the two of them. And third, it does potentially allow for U.S. combat forces on the ground in Syria to defend Syrian opposition elements.

I think each one of those issues should be aired in a way that we understand fully what it is that we are authorizing when we go forward. But again, it is in the context of the issue having been raised, and I think it is time for us to start. The first anniversary is coming up in another 2 months.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Any other comments? Would either of you like to withdraw your amendment?

Senator KAINE. I will withdraw it, Mr. Chair. And with the permission of my cosponsor, I think the ability to take this up as an individual item by the committee is very important and especially 10 months in. And you know, when we hit that year anniversary, then we will be out for a month, and you know, we have already lost service members.

And God forbid, we do not want to lose more, with us having not done our job when thousands are doing a job and risking their lives every day. So, with that commitment that we will now take this matter up as a standalone in committee, I am glad to withdraw—

The CHAIRMAN. Well, the commitment is that I want to make sure—my word is something I value. We are going to have a meeting and discuss, you know, see if there is a way forward in a private setting first.

Senator KAINE. I have confidence. I have confidence in a committee that could take a super partisan Iran issue and make it nonpartisan, that we can find a nonpartisan way to put our support behind American troops who are risking their lives.

The CHAIRMAN. I got it. I have confidence there is going to be a lot of discussion about it. [Laughter.]

The CHAIRMAN. But I do very much appreciate your leadership, the way that you have handled it, and both of you. And many others, by the way. We have had comments. Senator Menendez obviously led us last December to—to an outcome there that obviously was also not going to probably see the light of day, but I appreciate it. It sounds like he wants to speak to this issue?



Senator MENENDEZ. No, Mr. Chair. I thought you were getting ready to ask for other amendments.

The CHAIRMAN. Okay. Yes, so my commitment is we will convene and see if there is a way forward. And I do hope that you are right relative to our ability to take it up in committee later on because—if we did.

Yes, sir. Senator Menendez?

Senator MENENDEZ. Mr. Chairman, I would like to call up Rubio amendment number 7 on his behalf as well as my own.

Last year—bipartisan. Last year, my bill, the Venezuela Defense of Human Rights and Civil Society Act, was signed into law by the President, providing him with the authority needed to act against the government of Venezuela and military officials complicit in human rights violations perpetrated against peaceful protesters.

This amendment would ensure that Congress has continued information about U.S. efforts to support democracy, pursue the peaceful resolution of Venezuela's political crisis, and bring to light additional information about those government officials that are responsible for violence against peaceful protesters.

We have two of the leading opposition figures—Leopoldo Lopez, who has been jailed arbitrary, capriciously, no bail, no nothing. He is in the midst of a hunger strike. The mayor of Caracas, Antonio Ledezma, same thing. Jailed for months, also on a hunger strike.

And I think our committee would benefit from the information about our efforts to engage on the democracy efforts in this regard, pursuant to the law that has already been signed into law. So I would urge my colleagues to support the amendment.

The CHAIRMAN. Any other discussion? [No response.]

The CHAIRMAN. A voice vote acceptable? I support the amendment also.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. The amendment passes and becomes part of the base bill.

Senator Flake?

Senator FLAKE. I have an amendment sent up. This one I believe was going to be pulled. Did we—are we good on that one?

Senator SHAHEEN. Yes. No, I have another amendment. I am trying to get in line after you. [Laughter.]

Senator FLAKE. This one, I believe we talked about maybe again as part of the manager's amendment. I do not think it is controversial at all. This is with regard to simply requiring the State Department to provide us with notice when the United Nations General Assembly votes to change assessment levels for peacekeeping missions.

We found out sometimes after the fact that we changed the mission. For example, using peacekeepers in South Sudan to protect almost exclusively Chinese interests there. And this is simply that they notify us so we can make better decisions on what we do there.

So I would ask for support, but I think it is noncontroversial. We could do it by voice vote.

Senator KAINE. Is that Flake amendment 4?

Senator FLAKE. Four, yes.

Senator Kaine. Correct?

Senator Flake. Yes.

The Chairman. Any discussion on Flake amendment 4? [No response.]

The Chairman. Without objection, we will have a voice vote.

All in favor? [A chorus of ayes.]

The Chairman. All opposed? [No response.]

Senator Flake. I just have one more quick one. This is—I have several—

The Chairman. The amendment passes.

Senator Flake. I am sorry. I had several on OCO. My concern is that we are going to hear, as we have elsewhere, just move things toward OCO. And since this bill does not have any limitations at all on authorization levels, I thought it might be prudent to simply add just sense of Congress language is all it is, non-binding.

Just say that we should not exceed the spending caps or increase OCO designated expenditures beyond what as a means to skirt the spending caps.

Senator Cardin. Mr. Chairman, can I just—I would encourage my colleague not to press this amendment. And the reason is has nothing to do with this committee.

We have worked very hard to avoid areas of controversy on the budget that is beyond the jurisdiction of this committee, and I hope that as we go forward in State Department reauthorizations in the future that we will have impact on the budget process and on the appropriation process. And then I think we may very well get involved in that debate. We are not there this year.

And I would just urge my colleague to—we understand your concerns. There is concerns on this side that we would like to get your support for higher levels of appropriations than the budget caps, and let us leave that to a debate on the budget rather than a debate in the State Department authorization.

The Chairman. If I could speak to it also? And this is the first time this has today curved this way. Because of what has happened on the floor, because of the vote we took at 3:00 p.m., because of the whole issue of the authorization amount versus appropriations and the controversy that that has created, even though this is a sense of the Senate, in order to keep the balance that we have established here in accepting all kinds of amendments, I would also ask that you consider that.

If you want to have a vote on it, we can. I do not think—I think because of what I just stated, it might not pass. But I agree with the sentiment, and I actually agree with the amendment. But I understand the problems that it creates for the other members of the committee, especially as they deal with their leadership overall on this issue as we move through appropriations.

Senator Flake. In deference to the chairman and the ranking minority member, I will withdraw. Just to say, though, I hope that we do address this issue going forward. It is a concern, and in many areas of the budget, we see OCO funding simply springing up and it is very concerning.

The Chairman. It is, and our budget process, to be candid, as Senator Johnson, Senator Perdue, and others here, Senator Kaine

and others who are on the committee know, it is—it leaves a lot to be desired. And certainly, these issues I do not think were addressed adequately there either.

But thank you very much for that. Are there other amendments?

Senator SHAHEEN. Mr. Chairman?

The CHAIRMAN. Senator Shaheen?

Senator SHAHEEN. Mr. Chairman, I would like to call up Shaheen amendment number 2, which deals with enhanced immunity for consular employees. Right now consular employees are not afforded full diplomatic immunity, and so they can be subject to arbitrary arrest, detention, harassment.

So that you could have two people who both are—work for the State Department, one in an embassy, one in a consulate, with the same job title, performing the same exact functions, serving the United States with the exact same responsibilities, but the consular employee has significantly fewer protections based on just the geography of where that employee is posted.

Commissioned consular officers enjoy a limited form of immunity from arrest. So they can only be arrested for a grave crime and pursuant to warrant. But numerous officials at consular posts who represent very many different Federal agencies, including our military, including law enforcement personnel, they are not commissioned as consular officers and thus are subject to arrest, detention, seizure under ordinary local procedures.

And we have about 1,000 personnel from different Federal agencies located at our consulates, including over 200 DoD personnel. What this amendment would do is provide for protections for these consular personnel in response to changing political conditions in a particular country.

So I would urge support for this amendment.

The CHAIRMAN. We have, I know, talked with your office a little bit and with the State Department. We have had some difficulty understanding exactly the need for this, and we appreciate your intent, and if you want a vote on it, that certainly would be fine.

We would offer, if you would consider withdrawing it, to work with you and the State Department to try to figure out the reason, the problem that is causing this as a solution to be put forward and try to resolve that and maybe mark it up next time.

Or if you wish, just it has been very vague the explanations that we got from the State Department. And again, we do not have any visceral opposition. We just do not yet understand why this is being brought forward.

Senator SHAHEEN. Well, I am happy to withdraw it with the commitment that we will continue to work on it and try and get a resolution because the language is really based on a 1978 law, the Diplomatic Relations Act, which did similar kinds of enhanced immunities for our personnel.

The CHAIRMAN. You have that commitment.

Senator CARDIN. That is fine. I just really wanted to thank Senator Shaheen.

I think this is a problem we really—it is up to us to try to help correct. Because if you are serving overseas in a professional capacity representing our country, and you just happen to be in a con-

sulate office versus an embassy, you should not be treated differently by the host country.

So I would just urge us to try to find a way to see what the problem is about, and if they need a legislative solution, let us try to do it as soon as we can.

Senator SHAHEEN. Thank you.

The CHAIRMAN. Senator Perdue?

Senator PERDUE. Mr. Chairman, I would like to bring up Perdue number 2, and I understand there are two second degrees, one of which I am a sponsor and one I think Senator Johnson will speak to. Do you want to do that now?

Senator JOHNSON. Why do you not bring up yours first, and then I will.

Senator PERDUE. So this amendment basically would require the Secretary of State, in coordination with the National Security Council and the Department of Defense, to simply produce a strategy for the Middle East in the event of a comprehensive nuclear agreement with Iran. We just had two former administration officials testify last week in front of this committee that a strategy, a comprehensive strategy for the Middle East in a post nuclear Iran deal in that scenario is needed.

As Ambassador James Jeffrey said, a complement to the deal with Iran, in a complement with that deal, there has to be a U.S. strategy for the region that is designed to deal with Iran's destabilizing activity.

Obviously, with the windfall cash they are about to have some \$140 billion, and that does not count the renewal of their oil production. We need to have some type of plan to deal with their potential activity, nefarious activity especially.

Given their track record, we can see these funds could go to sponsor terror, purchase additional advanced weapons like the Russian S-300 that was just done—that deal was just done, all of which threatens stability in the region.

Simply put, we just need a plan, and that is what this does. And I will speak to the second in a second.

Senator JOHNSON. Okay. Mr. Chairman?

The CHAIRMAN. Yes, sir?

Senator JOHNSON. I have a second-degree amendment to Senator Perdue's amendment, and it really speaks to what we just went through with the Iranian deal or the Iranian—what was your bill called again?

The CHAIRMAN. It was a good one.

Senator JOHNSON. Whatever. [Laughter.]

Senator KAINE. Iran Nuclear Agreement Review Act.

Senator JOHNSON. There you go. Bingo.

Senator KAINE. Of 2015.

Senator JOHNSON. I was definitely concerned by the fact that and I understand the President is in the position where he can negotiate these deals. But we pretty well blocked Congress out from its what I think certainly is its involvement in terms of what a deal actually is.

I read the Constitution, and I think it was contemplated is that deals between international, different nations, I think when they are so serious and we have the different considerations in the State

Department's foreign affairs manual, laying out exactly what those considerations are and considering whether something should be a treaty, whether something, a deal should be considered a congressional executive agreement, or simply an executive agreement.

Now I certainly understand that so many times we have a treaty, we have a more robust deal, that the administration should certainly be able to enter into just executive agreements that are implementing those larger deals. But that is not what has been happening. And certainly from the standpoint of what is being discussed with Iran, I think it rises to a far higher level than just simple executive agreement.

And so, what my amendment would do would just be required—and by the way, I am asking for my amendment to be called up as modified, working with the chairman. I originally was contemplating that the administration should have to come to Congress before entering into formal negotiations. And working with the chairman, this amendment would require the administration to come no later than 30 days after they have entered into formal negotiations with another nation to consult with us in terms of whether that deal should be termed an executive agreement, an executive congressional agreement, or a treaty.

And I think it is pretty reasonable. I think it is a minimum involvement on the part of Congress in these deals that could be pretty significant in terms of our foreign policy and our national security.

So I urge support of my amendment.

Senator CARDIN. Mr. Chairman?

Senator PERDUE. I am sorry. I have one second to that. Should I do it now or after you are done?

Senator CARDIN. You are a second to—

Senator PERDUE. No, mine is second to his.

Senator JOHNSON. He is a second to my number 2, and I also have a second degree to my number 2.

Senator CARDIN. So far there are two amendments that I want to talk about separately. So let me, if I might, take Senator Johnson's first and then move on.

At the chairman's request, several of us have withheld amendments to this State Department authorization. I have withheld the global Magnitsky bill, which I feel very strongly and passionately about. Senator Rubio agrees with me.

And I think Chairman Corker is correct. That should be considered as a separate bill. We have already talked about some other issues that should be considered as separate legislation.

Dealing with the relationship between the President and Congress on the power of the President in his negotiations is a controversial subject that needs to be aired on the floor—in our committee and on the floor of the United States Senate as an independent bill and not in a State Department authorization bill. So for process reasons, this may not be elevated to the same thing as the AUMF, but let me tell you something, the relationship between the executive and legislative branches on the prerogatives of the President is an extremely not only controversial, but an extremely interesting subject that will, I am sure, invoke some debate on all sides.

And I know that any President will have issues with how we interact into those negotiations. Putting that on top of the fact that we are in the midst of negotiations on an agreement that we have already weighed in on, the nuclear agreement, the Iran Nuclear Agreement Review Act of 2015, I think this will also be misconstrued.

So for all those reasons, I think that this not only should not be on this bill, I think it not only needs separate negotiations. But if it got onto this bill, I think it would sidetrack the State Department authorization bill, and I would encourage the committee to reject the second-degree amendment or urge my colleague to withdraw it.

Senator JOHNSON. Mr. Chairman, if I can respond? I think this is entirely appropriate to be put on this State Department authorization bill. When you look at the foreign affairs manual of the State Department and it is listing the considerations whether a deal between two nations should be a treaty, a congressional executive agreement, or an executive agreement, it talks about the administration's consultation with Congress in terms of that determination.

Now what happened in the Iranian deal is I do not believe we were properly consulted until way, way too far into the process. So, again, this is just really confirming what the State Department's own foreign affairs manual states in terms of consultation with Congress in terms of what the deal should really be.

Senator CARDIN. Mr. Chairman? Particularly speaking on behalf of several of our colleagues who are trying to become President, let me just give the other view on this for one moment. [Laughter.]

The CHAIRMAN. They would appreciate it.

Senator CARDIN. Not all are here to defend themselves. Some are here to defend themselves, but they are not all here to defend themselves.

Let me just point out about the President has certain prerogatives as President of the United States. Yes, we at times delegate responsibility to the President. And when we do that, we have to be clear.

Trade promotional authority delegates responsibility to the President, and we are very clear what we expect in the delegation of that authority. But as we recently saw with the Supreme Court decision 6-3 on foreign policy as to how much Congress can interfere with the President—I do not necessarily agree with that decision, but it is the decision of the Supreme Court. I think we have to be very careful as we enter into the prerogatives of the executive branch.

I might agree with my colleague from Wisconsin that there are parameters that we should set in this regard, but I know I need to have a lot more information before I am prepared to act on that because there are all types of executive agreements that are entered into routinely that are critically important to this country and the security of this country.

And we have one President. We have 535 members of Congress. And I think we have to be very careful that we do not weaken our presidency. And I know that is not the intention of my colleague, but this is not an easy subject for us to be engaged with and re-

quires a serious debate on its own merits and should not be a second-degree amendment to an amendment I also have problems with on the State Department authorization.

The CHAIRMAN. If I could? Look, I know this does not rise quite to the level of the War Powers Act or something like this, but I think—I know you had significant concerns during the Iran Review Act debate, and I do think this is a worthy thing for us to take up.

I wonder if we agreed to have a hearing after we finished reviewing the Iran bill, if one is consummated, so later this fall if we had a hearing on this topic and agreed to look at it and really try to define that more fully, if that would be something that would be acceptable. So we really do have the debate and discussion because I think you raise some interesting issues. It is an important issue for us to take up. It is central to our responsibility relative to the executive branch.

Senator JOHNSON. No, with that commitment, I will defer, and I will withdraw the amendment.

But again, just to clarify, this does not impede on the administration's prerogatives whatsoever or their power. This is just asking them to actually formally consult with us as their own State Department foreign affairs manual tells them to do. So this is just really, you know, simply asking them to follow their own foreign affairs manual.

So, but no, I appreciate that, and I will withdraw it as a result.

Senator MENENDEZ. Mr. Chairman?

The CHAIRMAN. Very good. Yes, sir?

We still have a—we still have another, the second degree. Is it okay if we move that, or do you want to speak to this?

Senator MENENDEZ. No, I want to speak to Senator Perdue's amendment. Is that still pending?

Senator PERDUE. Let me put the second. It is very minor, and then we can—but the second degree only requests that the Secretary of State would present a report to Congress within 60 days of any nuclear agreement. That is all the second-degree amendment was.

The CHAIRMAN. Say that again.

Senator PERDUE. The first degree requires that the Secretary of State or the State Department to provide a strategy, a Middle East strategy post Iran nuclear deal. The second degree just stipulates that it needs to be dealt with in 60 days, submitted to Congress.

The CHAIRMAN. Okay. You want to speak to both?

Senator MENENDEZ. Yes, Mr. Chairman, let me say—and I appreciate Senator Johnson—to start, I agree with Senator Cardin, the ranking member, about the scope of presidential prerogatives and how one deals with that. And I think that that is an incredibly important balance, but one in which, you know, I may have a little more forward leaning view, regardless of which President it is, about how far those prerogatives go versus congressional prerogatives.

But I agree that getting it right is incredibly important. So I appreciate that that is not the subject of the moment.

But I do want to commend Senator Perdue on the essence of his amendment. You know, regardless of our different views that exist about Iran's nuclear portfolio and how that is addressed, there is

a world beyond Iran's nuclear portfolio that we should clearly be dealing with and that we should have a strategy for in the expectation of an agreement that ultimately will unlock resources to the government of Iran.

Now part of that list of issues of a strategy is how do you deal with Iran's advancement of terrorism? How do you deal with Iran's hegemonic interests and pursuit throughout the region—in Iraq, in Yemen, in Lebanon, in Syria? How do you deal with its human rights violations? How do you deal with its advancing missile technology issues?

There is a lot in which we have a national security interest as it relates to Iraq outside of the nuclear portfolio, and it would have been my hope that, in fact, we already would have a concurrent strategy as we aspire to a nuclear agreement.

But certainly if that does not exist, and I do not get the sense that it exists, then we certainly should have a strategy being developed in order to ensure that the other elements of our relationship with Iran and the challenges they pose to our national security interests are being pursued.

So in that light, I certainly appreciate the Senator's effort here, and believe we need to get there. Whether it is on this amendment or not, we need to get there sooner rather than later.

The CHAIRMAN. Yes, sir?

Senator CARDIN. Bob, I think the second degree amendment clarifies the first degree amendment. I do not think there is any problem with the second degree amendment, just timing for submitting for submitting the report.

Senator MENENDEZ. Right.

Senator CARDIN. So I think we dispose of that pretty quickly. And let me talk to the underlying amendment, and I agree with the substance of this. My preference would be it not be included in the State Department authorization, and I will say for two reasons. And I could not agree more with the substance, though. I agree that we have to have from the administration working with them a strategy of what happens if there is a successful agreement with Iran and they are prevented from having a nuclear weapon, we know that as a consequence there is going to be a release of certain sanction relief, which is going to give them certain capacities that we have to know how we are going to deal with that—with those risks. So I think that is—Senator Perdue is absolutely correct.

I do have a—you might be the most optimistic person on this committee because you are assuming that this is going to be enacted into law before the end of this month, so I congratulate you on your optimism here. I think that this particular bill, whether it is a freestanding bill, State Department reauthorization, or part of the National Defense Authorization Act, will occur after there is an Iranian agreement, if there is an Iranian agreement. And, therefore, we need to act before we get the administration engaged with us, and Senator Corker and I are doing that.

That is one of the reasons if you look at our work schedule at this time, it is very much aimed at recognizing one of three things are going to happen. We are going to get an agreement that we all think is good, that it is good and we go forward. What do we do then? We get an agreement we do not like, what action do we take,



or we do not get an agreement at all, which is also possible. And we have to be prepared as a committee and as a Congress to take action in any one of those three cases.

So I think what you are suggesting makes sense. I just believe that it is somewhat—I look for a different vehicle, maybe a letter that we send or maybe some action taken by our committee. I just think putting it in the State Department Authorization Act is probably not the best place to put this considering the timing, what is going on. And also, I think, just even putting anything in on the Iranian negotiations gets people's suspicions up. So I would encourage you to withdraw, but if you do both, I just think it is not the right place to put it.

The CHAIRMAN. I do not understand it to be—I hate to use this word—in the category of negating support on the—

Senator CARDIN. No.

The CHAIRMAN. Okay. It is your call.

Senator PERDUE. I will call for a vote.

The CHAIRMAN. Any other discussion? [No response.]

The CHAIRMAN. The amendment before us first is a second degree voice vote if that is okay.

All in favor say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. Is a voice vote okay on the second one?

Senator PERDUE. Yes.

The CHAIRMAN. Okay. The base amendment is before us now.

All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [A chorus of noes.]

The CHAIRMAN. The amendment carries, and it will be a part of the base bill.

Any other—yes, sir? Senator Menendez?

Senator MENENDEZ. Mr. Chairman, I would like to call up amendment—Menendez Amendment Number 4. Maybe you should run for president and join the crowd. Let me say that we spent a lot of time under the chair's leadership on the question of modern day slavery. We spent a lot of time on the floor of the United States Senate as it relates to human trafficking and modern day slavery.

And part of modern day slavery is forced labor and labor bondage, and in that regard I think it is important what the amendment calls for is an assessment on where Labor attaches would be most useful. I was a strong advocate for the placement of the Labor attaché at our embassy in Bangladesh in the aftermath of the Rana Plaza tragedy which killed hundreds of people simply because they were working in conditions and did not have the right to say anything about their conditions that ultimately led to that tragedy and followed on with other tragedies.

And that attaché from the Department of Labor has performed very well, and has greatly enhanced our ability to promote labor rights and push the Bangladeshi government on reforms in a way that we would not have had but for that attachés help.

So this is basically an opportunity to take an assessment of where in the world, based upon our own State Department's reports in terms of its human rights violations report that has elements of labor violations in terms of our own effort on modern day slavery, to say this is something that in certain parts of the world

having a labor attaché would make a lot of sense. And for that reason, I would urge adoption of the amendment.

The CHAIRMAN. I would like to speak to it. First of all, I appreciate your concerns about people working all over the world. We have concerns about the expansive nature of this and what it might mean in embassies and countries around the world. So with great respect, I am going to oppose the amendment, and I know that there are significant concerns by many on our side of the aisle, and some are major. So I do not know if there is any other discussion, if anyone else would like to speak to this.

Senator CARDIN. Just I want to be in support—I support Senator Menendez for the reasons he just said. I think it is important for the U.S. as we are getting more engaged, certainly economically, to do what we can to promote labor rights not only from the human rights point of view, but also from the economic point of view.

Senator MENENDEZ. I ask for a recorded vote.

The CHAIRMAN. Recorded vote? If the clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Flake?

Senator FLAKE. No.

The CLERK. Mr. Gardner?

Senator GARDNER. No.

The CLERK. Mr. Perdue?

Senator PERDUE. No.

The CLERK. Mr. Isakson?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Paul? [No response.]

The CLERK. Mr. Barrasso?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Boxer?

Senator BOXER. Aye.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Udall?

Senator UDALL. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The CLERK. Mr. Chairman, the yeas are nine, and the nays are nine.

The CHAIRMAN. The amendment does not carry, but thank you for your efforts.

I would like to offer an amendment, just join everyone else in doing the same. This is Rubio Amendment Number 8. [Laughter.]

VOICE. Rubio is doing very well for not being here.

The CHAIRMAN. He is the most active member here today. It requires the Secretary of State to conduct a review of all bilateral human rights bylaws. I do not think it is controversial. I think that people on both sides of the aisle seem to support it, and I would be glad to take any comments.

Senator CARDIN. Just one moment. Mr. Chairman?

The CHAIRMAN. Yes, sir?

Senator CARDIN. I am going to ask unanimous consent that we eliminate—if you read this, there are numerous requirements here. I would just ask that one be eliminated. That is under the content we eliminate the third, which is the list of all bureaus, and officials, and departments that have participated in each of the bylaws. We already have a list of all the bylaws—human rights bylaws, a list of all the commitments, a list of all of the countries that have refused, and an assessment of the status of each.

But I would ask that we—by consent that we eliminate (b)(3), a list of all bureaus and officials of the Department of State that have participated in each of the bylaws.

The CHAIRMAN. On behalf of Senator Rubio, I have no objection. His staff does not—

Senator BOXER. Mr. Chairman, I have to say—I will say this in a sweet way. This is more like a presidential speech that a president would do all of this. This is such bureaucracy and reporting. It would take people forever. Every contact on this and the writing. You know, frankly, I would like our people to be working person to person, not sitting around writing novels about it.

So I just say with all due respect, I wish he was here because maybe we could work on this. But I am just—well, I'm just going to say no because I think it is a bunch of bureaucratic reports. I would rather have results. And I think it could be worked on and make it better, but this is just so—yes. It would be like us telling each other how to run our office, and who has to write what, and reporting who writes what report.

It is just something that I just think is—I get—I love the idea that he is—his heart is in the right place, but this is a nightmare scenario. And maybe he can just wait until we get to the floor and maybe we can all work together for something more streamlined and not so onerous, not so time consuming. You have to hire people to do all this stuff. I do not know. I like the idea, but it is just too detailed.

Senator MURPHY. Mr. Chairman, I was just going to make a more general point because I think we are sort of getting to the tipping point on the number of reports that we are requiring of the Department of State. And I think it is just important to remember that we are now up to, I think, several dozen new reporting requirements in this bill that we are requiring of the Department of State. And by the way, if we do not address the BCA and seques-

tration, they are getting potentially billions of dollars less in funding than they did last year.

And so, there may be a lot of merit in this, but I just think it is important for us to step back and recognize what we are asking of the State Department with a dozen crises of immediate imperative around the globe. This is just sort of getting to the breaking point in terms of what we are requiring of them with less resources than they had last year with none of these new requirements.

The CHAIRMAN. Senator Rubio has heard you loud and clear. [Laughter.]

The CHAIRMAN. And is willing to work with us on this matter and withdraw it. This shows how ambidextrous he is. [Laughter.]

The CHAIRMAN. But with that—with that I hate to offer Corker 6— [Laughter.]

The CHAIRMAN [continuing.] Which does require reporting on the approval of export licenses and letters to request the assistance of the government of Ukraine, so it is not bureaucracy. It just says it is a list of those letters. And, again, it is very simple, and I would ask that my modification be put in place to add TASC and HASC—

Senator BOXER. Well, Mr. Chairman, that is fine, and I think if—maybe Mr. Rubio could take care of it for you since you are working so closely with him. But, no, I think this is very straightforward. I do not have any problem.

The CHAIRMAN. Are there any objections? [No response.]

The CHAIRMAN. I think it is very non-controversial. I think multiple people wanted this to occur, so without objection we will have a voice vote.

All in favor say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. The amendment carries.

Senator Markey?

Senator MARKEY. I have an amendment at the desk. It is Markey Number 1, marked first degree. It is dealing with the State Department's Bureau of African Affairs.

VOICE. Speak up a little bit, Ed.

Senator MARKEY. I have been working with Senator Flake on this, and it would be to request a plan from the State Department on how it would put together a plan for the African Affairs Department. It has—it is twice—it has a mandate which is twice as large as the other regional bureaus. It has ample staff. And so, my amendment is intended to just ask for the plan, what do they need, you know, to get this job done as Africa is exploding in terms of responsibilities for the State Department. So I request it be—

The CHAIRMAN. And that is modified. Is that correct?

Senator MARKEY. As modified by Senator—

The CHAIRMAN. And just for what it is worth based on the comments that were made, this one has been streamlined to take out all of those things that people—many of those things that people would consider to be bureaucratic and time consuming for the State Department, so we appreciate that very much. And if there is no further discussion, we will voice vote it.

All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. The amendment carries. Thank you.  
Are we—have our voices been heard?

Senator FLAKE. I have got Rubio—[Laughter.]

Senator PERDUE. I have a Barrasso. No, I am sorry. [Laughter.]

Senator FLAKE. It is not as modified? We are doing it as second degree?

Senator BOXER. We did it—

The CHAIRMAN. No, we modified it.

Senator MENENDEZ. Mr. Chairman? I have Rubio Number 11. He does not know about it. [Laughter.]

The CHAIRMAN. Very ubiquitous. [Laughter.]

The CHAIRMAN. Okay. So are there—if there are no further amendments, I would—do we need a motion for a roll call vote on final passage? Okay. I assume we do not—let us have a roll call.

VOICE. On the motion to report.

The CHAIRMAN. Motion to report to the full Senate the State Department authorization bill, as amended. I want to thank everybody for working with us the way they have. People have put a lot of effort into this, and I think it is going to bear a lot of fruit, especially over time as we build on this. You have all been incredible to work with. You have been very patient as we have tried to push through, and I just want to thank everybody for their cooperation. Senator Perdue?

Senator PERDUE. I apologize. I just have to make this statement. I really am encouraged by this committee, bipartisan. We saw it with the Iran deal, and I saw it again today. But I like the sense of urgency in this room right now. I am saying this to the staff and everybody else. We pushed hard to get this done today. We are not all happy with everything, but I just really appreciate that. Thank you.

The CHAIRMAN. Well, thanks for your leadership, Senator Kaine's leadership on the subcommittee and making sure that we got to this place. Thank everybody on the committee for being involved in the way that they have. Hopefully we can cause this to become law through the NDAA. If not, we will find another vehicle to cause that to occur or a standalone, and then we will move to the issues that have been brought up today.

Ranking member, our calendar is pretty well filled for the rest of the year with all of the agreements we have made today.

Senator CARDIN. I know. [Laughter.]

The CHAIRMAN. We do thank everybody for pushing the issues that—if we could—

Senator CARDIN. I am just happy that the members of this committee do not serve on any other committee because we need your full-time participation. [Laughter.]

The CHAIRMAN. Would you like to say anything else?

Senator CARDIN. No, no. Just, again, I want to thank all the committee members for their cooperation. I am very proud of the final results here, and I just thank you all for your cooperation.

The CHAIRMAN. Thank you. The clerk will call the roll.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Flake?

Senator FLAKE. Aye.

The CLERK. Mr. Gardner?

Senator GARDNER. Aye.

The CLERK. Mr. Perdue?

Senator PERDUE. Aye.

The CLERK. Mr. Isakson?

Senator ISAKSON. Aye.

The CLERK. Mr. Paul?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Barrasso?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Boxer?

Senator BOXER. Aye.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Udall?

Senator UDALL. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The CLERK. The ayes are 19, the noes are zero.

The CHAIRMAN. All right, the ayes have it. I ask unanimous consent that the staff be able to make technical corrections to make it comply appropriately, technical and conforming changes. Without objection. Thank you very much.

[Whereupon, at 5:09 p.m., the hearing was adjourned.]

## BUSINESS MEETING

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Thursday, June 25, 2015

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

The committee met, pursuant to notice, at 10:08 a.m. in Room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker, Risch, Flake, Gardner, Perdue, Isakson, Cardin, Menendez, Coons, Murphy, and Markey.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. We thank our witnesses for being here. We have a business meeting that will take just a moment. I think you are all aware of that.

We do not have enough members yet to take action, but what I thought I would do to speed things along is to begin discussing what we are going to do, to get that out of the way. And I want to thank all the members who are here.

The business meeting of the Senate Foreign Relations Committee will come to order. We have a number of items on the agenda today, including five pieces of legislation and a number of nominations, in addition to moving forward on resolutions that are bringing attention to important concerns like the growing number of displaced people around the world and continued threats to a free and independent press in many countries.

I am pleased that we were able to work with some of our colleagues to consider legislation they previously sought to include in the NDAA.

It also appears we will be able to move closer to having a confirmed legal adviser at the State Department, as well as several new ambassadors.

I want to thank my colleagues for helping the committee work through these nominees in an appropriate fashion and to allow us to take these steps to move forward today.

With that, I would like to recognize the distinguished ranking member for any comments.

Senator Cardin?

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

Senator CARDIN. Mr. Chairman, thank you very much.

I very much appreciate your cooperation in the agenda we have today.

Let me start with the nominations, if I might, because you have accommodated the full committee consideration of nominees that were heard as recently as this week, and I thank you for that. These are career diplomats who are heading toward important countries, and our action today will allow us to have those ambassadors in place I think at an earlier stage. And I thank you very much for accommodating the full committee consideration of these important positions, and also the adviser to the Department of State, Brian James Egan, and I thank you for including those, and also Janet Yellen in her capacity to be the U.S. alternate governor of the International Monetary Fund.

In addition, we do have some resolutions and legislation that are before us. I particularly want to thank you for accommodating the World Refugee Day in a timely way. With Senator Rubio, I introduced this resolution.

I would just point out to the members of this committee, the number of refugees today—I took to the floor of the Senate to talk about this—we are at the levels of after World War II. This is a shocking number, 60 million people are displaced today. And those numbers are growing, they are not getting smaller, because of the ongoing conflicts.

I think all of us have seen the direct impact. We have been to Jordan. We have been to Turkey. We know what the refugees are causing in other countries. And this is a humanitarian crisis, and it is a regional stability crisis. And I thank you for allowing us to act on that resolution today.

I am also pleased we are acting on the resolutions to reaffirm freedom of the press and recognizing those who are involved; the risk factors to ensuring the safety and security of the Iranian dissidents; and to deal with Srebrenica 10th anniversary, that resolution.

In regards to the resolution and issues in Srebrenica, there will be an amendment offered that I will call up on behalf of Senator Shaheen that I think strengthens it. And I will ask consideration of it.

The CHAIRMAN. Very good. In order, again, to move along and be ready when we have our 10th person here, I am going to go ahead and mention the nominees.

I guess I actually cannot move to proceed. I will wait just one second.

In the interest of time, I would ask the committee to proceed en bloc, voice vote, in consideration of the eight nominations before the committee, the Honorable Janet Yellen to be the U.S. alternate governor to the IMF, Mr. Brian Egan to be the legal adviser to the State Department, Ms. Jennifer Galt to be ambassador to Mongolia, the Honorable Glyn Davies to be ambassador to Thailand, Mr. William Heidt to be ambassador to Mongolia, Mr. Atul Keshap to be ambassador to Sri Lanka and Moldives, Ms. Alaina Teplitz to be ambassador to Nepal, the Honorable David Hale to be the



ambassador to Pakistan. I want to thank all these nominees for their willingness to serve in these positions.

Senator Cardin, I know you have addressed this. Do you have anything else you would wish to say?

Senator CARDIN. Let us move them.

The CHAIRMAN. Okay.

Is there any Senator who would like to speak to these nominees?

If not, if there is no further discussion, is there a motion to approve all of these en bloc?

Senator PERDUE. So moved.

The CHAIRMAN. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. There is a motion and a second. So moved and seconded.

The question is on the motion to approve the nominations.

All those in favor, say aye.

All opposed?

Hearing none, the ayes have it. The nominations are recommended to the full Senate.

Next we will consider S.R. 204, a resolution recognizing the occasion of World Refugee Day. We thank Senator Cardin for bringing this resolution to the committee. As we have seen, the international systems for addressing the plight of refugees and other displaced persons have been overwhelmed by the conflicts in Syria and Iraq, in particular, but the other situations that Senator Cardin notes, such as in Ukraine, the Mediterranean, or Nigeria, also need to speak to this crisis.

World Refugee Day calls upon us to reflect on what more can and should be done in the face of these overwhelming needs.

Senator Cardin, would you like to make any additional comments?

Senator CARDIN. I have already commented about it. Again, I thank you for bringing this forward. This is an area that will require our committee's attention in order to deal with this humanitarian crisis.

The CHAIRMAN. Is there a motion to approve this resolution?

Senator PERDUE. So moved.

The CHAIRMAN. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S.R. 204.

All those in favor, say aye.

All opposed?

Hearing none, the ayes have it. The resolution is approved.

Next we will consider S.R. 207, a resolution recognizing threats to the freedom of press and expression around the world. Reaffirming the freedom of the press is a priority in efforts of the United States Government to promote democracy and good governance.

We thank Senators Casey and Rubio for bringing this resolution to the committee on the occasion of World Press Day. We do well remember that journalists face real threats from criminal groups and conflicts and, in a number of countries, their own governments.

Senator Cardin, would you like to make any additional comments?

Senator CARDIN. I have commented about this. And again, I thank you for bringing this forward.

The CHAIRMAN. Is there a motion to approve the legislation?  
Senator Menendez?

Senator MENENDEZ. Mr. Chairman, certainly, I strongly support this. And when Reporters Without Borders talk about 69 journalists who were killed in 2014 in connection with their collection and dissemination of news and information, it is incredibly important.

I just point out that sometimes when we pass resolutions like this in broad strokes, we do not think about the specifics of where this is meaningful. It is meaningful in many parts of the world, including in Cuba, where, in fact, independent journalists and bloggers are consistently arrested and jailed simply because of the views they express.

So as people in the Senate seek to visit Cuba and to change our policies, and I know they will be strongly supportive of this resolution, I would hope that they would take the time and the opportunities to meet with independent journalists, human rights activists, political dissidents.

The problem is that, very often, if you do that, then you do not get to meet with the high regime officials. And that seems to be the choice, and people make the choice, therefore, not to pursue human rights activists, independent journalists, and bloggers.

So on the day that we are going to recognize World Press Freedom Day, it is important to actually more than cast a vote. It is important to actually act in a way in which we are promoting global press freedom.

The CHAIRMAN. I thank the Senator for making that point. It is a fact, and I appreciate you highlighting that. And as we move ahead, it is, certainly, something that we need to continue to be cognizant of.

I will stop right there. I know that we are going to have other discussions about this soon.

Would anyone else like to speak to this resolution?

Is there a motion to approve it?

Senator MENENDEZ. So moved.

The CHAIRMAN. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. So moved and seconded.

The question is a motion to approve S.R. 207.

All those in favor, say aye.

Opposed?

With that, the ayes have it. The resolution is approved.

Our last resolution today is a resolution expressing the sense of the Senate regarding Srebrenica.

We thank Senator Cardin for bringing this resolution to the committee. It is important never to forget what took place there.

I commend Senator Cardin. He took a leadership role regarding this massacre and has a sustained commitment toward making sure we remember it.

Senator Cardin, do you have any comments that you would like to make regarding this?

Senator CARDIN. Mr. Chairman, again, thank you for bringing this forward.

It has been 20 years since nearly 8,000 Muslim men and boys were murdered at the hands of the Bosnian Serbs during the Bosnian war. The Srebrenica massacre must be always remembered, and I appreciate your willingness to consider this resolution acknowledging the 20th anniversary of the massacre.

Mr. Chairman, there is an amendment that I would like to call up at the appropriate time by Senator Shaheen that encourages a more active U.S. role in the Western Balkans and calls for a permanent role for the International Commission for Missing People at The Hague.

I believe this amendment is constructive, and I would encourage my colleagues to accept it.

The CHAIRMAN. So you are bringing up the Shaheen amendment for her.

Is there a second?

Senator COONS. Second.

The CHAIRMAN. So moved and seconded.

The question before us is a motion to approve the Shaheen amendment.

All those in favor, say aye.

All opposed?

With that, the ayes have it, and the Shaheen amendment is agreed to.

Are there any further amendments?

Seeing none, is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator COONS. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S.R. 211, as amended.

All those in favor, say aye.

All opposed?

With that, the ayes have it. The resolution is approved.

Senator CARDIN. Mr. Chairman, I should have said that Senator Coons is added as a cosponsor.

The CHAIRMAN. Thank you. Duly noted.

Next we will turn to S. 1643, the Ensuring the Safety and Security of Iranian Dissidents and Iraq Act of 2015.

With the current situation in Iraq as tumultuous as it is, a reporting requirement on Camp Liberty will be helpful to understand the current relationship between the dissidents housed there and the Iraqi Government. The more information we can obtain regarding the current situation in Iraq, the better.

The bill is originally a Senator Blunt amendment to the NDAA. Although we approved the policy, we did not clear it as an amendment because it did not come through the committee. I hope we can pass this bill out of committee today, which we will consider with an amendment that I have offered with Senator Blunt's support.

Senator Cardin, do you have any comments?

Senator CARDIN. No. Again, I thank you for bringing this forward.

The CHAIRMAN. Anyone else?

Senator MENENDEZ. Mr. Chairman, this is something I have pursued for quite some time, and it is important in the context of whether the United States, when it goes into a country and says that it is going to do certain things, actually follows through, because then the message globally is, in this case, the residents now at Camp Liberty were told, "Give up your weapons, and we will protect you by our military." And they were given a document to that effect. And then, of course, they did that.

They, actually, had provided us with information about the hearing that you are about to have on Iran on one of the facilities we did not know about.

And at the end of the day, then we left them on their own, and many of them were killed. That is just fundamentally wrong.

So while I would have preferred seeing the certification, because we need to be serious about our commitment to individuals, so that when we go into another conflict or another place in the world, people will actually give up their arms or, in the case of Ukraine, give up their nuclear weapons, and then ultimately believe that we are going to do what we say we are going to do.

So I support the resolution. I think it is incredibly important, and I look forward to an opportunity in which the United States shows leadership on this by accepting some of the residents of Camp Liberty as well, as we try to resettle them so that they can safely be out of Iraq once and for all.

The CHAIRMAN. I could not agree more. I have met with many of the families affected, and I think when we send signals like this where we do not follow through on commitments that have been made, and I could list a series of those in recent times, it does harm us. It, certainly, harms the people that we have made commitments to. And with many of the complexities that we already have in the world, it makes them even more difficult to resolve.

So I thank you for bringing continual attention to this as chairman and as ranking member, and, certainly, I support this very strongly.

I do have an amendment.

Does anyone else want to speak to this legislation?

I do have a second degree. Does anyone else have a second degree?

If not, I would entertain a motion that we consider the Corker amendment.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator PERDUE. Second.

The CHAIRMAN. Thank you. So moved and seconded.

The question is on the motion to approve the Corker amendment.

All those in favor, say aye.

Opposed?

With that, the ayes have it. The Corker amendment is agreed to.

Are there any further amendments?

Hearing none, is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. 1643, as amended. That is the question.

All those in favor, say aye.

All opposed?

With that, the ayes have it.

We have one more piece of legislation. This is the Collins amendment to the NDAA. It is my understanding that there is still a one-sentence disagreement. I know Senator Flake and Senator Cardin have been working on this.

It is my sense that, based on where we are today, we want to hold this over until the next meeting. I do hate to get the wrath of Senator Collins on this over the next couple of weeks, but I understand that is my job. But I do hope we will be able to work out this one-sentence disagreement in the interim and, hopefully, speedily pass this through and, hopefully, pass it on the floor by unanimous consent.

I think that concludes our business for the business meeting.

I ask unanimous consent the staff be authorized to make technical and conforming changes.

Without objection, so ordered.

With that, the committee will stand adjourned, as it relates to the business meeting.

[Whereupon, at 10:25 a.m., the meeting was adjourned.]



## **BUSINESS MEETING**

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**Wednesday, July 29, 2015**

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

The committee met, pursuant to notice, at 10:09 a.m. in, Room 116, The Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Flake, Gardner, Perdue, Isakson, Barrasso, Cardin, Menendez, Coons, Udall, Kaine, and Markey.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. The business meeting of the Senate Foreign Relations Committee will come to order. I am going to go ahead and get started with the ranking member. When we have enough people here to vote, we can.

We have several items on the agenda today, including two pieces of legislation, a number of nominations, and a Foreign Service officer list.

We will be able to move forward on S. 1632, a bill by Senator Collins to require a regional strategy to address the threat posed by Boko Haram. I appreciate her and the efforts of Senators Cardin and Flake to work out an agreement, since it was held over from our last business meeting. So thank you both for that.

Also, I appreciate Senator Menendez's work on S. 1875, the Afghanistan Accountability Act. This legislation seeks to ensure that our assistance to Afghanistan is impactful and not counterproductive in inviting corruption. I think we all know the long history of counterproductive efforts.

We also will consider S. 284, the Global Magnitsky Human Rights Accountability Act, legislation long championed by Senator Cardin.

And on all things human rights, thank you for your efforts in that regard.

We will consider a number of important nominees, including multiple ambassadors, the nominee for Assistant Secretary for Consular Affairs, and the assistant administrator and administrator for USAID. We will also consider a Foreign Service officer list.

I want to thank my colleagues for helping the committee work these nominations in an appropriate fashion.

With that, I would like to recognize the distinguished ranking member for any comments.  
Senator Cardin?

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

Senator CARDIN. Mr. Chairman, first, thank you very much. As soon as we get the required numbers, please let me know, and we will move for action.

I want to thank you particularly for including the nominees that are on this agenda for action by this committee. You are allowing us to move promptly on important executive positions with the advice of the committee, and I thank you very much.

I particularly want to acknowledge Gayle Smith, the administrator for USAID, which we have had discussions about the importance of having a confirmed head of USAID during this critical time.

So I thank you very much for including all these nominees.

I want to mention the Global Magnitsky Human Rights Accountability Act. I want to thank my colleagues on the committee, Senators Shaheen, Rubio, Markey, and Coons. I also want to acknowledge the extraordinary work of Senators McCain, Durbin, Blumenthal, Wicker, Kirk, and Cruz. And I could mention many others who have worked on the Magnitsky accountability act.

I think you are all familiar with how this legislation is known globally by those who stand up for basic rights, and the Magnitsky accountability act has worked very well in regard to Russia.

This legislation will make it global, allowing for us to take action against those who have committed violations of human rights, to be denied our banking system, which they use to further their own various acts, and the right and privilege to visit our country.

It is also the right balance between executive and legislative. It allows the executive to make the decision, but we have the opportunity to bring forward particular names in the right process for review by the executive branch.

So I thank you very much for including that legislation in today's markup.

I also want to thank you for the way in which the staffs have worked out the language on the Boko Haram legislation by Senator Collins. I am glad we are able to move forward on this. You and I have sent a letter to President Obama, urging him to engage the new Nigerian administration, and this bill would further that effort in pointing out the horrible tragedies. Over 13,000 Nigerians have been killed, and 1.5 million have been displaced. And it needs the spotlight of the international community.

Lastly, let me thank Senator Menendez for the legislation he has brought forward on accountability in Afghanistan. This speaks to the congressional concerns about Afghanistan and provides the authorization for us to be partners in providing good governance in Afghanistan. And I thank him for his leadership on this issue.

The CHAIRMAN. Thank you.

What I might do just to move things along, if it is all right, is go ahead and name the nominations, so when people are here, we do not have to go through the long list, unless anybody objects.



When we move to consider these en bloc, these will be the nominees we are looking at: the Hon. Michelle Thoren Bond to be the Assistant Secretary of State, Consular Affairs; Dr. Sarah Mendelson to be representative of the U.S. on the Economic and Social Council of the U.N., and alternate representative of the U.S. to the General Assembly of the U.N.; Ms. Sheila Gwaltney to be U.S. ambassador to the Kyrgyz Republic; Mr. Perry L. Holloway to be the ambassador to the Co-operative Republic of Guyana; Ms. Laura Farnsworth Dogu to be the ambassador to the Republic of Nicaragua; Mr. Peter F. Mulrean to be ambassador to the Republic of Haiti; Mr. Paul Jones to be ambassador to the Republic of Poland; Ms. Gayle Smith to be the administrator of the United States Agency for International Development; Ms. Kathleen Doherty to be the ambassador to the Republic of Cyprus; Dr. James Melville to be ambassador to the Republic of Estonia; Mr. Samuel Heins to be ambassador to the Kingdom of Norway; the Hon. Hans Klemm to be the ambassador to Romania; Mr. Thomas Melia to be assistant administrator of USAID.

I want to thank all these nominees for their willingness to serve our country in these positions.

I do not know if Senator Cardin has any comments?

Senator CARDIN. Once again, I thank you for including all those nominations. I think there is also a Foreign Service list that we will be taking up, and each one has gone through the vetting process in this committee.

And I support each one of these nominees and urge our colleagues to also support their favorable consideration on the Senate floor.

The CHAIRMAN. At this moment, we will pause, if someone would like to speak.

Senator Menendez?

Senator MENENDEZ. Number one, I intend to support all the nominees. I do have a concern with our nominee to be the ambassador to the Republic of Cyprus, in terms of answers that I received.

I am not questioning the individual's qualifications. I am concerned about the answers. I know the answers were constrained by the State Department as a whole, so I am going to move the process along, and I will not oppose or ask it to be held over, but I reserve my rights on the floor as it relates to that nomination.

Secondly, I appreciate your listing and Senator Cardin's support of the Afghanistan Accountability Act. I think after so many lives and national treasure, and the continuing expense of the U.S. taxpayer dollars to get the type of accountability that we want in Afghanistan, it is critically important.

I think we have a new partner there. The early signs are promising. So we need to build upon those signs.

So I appreciate the chair and ranking member's support.

The CHAIRMAN. Thank you.

Any other comments? Comments on any topic are welcome. [Laughter.]

Senator CARDIN. Mr. Chairman, let me say I know that you and I have talked about a House bill that is coming over here, Megan's Law, to make it international, something we both support. I under-

stand this week we got some language from Senator Shelby, who has some interest in that legislation. We also have heard from the administration.

And I am hopeful we can resolve the differences in drafts, so we can take it up at our next meeting, which I hope will be before the recess.

The CHAIRMAN. I do, too.

Okay, I want to thank everybody for coming. I know there is a lot going on. Once we finish this meeting, I know there is a second vote, and then we plan to convene the next meeting on Iran. I am hopeful it will be well-attended. I think we have had several briefings.

We have had some preliminary conversations. Again, I thank everybody for being here.

Is there a motion to move all of the nominees that we have listed en bloc?

Senator KAINE. So moved.

The CHAIRMAN. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. All in favor, say aye.

All opposed?

Does anybody want to be listed as a "no" on any of the nominees? None, okay.

The ayes have it. They are all nominated and moved to the floor.

Next, we will move the USAID and Foreign Service list. I support these appointments and would like to thank all these officers for their service.

Senator Cardin?

Senator CARDIN. Likewise.

The CHAIRMAN. There are only three that have been held for additional questions. There is a large number that we are moving. Does anybody wish to speak to this?

If there is no further discussion, do we have a motion?

Senator CARDIN. I move the approval.

Senator KAINE. Second.

The CHAIRMAN. So moved and seconded.

The question is on the approval of the Foreign Service list, as modified.

All in favor, say aye.

Opposed?

The ayes have it. The appointments are agreed to.

Now we will consider S. 1632, a bill to require a regional strategy to address the threat posed by Boko Haram, legislation that has been introduced by Senator Collins.

And I appreciate, as I mentioned earlier, her pursuing regular order for its consideration before the committee of jurisdiction. This is timely legislation in the wake of an election in Nigeria that changes the dynamic of cooperation and directs the Secretary of State and Secretary of Defense to formulate a strategy to help Nigeria and other regional partners address the Boko Haram threat and identify areas of cooperation.

Senator Cardin, do you have any comments?

Senator CARDIN. I commented earlier. I thank you for working out the language so we can move it forward. I am hoping we would all support the amended version.

The CHAIRMAN. Would anyone else like to speak to this legislation?

I would entertain a motion to consider the substitute amendment.

Senator GARDNER. So moved.

The CHAIRMAN. Second?

Senator COONS. Seconded.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the substitute amendment.

All those in favor, say aye.

All opposed?

The ayes have it. The substitute amendment is agreed to.

Is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. So moved. Is there a second?

Senator BARRASSO. Seconded.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. 1632, as amended.

All in favor, say aye.

Opposed?

The ayes have it. The legislation is amended and agreed to.

Next, we will consider S. 1875, the Afghanistan Accountability Act, legislation introduced by Senator Menendez.

This legislation seeks to promote greater effectiveness and accountability for U.S. assistance in Afghanistan, including strengthening Afghan institutions tasked with reducing corruption. I believe it will be an effective tool to improve accountability for the considerable sums that remain in the pipeline that are likely to continue to be provided to pursue our national interests as Afghanistan continues its political and security transition.

Senator Cardin, do you have any additional comments?

Senator CARDIN. As I said earlier, I thank Senator Menendez for his leadership on this. This is a very important action by Congress, to go on record as to the authorization for our partnership with Afghanistan and our expectations.

Senator MENENDEZ. Mr. Chairman, I am informed that Senator Boxer is on the floor with the transportation bill, but she has an amendment, which I think has been shared with the chair and the ranking member—

The CHAIRMAN. That is correct.

Senator MENENDEZ.—with reference to making a statement that the assistance programs in direct support of Afghan women and girls remain a priority for the United States, and I would move the amendment on her behalf.

The CHAIRMAN. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the Boxer amendment.

All in favor, say aye.

All opposed?

With that, the ayes have it. The Boxer amendment is agreed to. Is there a motion to approve the legislation, as amended?

Senator MENENDEZ. So moved.

The CHAIRMAN. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. 1875, as amended.

All in favor, say aye.

All opposed?

The ayes have it.

Our last piece of legislation is S. 284, the Global Magnitsky Human Rights Accountability Act, which would authorize sanctions against those involved in gross violations of human rights and acts of significant corruption. I know this is legislation that Senator Cardin has championed, and I strongly believe in. Senator Rubio also supports it.

I appreciate the leadership role that Senator Cardin continues to take in focusing on human rights issues around the world.

Senator Cardin, do you have any additional comments?

Senator CARDIN. I have already commented on this, and I thank you for accommodating the markup.

I know Senator Rubio has an amendment. I do not know if it is being offered.

The CHAIRMAN. He is not here, if you want to offer it.

Senator CARDIN. I would be glad to offer it on his behalf. I think it strengthens the bill by allowing the appropriate secretary that has responsibility in this area in the State Department to make recommendations, and I think it strengthens the bill.

The CHAIRMAN. Senator Cardin is offering the Rubio amendment. Is there a motion that we consider the Rubio amendment?

Senator CARDIN. So moved.

The CHAIRMAN. Second?

Senator KAINE. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the Rubio amendment.

All those in favor, say aye.

Opposed?

The ayes have it. The Rubio amendment is agreed to.

Is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

Senator MENENDEZ. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. 284, as amended.

All in favor, say aye.

Opposed?

With that, the ayes have it.

That completes our committee's business. Thank you all very much for being here.

I ask unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

Thank you, all.

[Whereupon, at 10:22 a.m., the meeting was adjourned.]

## BUSINESS MEETING

Thursday, September 24, 2015

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

The committee met, pursuant to notice, at 2:14 p.m., in Room S.216 of the Capitol, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Johnson, Flake, Gardner, Barrasso, Cardin, Menendez, Shaheen, Coons, Udall, Kaine, and Markey

### OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order. We only have one item on the agenda today—the United States Commission on International Religious Freedom Reauthorization Act of 2015.

The U.S. Commission on International Religious Freedom is an important voice for the powerless and the oppressed and a tangible expression of our commitment to freedom of religion.

We thank Senator Cardin and Charlotte Oldham-Moore from his staff, Senator Rubio and Elyse Anderson from his staff, and Senator Durbin and Joe Zogby from his staff for their work in reaching agreement on this bipartisan legislation.

The Commission's authorization expires on September 30th. We understand that this bill will be taken up by the House and passed as soon as we are able to approve it by unanimous consent.

Anyone who would like to speak to this legislation? [No response.]

The CHAIRMAN. Is there a motion to approve the legislation? [Multiple Senators motion.]

The CHAIRMAN. Is there a second? [Multiple Senators second.]

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve USCIRF Reauthorization Act of 2015.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [A chorus of nays.]

The CHAIRMAN. And with that the AYES have it and the legislation is agreed to.

And that completes the committee's business.

I ask unanimous consent that staff be authorized to make technical and conforming changes; without objection, so ordered.

And that with that, without objection, the committee will stand adjourned.

## BUSINESS MEETING

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Thursday, October 1, 2015

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

The committee met, pursuant to notice, 10:35 a.m., in Room SD-419, Room 419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Flake, Perdue, Isakson, Barrasso, Cardin, Menendez, Shaheen, Coons, Udall, Murphy, and Markey.

### OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. I am going to call the business meeting to order, and ask Senator Cardin and myself to make our opening comments, move them—through them as rapidly as possible so we can move on to the other meeting. I want to thank everybody for being here.

So the meeting will come to order.

On the agenda for today we have a number of nominations, including the director of Office to Control and Combat Trafficking, with the rank of Ambassador-At-Large, as well as over 600 personnel referred to the committee who have been nominated for appointment or promotion into and within the Foreign Service. I understand many of our colleagues have expressed concerns regarding two of the nominees. I want to also add we have had numbers of people pressing hard to ensure that they get a vote.

I would suggest the State Department redouble its efforts to reach out to members on this committee in a meaningful and substantial way in good faith in an effort to attempt to address those concerns. And I do want to say that finally yesterday the State Department did come over with some documentation that one of our members had been requesting, and I appreciate that. I think there are a couple of other pieces that may be—being pursued at this time, but I would urge the State Department, let us get this out of the way and move especially one of the nominations on.

I would like to recognize—with that, I would like to recognize Senator Cardin, who I cherish serving with and for his comments relative to what is getting ready to happen.

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

Senator CARDIN. Well, thank you, Mr. Chairman, and I see that we do not have a quorum yet, so let me first thank you. And I want to just say publicly as the ranking Democrat on the committee, I thank Senator Corker for the manner in which he has moved nominations through this committee. We have had timely hearings and timely action. There are a few exceptions, and we talk about that.

But he has been very accommodating to our requests, and I thank him very much for that. And it is keeping with the tradition of this great committee to act timely on the nominations from the executive branch, and I thank you. And it is true today where we have 13 nominations on our agenda for action.

As Chairman Corker has pointed out, two nominees who were originally noticed to be on today's agenda—Jennifer Haverkamp, Assistant Secretary of State for Oceans and International Environment and Scientific Affairs, and Roberta Jacobson for Ambassador of Mexico—will not be voted on in today's meeting.

I find that regrettable, and I understand there is great interest among members for additional information, particularly as it relates to Roberta Jacobson. I just wanted to point out that in Roberta Jacobson's case, we are talking about a career diplomat of the Senior Service—Senior Executive Service. She has served, as we all know, as the regional secretary, but she has also had direct experience in Mexico, and I do not think there is a more qualified person to become ambassador to Mexico. She has been on the calendar for about—she has been nominated about four months ago.

In Jennifer Haverkamp's case, this nomination is now about nine months old. She is imminently qualified. I could go through her qualifications. I will at the next meeting, but let me just mention and underscore probably the most important part of her qualifications. She is a Marylander, so she shows good judgment to live in the State of Maryland. But she is an associate professor at Johns Hopkins and worked in the USTR, EPA, et cetera.

So, Mr. Chairman, I want to thank you for the constructive manner in which you have gotten nominations for both hearings and action in this committee. Two nominees, Jennifer Haverkamp for Assistant Secretary for the OES Bureau and Roberta Jacobson to be ambassador to Mexico, were removed from today's agenda late last night with the understanding between Senator Corker and me that both of these nominees will be on the next business meeting agenda next Thursday.

I believe that is our understanding, and I would just encourage all members to be prepared for next Thursday.

The CHAIRMAN. Before turning to Senator Shaheen who wants to make a comment, that is our understanding. And I think—look, I am a strong supporter of Roberta, and I think people understand that. And at the same time, I know you know that one of the reasons we have handled the things we have is what we would like is an outcome, not just in the committee, but an outcome on the floor. And so, I know I had a long conversation with one of our members on this side of the aisle about the same thing last night.



In the other case, on the other nomination, I do fear that while I agreed to bring her up next week, and I understand somebody may try to hold her over for the next meeting. That is everybody's prerogative. I do fear that because work—the appropriate work has not been done yet relative to building support in the committee, that that could end up being a nomination that ends up being a dead end, if you understand what I am saying. I am trying to avoid that.

Senator CARDIN. I appreciate that. Mr. Chairman, I am optimist. I serve in the United States Senate. You have to be an optimist.

The CHAIRMAN. You have to be a few other things, too.

Senator CARDIN. So I am hopeful that between now and next Thursday in regards to Jennifer Haverkamp that we will have an opportunity for Senators to meet with her and to be able to ask questions so that we can hopefully be able to move both nominations next week.

The CHAIRMAN. Senator Shaheen?

Senator SHAHEEN. Thank you, Mr. Chairman. I would also like to echo Senator Cardin's comments about the very positive and cooperative way in which nominations have moved through this committee. I think that is a tribute to you. It is a tribute to Senator Cardin and to all of the members.

I do have a concern, and you suggested that you are concerned also about it, about the way in which these nominations then have moved to the floor of the Senate. And I just have to call attention to one of those nominees who has been waiting for four months, and she moved through this committee on a voice vote, and that is Gail Smith, who was nominated to be the administrator of USAID. And I think at a time when we have a refugee crisis around the world, when we see all of the conflict areas and the hot spots that USAID is very involved in, for us to be sitting on a nominee who is non-controversial, who went through this committee on a voice vote, who has not been able to be brought to the floor because of the objections of one of our colleagues over the Iran deal, which has already been done and moved forward, is just unconscionable.

And I would hope that we would all work to try and move her nomination because we need to get that appointment filled.

The CHAIRMAN. Yes. So just for what it is worth, I could not agree more. I think she is very highly qualified. She moved through here very rapidly, and, you know, we had to work out a—again, it was a kind of situation where there was some concerns, and we were able to resolve those before she came to a vote. And, therefore, you are right, there is a member who is holding this person up. We continue to have conversations with that member.

Please know that this is—this is not a case where, you know, the majority, if you will, is holding up a nominee to be—that is qualified.

Senator SHAHEEN. I appreciate that.

The CHAIRMAN. And every Senator, let us face it, has the right to be able to do those things. But hopefully we are going to make some progress on the hold being lifted and her becoming part of leading the USAID office, yes. I am sorry. Senator Coons?

Senator COONS. I just want to echo and support Senator Shaheen's comments. I saw and spoke to the nominee over the weekend, and just—I literally on the train down from Delaware this morning was with a Syrian refugee who has just been resettled in the United States, and had an opportunity for a heartfelt conversation. The reach and scope of the difficulties that USAID could be leading in our response to it continues to grow. If there is anything other members of this committee could do to help with relieving this one hold, I would welcome the chance to do that.

The CHAIRMAN. And, you know, there is continual efforts to make that happen, and I do hope and think that USAID hopefully is still functioning, though. And, I mean, I do not want to make too big a thing out of this and turn it into something that maybe it is not, but I agree with you. We need strong leadership there, and I think she would provide that.

What I would like if it is possible is to have unanimous consent for the possibility of a rolling vote so that—

Senator CARDIN. We have enough for a quorum, but not for a vote yet. But, Mr. Chairman, I certainly would concur in your suggestion. I know members have a lot of conflicts right now. I think if we are rolling a vote, we would be able to report these nominees out this morning, so I would certainly concur in your request.

The CHAIRMAN. Thank you for being here. If I could, what I would like to do then in the interest of time, I would ask the committee to proceed en bloc vote in consideration of the 13 nominees before the committee: Scott Allen to be U.S. director of the European Bank for Reconstruction and Development; Carolyn Alsup to be ambassador to Gambia; Ann Barr to be inspector general at USAID; John Estrada to be ambassador to Trinidad and Tobago; David Gilmour to be ambassador to the Togolese Republic; Jeffrey Hawkins to be the ambassador to the Central African Republic; Edwin Nolan to be the ambassador to Suriname; David Robinson to be the assistant secretary of state for conflict and Stabilization Operations as well as coordination for Reconstruction and Stabilization; Daniel Rubinstein to be the ambassador to Tunisia; Lucy Tamlyn to be the ambassador to Benin; Representatives Barbara Lee and Chris Smith to be representatives to the Seventieth Session of the General Assembly of the UN; and Susan Coppedge Amato to be director of the Office to Monitor and Combat Trafficking with the rank of Ambassador-at-large, who I think will have more positive impact on what is happening in the TIP Office than anything that has happened in a long time.

I want to thank all these nominees for being willing to settle into these positions. Senator Cardin, I do not know if you have any additional comments. I would love to hear them.

Senator CARDIN. No, Mr. Chairman. Again, I thank you for expediting these nominees. One we just had a hearing just very recently, so we are very pleased that we are able to move these nominations forward.

The CHAIRMAN. Are there any other comments by any other Senators? [No response.]

The CHAIRMAN. Again, thank you all for being here. And I will have to ask since I have never done this before, how do we have a rolling vote?

VOICE. Hold it open.

The CHAIRMAN. So just for your edification if you are ever chairing one of these meetings— [Laughter.]

The CHAIRMAN [continued.] Everybody will vote now, and then we will record a vote as it comes in later with unanimous consent, which we have already achieved. So if there is no further discussion on the nominations, I would entertain a motion to approve these nominations, so by voice vote en block.

Senator FLAKE. So moved.

The CHAIRMAN. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve the nominees.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. The ayes have it, and the nominations are agreed to.

Our last order of business is the six Foreign Service officer list. I support these appointments and promotions, and would like to thank all those—all of these officers for their service. Senator Cardin?

Senator CARDIN. Again, I thank you for bringing this list up, and I strongly support it.

The CHAIRMAN. Is there any other member who would wish to speak? [No response.]

The CHAIRMAN. Seeing none, I would entertain a motion that we approve them en block, as modified, by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Second?

Senator SHAHEEN. Second.

The CHAIRMAN. Moved and seconded.

The question is on the motion to approve the Foreign Service list en block, as modified.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. The ayes have it, and the appointments and promotions are agreed to. And that completes the committee's business.

I ask unanimous consent that staff be authorized to make technical and conforming changes. Without objection, so ordered.

And with that and without objection, the committee will stand adjourned. Thank you all—

Senator CARDIN. I do not think we want to adjourn the committee. I think we want to keep it open, but we will start—

The CHAIRMAN. Oh, good point on this roving—[Laughter.]

The CHAIRMAN. Thank you.

Senator CARDIN. With the consent—that we stay in session and keep the roll call open.

The CHAIRMAN. Unanimous consent.

[The roll call vote remained open, and the scheduled hearing was called to order at 10:48 a.m.]

[At 11:00 a.m. the committee achieved attendance sufficient to close the vote. The portion of that hearing's transcript is appended here:]

Senator CARDIN. Mr. Chairman, if I could just ask, with the courtesy of our witness, we have the 10th member who is now here. If we could complete the business part of the meeting -

Mr. COUNTRYMAN. Absolutely.

Senator CARDIN. With your permission. I would appreciate that. We have an open roll call on the nominations that were before the committee as well as the lists that were submitted. Mr. Chairman, with your permission, I would hope that we allow Senator Menendez—it was a voice vote, but if Senator Menendez could express his view, I think we could close out those votes and report these nominations out.

The CHAIRMAN. Senator Menendez, we have the nominations en bloc. I know you have a record of who those are, and just wonder if you support or oppose that list en bloc.

Senator MENENDEZ. My understanding is there is a revised agenda.

Senator CARDIN. That is correct.

The CHAIRMAN. That is correct.

Senator MENENDEZ. Then I support them en bloc. The answer is yes.

The CHAIRMAN. And Roberta on this—I am just kidding. [Laughter.]

Senator MENENDEZ. At times I work—I struggle to get that Tennessee humor, you know? [Laughter.]

The CHAIRMAN. We have three FSO lists, as modified. We have three FSO lists as modified, too, and you support those.

Senator MENENDEZ. Yes.

The CHAIRMAN. Thank you so much.

Senator CARDIN. Mr. Chairman, I think we then can close out the business meeting and report the nominees on the list.

The CHAIRMAN. There may be others that wish to vote.

Senator CARDIN. Okay.

The CHAIRMAN. But as of present, they will not, so meeting adjourned, and we now will continue with the hearing. Thank you.

[Whereupon, at 10:47 a.m., the business meeting was adjourned.]

## **BUSINESS MEETING**

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**Thursday, October 8, 2015**

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

The committee met, pursuant to notice, at 9:49 a.m., in Room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Flake, Gardner, Perdue, Isakson, Barrasso, Cardin, Menendez, Shaheen, Coons, Udall, Kaine, and Markey.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. The business meeting of the Senate Foreign Relations will come to order. I want to thank everybody for being here. On the agenda for today we have five pieces of legislation, including the Electrify Africa Act of 2015 and the U.S. Jordan Defense Cooperation Act of 2015, as well as a number of nominations.

We take access to power for granted in this country, but in Africa an estimated 600 million Sub-Saharan Africans lack access to electricity, impeding economic growth, education outcomes, and public health. The Electrify Africa Act of 2015 seeks to increase access to reliable electricity by making investments in the energy sector in Sub-Saharan Africa more attractive to private investors.

Electrify Africa will promote policies to help African countries provide 50 million people with first-time access to electricity and 20,000 megawatts of electricity to the grid by 2020. Without reliable and affordable power, aid to assist Africans will not achieve the success we hope for.

There is a growing consensus that addressing electricity poverty in Africa should be a key aid priority. The needs are significant. Success will require private sector and public sector cooperation to accomplish that goal. But if successful, this effort will build electricity capacity to fuel economic growth in Africa.

Just a quick point on OPEC, another disappointment with some on this committee that we are not reauthorizing OPEC in this bill. Our action here in the committee today should not be interpreted, at least from my standpoint, as a lack of support by me for OPEC. I have talked to the administrator, I had a meeting yesterday with Senator Coons, and there have just been some questions that have been raised.

And I think today, in particular, I would just say that bringing the issue of OPEC before the United States Senate with all the

issues that surround Ex-Im and other things, to me is self-defeating. And, you know, I look forward to working with people on both sides of the aisle to create an authorization at some point to do this in the appropriate way.

Certainly I am going to be talking to appropriators about, again, I think we have done it 29 times, but extending this authorization through the appropriations process, which is not the preferred route. But in this particular case, Menendez, I guess, is looking at me relative to something we did in the past, and I am sure it was contradictory to this. [Laughter.]

The CHAIRMAN. But in any event, I think it is very—

Senator MENENDEZ. Mr. Chairman, we all evolve. [Laughter.]

The CHAIRMAN. The realities of serving in the Senate.

So, look, I am very excited about what we are going to do today, and I really do think there have been tremendous bipartisan effort, plus efforts with the administration. I am excited about what this is going to mean to people who today in Africa do not have electricity and power. I know there are numbers of people who have worked on this, and hopefully it is going to pass out with a very strong vote.

I could say a lot more, but I will say one more thing about the nominations. Actually I think because of what has happened with the climate nominee, I will just let—I will just let you speak to the nominations.

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

Senator CARDIN. Well, thank you, Mr. Chairman. First, let me thank you for your cooperation on this business meeting. We are going to, I think, do some very, very important work in reporting legislation on Electrify Africa. I want to thank you for the cooperation and a way forward, and I join you in not only co-sponsoring, but urging our colleagues to report out this bill.

It is extremely important for Sub-Sahara Africa. Electricity is the most pressing restraint in growth in human development, and this bill will allow us a path forward to help the growth of that region and the stability of that region, which is of great importance to U.S. interests. And this is a bipartisan way forward, and I am very, very supportive of this action.

I agree with you. I am disappointed that the OPEC reauthorization is not included in this legislation. The original bill included it. We had strong bipartisan support for that moving forward, and I regret that we are not able to do that today. And I look forward to working with the chairman on finding alternative ways that we can deal with the reauthorization of OPEC in a way that preserves the role of this committee.

I am also pleased that we have the U.S. Jordan Defense Cooperation Act. Senator Rubio and I have worked on this. Jordan is one of our closest friends and allies in the Middle East. This legislation will allow for defense sales and technical assistance to Jordan, and strengthen our relationship through the authorization to enter into a memorandum of understanding to increase military cooperation, and enhance strategic dialogue. So I think that is very important

legislation, and I am glad that we are able to move forward on that.

There are three resolutions that are on the agenda for action. All three are important. I want to congratulate Senator Shaheen on her resolution dealing with recognizing the peaceful reunification of Germany, one of the most important goals—achievements of our time, and her work working with other members of the committee.

I want to thank Senator Gardner for his leadership on recognizing the importance next week of Senator Park from Korea coming to the United States. That relationship between the United States and Korea is particularly important, highlighted yesterday by the hearing on the subcommittee, which I had the honor of being the ranking member of the subcommittee, to deal with the problems of North Korea. And certainly our relationship with Korea becomes very, very important.

And the other resolution dealing with the discrimination against the Baha'i minority in Iran, Senator Kirk's legislation on that. I think all those are very, very important.

Mr. Chairman, let me talk briefly about the nominees. We have some nominees on the schedule today, and I thank you for accommodating those so that we can continue, which I think is an outstanding record of this committee in moving forward nominations. I wish the floor of the Senate was as efficient as this committee in moving nominations, and we pointed out there are some very important nominations that have not moved forward, Gayle Smith, I think, being top on my list, as has been mentioned before.

We talk about our security strategy with USAID, and we do not have a confirmed head of that agency. And quite frankly, overwhelming members of the United States Senate support her confirmation, so we need to find a way forward on the floor of the United States Senate.

Let me talk very briefly about the two nominees that have been held over to the next voting session, which is certainly the right of any member of this committee. First, in regards to Roberta Jacobson. Yesterday you and I received a letter from the last six U.S. ambassadors to Mexico, ambassadors that have served under both the Bush administration, the Clinton administration, and the Obama administration, strongly urging us to confirm our ambassador to Mexico, and strongly supporting Roberta Jacobson's nomination for confirmation. Her qualifications are incredible for the ambassador to Mexico.

I am going to ask consent that that be included in our record, and I know that we will not vote on our nominations today, which is the right of any member to hold over to the next voting session under the traditions of our committee. But I do look forward to the next business session when we can report out Ms. Jacobson for ambassador to Mexico.

[The information referred to can be found at the end of this transcript.]

Senator CARDIN. The other nomination that has been held over today is the Haverkamp nomination, Jennifer Ann Haverkamp to be the assistant secretary of state for Oceans and International Environmental and Scientific Affairs. Mr. Chairman, I acknowledge

that if that vote took place it would not receive the type of support that would give her the opportunity to be confirmed on the floor of the United States Senate. I find that very, very disappointing.

I find that disappointing because I have not yet heard a single challenge to her credentials or qualifications to hold this office. She is a Rhodes Scholar. She has extensive experience in USTR's office and others. She is imminently qualified. And the complaints that I hear deal basically with the Obama policies more so than it does with an individual, which I understand the politics. Do not get me wrong. But the reputation of this committee is such that if we start holding up nominations in this committee because we disagree with an administration's policy, it is going to be a long road in the future.

So I hope within the next week—it will be two weeks because we are not going to be here next week, and I want to have conversations with members of this committee that we have an understanding as to what standards we are using for recommendations to the full floor. And in Ms. Haverkamp's case, I would strongly urge us to give her a vote of confidence in this committee, recognizing it is going to be a long road on the floor of the Senate.

I understand that. I understand the prerogatives of individual Senators. But I also understand the credibility of this committee, and I am going to be urging us at the next voting session to approve her nomination to the full floor.

The CHAIRMAN. Well, with that statement being made, I hope the Senator will acknowledge that in every case that we have had issues with nominees, we have actually worked hard with the administration to gain support. If you remember, the USAID administrator had some issues, and, therefore, we worked with the administration to overcome those. And she came out with a very strong vote.

There is—it is incumbent upon the administration to put out at least a degree of effort in trying to win support for some of these nominees, and I think you know—we certainly—me as chairman, we are not holding anybody up. And I hope you will at least acknowledge that, and acknowledge the fact that there needs to be some degree of effort by the administration to win support of people other than just Democrats.

Senator CARDIN. Absolutely, Mr. Chairman. You have been incredibly helpful for us to try to accommodate expedited procedures on these nominations and to get the broad support necessary for confirmation. And it is a two-way street. The State Department has to work with us, and I agree with you completely.

The CHAIRMAN. So on that note, let me just say that I want to have Secretary Kerry come up and to talk with us, as many on this committee on both sides of the aisle have asked, to talk with us about what is happening in Syria, and how that is going to be dealt with. He has refused to do that, will not return phone calls, has stated—we heard this week that he was out of town, but I know that not to be true. I know he is meeting with people today over at the State Department. And so, therefore, we asked that he come next week. Will not return phone calls, and underlings have been suggested to come up and talk with us.



So we have been very cooperative. Most of the criticism of many with this administration on many issues, and I do not know what to do at this point when probably the biggest humanitarian catastrophe, disaster since World War II is underway. Difficult for us to understand what Russia's role and Iran's role now is. And for the Secretary of State to be unwilling to come here I find to be very problematic, and especially with a committee like ours that has worked with the administration in the manner that we all have in a very bipartisan way.

So I do not know what steps to take. Subpoenaing a Secretary of State is certainly an extraordinary step, and one that needs to be thought about because of the—let us face it, we all respect greatly that position. We do. But I do not know what—I do not know what to do when you have the biggest crisis, people flooding into Europe, a 100 percent change taking place on the ground, which brings me to the second point. And this is going to be something I am not accustomed to doing.

But I saw the junior Senator from Virginia on television this morning, and I am sorry, I have got to stand for the integrity of this committee. I cannot let someone, in essence, blame this committee and blame the United States Senate and House of Representatives for what has occurred in Syria.

I just want to correct the record and say that this committee in August/September of 2013 under the chairman's leadership, Chairman Menendez, passed an authorization for the use of force. The administration did not utilize it. Decided to, in essence, deal with it through dealing with Russia on chemical weapons. This committee passed out a very strong bill to deal with supporting the moderate Syrian rebels.

The Congress authorized a train and equip program, which now the President says he never really believed in, but we authorized it and paid for it, and I think we have five to nine people on the ground. And the fact is that this committee never, ever heard from the administration a coherent strategy on Syria, and still has not done that.

So the administration witnesses have been up here. They have told us they feel like they are authorized to do the work that they are doing in Syria. I agree with that. Every witness we had from the administration said they had every authority they need to do what they are doing. Nothing from Congress is holding them up. We have asked them if they wanted the authority to protect the moderate rebels when they were fired upon by Assad. They do not want that authority. Now we understand there is potentially an alleged program where other trainees are being fired upon. They have not asked for the authority to do that.

The President has never come forth with a coherent strategy, and I am actually glad that this committee never authorized something that has no strategy to it. So I cannot stand by the fact that actions—I believe they are authorized to deal with ISIS based on '01. Some people do not. But they do, and I do.

So to say that somehow Congress—Congress—has had something to do with this administration not having a strategy nor the will as they have said. They really do not have the will in the train and

equip program. They just did it because people here wanted them to do it. So I have to take issue with that.

And I think it is—the Senator also mentioned we should develop a strategy in Syria. I do not know. I mean, I think it is incumbent the Commander-in-Chief to lay out a strategy, and for us to believe that that strategy is one that they have the will to win, but also the desire to see successful as I just said. And we have not seen that. We have seen no strategy, and I think to have the Secretary of State come up here and explain to us where they are and where we are going is something that is very important.

So I just want to say I am not going to stand for that. I am not going to let comments like that stand. I know the Senator cares deeply about authorizations, and I respect that deeply. And I know it is something that bothers him deeply that—and we have done some things to take back power in this committee through the Iran Review Act, and it would not have happened.

But I am sorry, I do not think Congress has played any role in the fact that this administration has shown no will, no strategy, no commitment to dealing with the issue of Syria. And I am glad the committee did not authorize—support something that we know has no chance of success, has no thought behind it, and no commitment. So I just—I will debate this five hours if we want to do it right now. I am glad to do it. But I cannot—I cannot let statements like that—

Senator CARDIN. Mr. Chair, I will yield to my colleague for one second. Let me first, if I might, point—agree with you that we need to hear from the administration particularly about the most recent chain of events in Syria with Russia's military presence and Russia's military actions, changing the equation in that—in that region, not just affecting Syria, but also affecting surrounding countries using airspace, et cetera. This is a very dangerous situation, and our committee needs to be not only advised, but consulted as to what is taking place in Syria today.

And I have not—I am not aware of the request that you have made. I am more than happy to work with you to make sure that we get a briefing. I would think it will be in a SCIF, but we also want to do things in a more open manner with the American people on what is happening in Syria today.

The refugee issue is the consequence—immediate consequence, but the deeper problems are the civil war and the fight against ISIS that is very much different today than it was when we passed in this committee the authorization for use of military force. And I supported that effort, and I do think Congress needs to act.

I am going to yield to my colleague from Virginia, but I really want to thank Senator Kaine and Senator Flake for pointing out that we would be in a much stronger position today if Congress could get direction to the administration on the use of military force. But I want to just make an acknowledgement and agree with our chairman. I do not think that is going to happen. I just do not think we have the consensus. And certainly with the changing conditions in the country, it would be very difficult for us to come to grips with an authorization for the use of military force at this time, but we should try and we should continue. And we would be

stronger if Congress could be united in the use of our military force by action of the Congress.

So I fully understand the circumstances are in the hands of the administration, Article 2 powers. The President has those powers. He can act. But it would be stronger if we could be united with the President on a military strategy. It starts with being read in. It starts with being briefed. It starts with the confidence factor between the administration and Congress. And obviously I will join you in those efforts to get the Secretary and whoever else we need here to brief us on that.

If I would, I yield to Senator Kaine.

Senator Kaine. Thank you, and, Mr. Chair, I will be very brief, and not personal at all because this is an important matter, and people feel differently about it. I did not say anything negative about the committee this morning, but I did say something very negative about Congress, and I said something very negative about the administration.

I said we do not have a strategy in Syria. In the midst of an ongoing war, we do not have a strategy in Syria, and I blamed the administration and Congress for that. We asked the President to send an authorization for military action to us. It took him six months to do it. He should have done it within a month. It took him six months to do it. But since he sent that up to us in the middle part of February, Congress has really done nothing on that.

And I know the administration, some of them insist they have legal authority, but there is great debate within the administration on that, and many of us have deep questions about the legal authority of an undeclared war. But the bottom line is we asked the President to send over an authorization, and he did. We do not like the one he sent, but we have not undertaken, in my view, the Article 1 responsibilities we have for weighing in on whether the Nation should be at war.

And I will just conclude and say in Armed Services we had a hearing, and it was a very powerful one, where General Dunford was before us to be confirmed to be head of the Joint Chiefs of Staff. And I basically referred to the thousands of military that we have in Iraq and Syria, and I asked him would they respond to the notion of Congress finally weighing in to vote yea or nay upon whether we should be at war. They are risking their lives in this endeavor.

And his testimony was, and this is almost a precise quote, what General Dunford said, "What our fighting men and women need, and it is virtually all that they need, to do what we ask them to do is a sense that what they are doing has meaning, has purpose, and has the support of the American people."

The CHAIRMAN. Yes.

Senator Kaine. And after that testimony, he said that is what Congress weighing in and authorizing would mean.

The CHAIRMAN. Yes.

Senator Kaine. It would mean that those who are there know that they have—what they are doing has meaning, has purpose, and has the support of the American people.

That is what interests me in this whole thing, and I just—from a State that has got an awful lot of military personnel, like all of

your States do, I just am grievously concerned that as this situation continues to spiral downward, we are critiquing witnesses as they appear, but we are not doing what we are supposed to do. And that is a critique of the administration. It is a critique of Congress. I am part of Congress. It is a self-critique.

The CHAIRMAN. So I hear that, and I think that everybody on this committee has asked the administration—and as I said, I applaud your efforts to push for a stronger role of Congress. I always have, and I always will. In this particular case, I think it is very self-evident by what we see happening right now, we never were able to get the administration to lay out what it was they were going to do in Syria to be successful, which to me is an important part of an authorization. Now, if anybody can tell me today what this administration planned to do in the beginning and plans to do now to be successful in Syria, I do not think anybody can. So I am sorry, I think—

Senator KAINE. But, Mr. Chair—

The CHAIRMAN [CONTINUING.] Especially, by the way, when members of Congress are wanting to do a limited authorization, a limited authorization, which really—let us face it. You know, I am going to call like it is. Many people want to pass an authorization to make sure we do not do much. That we do not do much. That was at least 40 percent of what this committee was doing, to make sure we do not do much.

So I am sorry. When the administration is ready to lay out something that is coherent and that people believe is worth people's blood, that they are committed, I am willing to take up an authorization as long as I know that after the fact when we authorize things the administration says, well, we really did not think that was going to be successful. We were just trying to show, which is what they did with the train and equip program. Then I am sorry, I am not willing to vote behind an administration that I know is not committed to actually being successful. So we have a difference here—

Senator CARDIN. Mr. Chairman, I am just going to take issue with you. I do not want that statement to remain unchallenged. I am with you in getting the administration up here. I am with you in getting briefed on what has happened recently with Russia's involvement in Syria, the refugee crisis, et cetera. I am with you on all that.

There is more to U.S. leadership than our military, and many of us believe that there is not a military—U.S. military solution to Syria. I certainly believe there is not a U.S. military solution to Syria, so I believe in the use of our military. I believe our military needs to be engaged in that region, but that the defense, ultimately it is the government in Syria that represents all of its people and can defend itself. And that should be our goal.

So I am not ready to join you in your assessment of the administration's efforts in Syria to build a coalition based upon respected international values. That to me is where we need to be in showing strength.

I am extremely concerned with the changes that have taken place within the last couple of weeks with Russia's engagement. I think we need to be engaged in that, and I have been disappointed

that there have been no briefings from the administration on the Russia engagement. At least I have not been aware of a briefing that has been scheduled, and to me that should have been scheduled well before now, and I will join to get the administration up here to explain to us what is happening in Syria and their policy.

The CHAIRMAN. Well, when the Secretary of State does not have the courage to come before the very committee that he chaired, and face us, and talk about the massive humanitarian crisis that is taking place, and the fact that Russia and Iran have filled a vacuum that we have left, when he does not have the courage to even come up here and face this committee and testify, I think it speaks and validates the comments that I just made.

So with that—

Senator SHAHEEN. Mr. Chairman—

The CHAIRMAN. Okay.

Senator SHAHEEN. Mr. Chairman, I appreciate that people feel strongly about the issues that have been raised. But I think that one of the things that is not helpful to debate these issues is to attack someone's character. Now, I have no idea why the Secretary of State has not come before the committee or has not returned your calls, but I am not willing at this point to attack his character and say that he is afraid to respond.

So I would—I think it would behoove us all to try and keep our debate to the issues and to keep a civil discourse because that is one of the challenges that we face as we are trying to debate issues.

Senator MARKEY. Would the gentle lady yield?

The CHAIRMAN. I do not think—

Senator MARKEY. Would the gentle lady yield?

The CHAIRMAN. Yes. I do not think it has been an issue in this committee of civil discourse.

Senator SHAHEEN. I actually think there have been times when members of the committee have not been civil to witnesses who have been before the committee and who have suggested that—who have made some of their questioning personal. Let me just put it that way.

Senator MARKEY. Would the Senator—

Senator SHAHEEN. And I think that does not—that is not helpful to any of us.

Senator MARKEY. Will the Senator from New Hampshire yield? [Nonverbal response.]

Senator MARKEY. Yes, thank you. Using the word “courage” when it comes to John Kerry is not appropriate. That is just reminiscent of what happened in the 2004 presidential race. There may be a disagreement in judgment in terms of what the right strategy is, but questioning the Secretary of State's courage is just not appropriate. It just not appropriate. That is not the right context for this discussion, okay?

There may be a big difference in terms of what is the correct way to proceed. It is very complex in Syria. And he is working hard to try to put together a coalition that includes the Saudis and others to move them to a more responsible diplomatic resolution. There has obviously been a change from General Dempsey to General

Dunford, and, of course, there is a discussion about what the ongoing strategy should be in that country.

But putting it in the context which you did this morning, Mr. Chairman, is just inappropriate. We should not be using that kind of language over a policy. It is a discussion over a policy going forward, but we just should not go back to that language which was completely inappropriate. His service in Vietnam proved that he has courage on an unbounded level, and so we should just keep it at that level. And I think if we do, then I think it will be a better and ultimately more productive discussion which we have on this committee.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Well, let me say this if I could. I am not challenging the Secretary's courage relative to his service in the military nor many other fronts, but I stand by my comments. Something is keeping the Secretary, not about policy. We are not—we are not—this is not a policy debate right now. It is about having a Secretary of State that we have worked with every single day to make sure that the nominations and other kind of things through in an appropriate way, having a Secretary of State that is unwilling to return phone calls, unwilling to come before this committee, wanting to send underlings up here instead, when, in essence, we have a big issue. I am sorry; there is something that is amiss here.

And maybe that word does not describe it properly, and maybe if he ever comes he can describe it. But something is keeping the Secretary of State from being willing to even return phone calls, but certainly come up here and testify before this committee.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Yes, sir.

Senator RISCH. You know, first of all, let me say that I think what we are seeing here is a real frustration by the Committee on Foreign Relations of the United States Senate with one of the most serious, if not the most serious, problem we have internationally right now. And I think Senator Kaine has expressed the frustration that everybody has with where we are or, more properly, where we are not from a strategy standpoint.

And I think this committee is entitled to examine it. I think this committee is entitled to an explanation. After all, we are the first branch of government. We fund these things. We need to know where we are going, what our plans are. All of us go home and we are asked by the media, what are you guys doing about Syria. This thing is spinning out of control, and nothing is happening. Just tell us what your strategy is. And, I mean, it is embarrassing to say, well, you know, to my knowledge the United States has no strategy because I have not heard it, and I do not think anybody on the committee has heard it.

Having said that, I think the chairman's frustration with the fact that the Secretary of State will not return the phone calls of the chairman of this committee causes considerable frustration. And, Senator Shaheen and Senator Markey, you know, I think he will return your phone calls for obvious reasons.

Senator SHAHEEN. Not necessarily. [Laughter.]

Senator RISCH. Well, maybe you ought to give it a try I guess is what I am saying, and explain to him the frustration that we are

feeling. Everybody is frustrated here. We need some help, and sparring between ourselves I agree is not helpful.

But we need to get together here and get this administration and say, folks, help us out here. Where is America going? We need leadership here. And I think that is the frustration that boiling over. Thank you, Mr. Chairman.

Senator CARDIN. I just need to talk one minute about the relationship that we have had in this committee between the Democrats and Republicans in getting the cooperation of the administration when we have made requests. We have had some pretty sensitive issues, and we have been able to get full briefings. We have had incredible access. I am not aware, and I have worked very well with the chairman, and I very much appreciate the open way that we have been able to do our business not only in Congress, but also with the administration.

I have said today and I will repeat, let us join together. Let us talk to the administration. Let us get us briefed as to as much information as we can about what is happening in Syria. I am not aware that my office has been involved with your office in these requests, so let us do it jointly, and let us see if we cannot get the appropriate briefings.

I hope some will be in a classified setting because I think we need that, but others should be an open setting so the American people also understand what is happening in Syria.

The CHAIRMAN. So we will move on the business. I just want to close by saying we have sent over multiple requests—multiple—and multiple times the State Department has said that others at lower levels will be sent, but the Secretary will not come. So I would look forward to your help in doing that, and at the same time think that a request by the chairman of the committee for the Secretary to come over and talk with us about Syria is something that I would think would be in order. Yes, sir? Either one. Yes, sir?

Senator MENENDEZ. Mr. Chairman, I appreciate the discussion. I think you have enough members here for your business meeting. I do not know how much longer that is going to continue, and you might want to at some point consider moving on to that.

Senator CARDIN. That is a good suggestion.

The CHAIRMAN. Yes, sir. Go ahead.

Senator COONS. And I simply was going to briefly add that given that the U.S. Jordan Defense Cooperation Act is on our agenda, and given that the resolution condemning Iran's ongoing human rights violations against the Baha'i, to which I would like to join as a sponsor, is on our agenda. And given how many of us have worked hard together to get the Electrify Africa Act ready to go, I would like to make some comments on that later. Let us proceed with the meeting.

The CHAIRMAN. All right. So the nominations, if we could vote on them en bloc if there is a move towards that end. The Honorable Robert Porter Jackson to be ambassador to Ghana; the Honorable Harry Thomas to be ambassador to Zimbabwe; Ms. Julie Furuta-Toy to be the ambassador to Equatorial Guinea; Mr. Dennis B. Hankins to be ambassador to Guinea.

I want to thank all of these people for being willing to serve. Senator Cardin, do you have any comments?

Senator CARDIN. No. Again, thank you for expediting and adding these to today's business meeting. And I thank our colleagues for allowing them to be on the agenda.

The CHAIRMAN. Does any other member wish to be recognized?

Senator MARKEY. If I may, Mr. Chairman, and I will just be very brief—thank you—and that is on Jennifer Haverkamp. We know that ultimately climate change is an overriding reason why she is not going to be moving forward right now and her views on that scientific issue, but this is an appointment that deals with the Arctic. It deals with infectious diseases. It deals with science. It deals with so many issues.

It has been vacant for a year. And notwithstanding the differences opinion that might exist on this committee on the subject of climate change, I do believe that the administration is entitled to have someone in that position who is doing it on an ongoing basis.

And I just wish—I would just say that I support all the nominees that you have put in the—in the motion at this point in time. But I do wish that she, and I might say, the Jacobson nomination was also moving forward at this time. Thank you, Mr. Chairman.

The CHAIRMAN. If there is no further discussion on the nominations, I would entertain a motion of these nominations by voice vote en bloc.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator UDALL. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the nominations.

All those in favor say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. With that, the ayes have it. The nomination is agreed to.

Our next order of business that I also we consider en bloc by voice vote are the following resolutions before the committee: S. Res. 274, a resolution commemorating the 25th anniversary of peaceful and democratic reunification of Germany; S. Res. 278, welcoming the president of the Republic of Korea on her official visit to the United States and celebrating the United States-Republic of Korea relationship, and for other purposes; S. Res. 148, a resolution condemning the government of Iran's state-sponsored persecution of Baha'i minority and its continued violation of the International Covenants of Human rights. Senator Cardin?

Senator CARDIN. I support all three and support a motion to consider them en bloc.

The CHAIRMAN. Are there other any members who wish to speak? Yes, ma'am.

Senator SHAHEEN. Senator Rubio asked to be added as a co-sponsor on the resolution with respect to reunification of Germany, so I would ask that he be added.

The CHAIRMAN. Absolutely, and thank you for your efforts in that regard. Any other discussion?

Senator GARDNER. Mr. Chairman, thank you. I just want to thank Senator Cardin as well for the work on the resolution welcoming President Park to the United States. Obviously this visit



was anticipated earlier this year, for reasons back home could not be here. We will be out of town when she is here on the work week, but our countries share the bond of freedom, democracy, and free markets, a relationship forged in blood.

And as we work together on economic issues and regional issues, the trilateral alliance between the U.S., South Korea, and Japan creates one of the best opportunities we have for both economic and security purposes. So I welcome President Park, and thanks for everybody's support on this.

The CHAIRMAN. And thanks for your efforts on the North Korea issue. We hope to have a hearing in November to follow up on what you introduced this week.

Is there—is there—if there is no further discussion on these resolutions, I would entertain a motion to approve this en bloc by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator MARKEY. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve these resolutions en bloc.

All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. The ayes have it. The resolutions are agreed to.

Next we will move to S. 1789, the U.S. Jordan Defense Cooperation Act of 2015. I would like to recognize Ambassador Bouran from Jordan. Is he here? Is she here? Sorry. My apologies. Thank you so much for being here, who is in the audience. Thank you for joining us. I look forward to taking one more step forward in the strong relationship between our countries, and I know that your country is under tremendous distress with all of the refugees that people have so willingly have taken in. And we thank you for that.

Senator Cardin, do you have any comments to make on this?

Senator CARDIN. Mr. Chairman, I hope the Ambassador heard my comments earlier on this important legislation, but it strengthens the ties between one of our closest allies. And we are pleased to show and demonstrate how we can even make that relationship stronger.

The CHAIRMAN. Anyone else want to speak to the legislation? [No response.]

The CHAIRMAN. Is there a motion to approve this legislation?

Senator COONS. So moved.

The CHAIRMAN. Second?

Senator KAINE. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. 1789.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. With that, the ayes have it. The legislation is approved.

Lastly, we will move to S. 2152, Electrify Africa Act of 2015. Senator Cardin, do you have any comments you would like to make on this legislation?

Senator CARDIN. I have already made it during our opening comments. And, again, I want to thank all the members of the committee that were involved in putting this together. I understand we have an amendment that is going to be offered by Senator Markey. And I think that we have really worked out a lot of the members' interest in the chairman's bill that has been filed. And I thank you for being so open to the members of the committee.

The CHAIRMAN. Any other Senators want to make an amendment or a statement? Yes, Senator Coons.

Senator COONS. If I might just in a brief statement, Power Africa has gotten off to a very strong start and is making a significant contribution to fighting poverty in Sub-Saharan Africa. I have had the opportunity to visit Power Africa project sites in Rwanda, and Kenya, and Ethiopia.

I think moving ahead with this authorization is absolutely vital, and it is my hope that members will work strongly together to get it through the floor. I am disappointed we are not including an OPEC reauthorization, and I appreciate the chairman's comments at the outset. And I very much look forward to working with colleagues to reform, and improve, and sustain OPEC.

We should not be pulling it out of the mix of resources for financing energy projects at a time when our competitors have even stronger financing vehicles available. But it is more important that we move forward with Electrify Africa and get it done and authorized. I am grateful for the real leadership of the subcommittee chair and ranking on getting this done, and I am pleased to join as an original co-sponsor. Thank you.

The CHAIRMAN. Thank you. I know you have been a champion, and I want to thank Senator Flake for his leadership on the subcommittee and also his pursuit of this issue. Yes, sir?

Senator FLAKE. I would just say I appreciate those who have worked so hard on it. I know we have had some differences on some issues with it, but I appreciate the chairman's doggedness in moving this forward. And I want to make sure that I am added as a co-sponsor to it.

The CHAIRMAN. Thank you.

Senator ISAKSON. Mr. Chairman?

The CHAIRMAN. Senator—yes, sir?

Senator ISAKSON. I, too, was an original sponsor of the original bill. I would ask to be added as an original sponsor of this. And I would like to acknowledge that the chairman represents the Tennessee Valley Authority, which was the instrument that electrified the southeastern United States many years ago. And I think it is only appropriate that you are leader who will electrify Africa today.

The CHAIRMAN. Well, thank you, and I know you would love to be leading the Africa effort personally, and that is not happening. But you have been certainly so instrumental in so many great things happening there, and we thank you for that. Senator Markey?

Senator MARKEY. Thank you, Mr. Chairman, very much. And I have three amendments. I would just ask unanimous consent to withdraw Amendment Number 1, and what I would like to be able to do is just offer modified versions of Amendment Number 2 and Number 3. And those amendments, which, again, I appreciate very

much, Mr. Chairman, your working through the ranking member of the full committee with us in order to develop language which would be acceptable.

And those amendments say that the electricity development under this bill is widespread and does not advance the electricity goals of one region over another, but that it would be widespread. And secondly, that local communities will be consulted as part of this program so that there is, in fact, a discussion that goes on within these countries, within these communities, within these regions about these programs. And I thank you for your work in developing the language.

And with that, I would propound those amendments and ask for their adoption from the committee.

The CHAIRMAN. Very good. And I want to thank you for the way you worked with our office to modify these and to get things in a place that we could unanimously pass this.

So I would entertain a motion that we consider Markey Amendments 2 and 3, voice vote en bloc.

Senator MARKEY. So moved.

The CHAIRMAN. Is there a second?

Senator KAINE. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve Markey Amendments Number 2 and 3.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. With that, the ayes have it, and Markey Amendments 2 and 3 agreed to, as modified.

Is there a motion to approve the legislation, as amended?

Senator COONS. So moved.

The CHAIRMAN. Is there a second?

Senator SHAHEEN. Second.

The CHAIRMAN. Thank you. So moved and seconded.

The question is on the motion to approve S. 2152, as amended.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. With that, the ayes have it. The legislation is approved.

That completes the committee's business. Thank you all for being here. I ask unanimous consent that staff be authorized to make technical and conforming changes. Without objection, so ordered.

With that, the meeting comes to end, and thank you for urging me to move it along.

[Whereupon, at 10:36 a.m., the hearing was adjourned.]

## ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

LETTER IN SUPPORT OF ROBERTA S. JACOBSON,  
SUBMITTED BY SIX PAST U.S. AMBASSADORS TO MEXICO*October 7, 2015*

Hon. BOB CORKER,  
*Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.*

Hon. BENJAMIN L. CARDIN,  
*Ranking Member Committee on Foreign Relations,  
U.S. Senate, Washington, DC.*

DEAR CHAIRMAN CORKER AND RANKING MEMBER CARDIN We are writing to express our strong support for the nomination of Roberta S. Jacobson to be the next U.S. ambassador to Mexico. As former ambassadors to Mexico, we know what the job requires. Our collective experience in Mexico covers a quarter century serving both Democratic and Republican administrations, encompassing such pivotal events as signing of the North American Free Trade Agreement, the 1994 peso crisis, the Zapatista rebellion, Mexico's transition to democracy, the aftermath of 9/11, the intensification of the drug wars, the launch of the Merida Initiative, and Mexico's recent bold steps towards fiscal, education, and energy reforms. We have experienced the ups and downs of this close, essential, and challenging relationship and have done our best to ensure that the deep ties of friendship between Mexico and the United States continue to thrive amid a time of rapid change. We also know that this relationship is too important to neglect.

Mexico is our third largest trading partner, a G-20 partner, an OECD partner, and a leader at the Organization of American States and in the hemisphere. The bilateral economic relationship between our two countries is staggering: two-way trade topped \$550 billion in 2014, supporting thousands of U.S. jobs. Mexico remains the top foreign destination for travelers from the United States, with 25 million visiting in 2014 and 17 million Mexican tourists visiting the U.S. the same year. On any given day, there are about 1.5 million American citizens in Mexico. Mexico is also confronting tough security challenges from transnational criminal organizations and is working to implement recent historic reforms that could positively transform Mexico's judicial, energy and fiscal sectors, among others, permanently. Now is precisely the time for an experienced U.S. ambassador well-versed on Mexico.

Roberta Jacobson's qualifications, experience, and integrity are beyond reproach and she is the right person to assume this post at a critical moment in U.S.-Mexican relations. She is one of the foremost experts on Mexico in the United States Government. During her nearly 30 years with the Department of State, including 16 as a member of the Senior Executive Service, Roberta has demonstrated extraordinary leadership advancing U.S. interests in the Western Hemisphere. As Director of the Office of Mexican Affairs, she began by resolving our "water debt" with Mexico in 2003 and continues to understand the critical importance of a well-managed border to both our economic competitiveness and our national security. Roberta foresaw an historic opportunity to transform our bilat-

eral relationship into a paradigm-shifting partnership through the Merida Initiative. As Deputy Assistant Secretary for North America from 2007–2010, she ensured continuity across administrations by building the broad base of bipartisan political support that this unprecedented, whole-of-government security cooperation effort needed to work with our Mexican partners.

When Roberta was confirmed as Assistant Secretary for Western Hemisphere Affairs in March 2012, she broke new ground in two important ways, by becoming the first career civil servant to head a regional bureau, as well as the first woman to head the Bureau of Western Hemisphere Affairs. Roberta has been a consistent visionary and keen strategist guiding U.S. citizen security, rule of law policy in the Americas in direct support of U.S. national security. Her signature work on education in the “100,000 Strong in the Americas” exchange program, entrepreneurship, social inclusion, and particularly the establishment of the High Level Economic Dialogue with Mexico and the North American Leaders process clearly demonstrate she brings exactly the skill set that U.S.-Mexican relations will require in the coming period.

Roberta S. Jacobson is the right person for the job, and we ask for you to act quickly to confirm her so that one of our most important bilateral relationships is not deprived of the American leadership that only a U.S. ambassador can provide.

Sincerely,

HON. JOHN D. NEGROPONTE,  
*U.S. ambassador to Mexico, 1989–1993*

HON. JAMES R. JONES,  
*U.S. ambassador to Mexico, 1993–1997*

HON. JEFFREY S. DAVIDOW,  
*U.S. ambassador to Mexico, 1998–2002*

HON. ANTONIO GARZA,  
*U.S. ambassador to Mexico, 2002–2009*

HON. CARLOS PASCUAL,  
*U.S. ambassador to Mexico, 2009–2011*

HON. E. ANTHONY WAYNE,  
*U.S. ambassador to Mexico, 2011–2015*



## **BUSINESS MEETING**

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**Tuesday, November 10, 2015**

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

The committee met, pursuant to notice, at 9:47 a.m., in Room S-116, Capitol Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Johnson, Flake, Gardner, Perdue, Isakson, Barrasso, Cardin, Boxer, Menendez, Shaheen, Coons, Murphy, Kaine, and Markey.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. I will call the meeting to order and thank everybody for being here. And we have enough people here to begin the voting process, but in order to move it along I thought we would start, and I will certainly listen to any comments that people have. So the meeting will come to order.

We have a number of items on the agenda today, including four pieces of legislation, 11 nominations, and eight treaties. I am pleased we are moving forward on two resolutions, the Foreign Aid Transparency and Accountability Act of 2015, and the International Megan's Law. The International Megan's Law will formalize and enforce existing efforts to protect children and minors from sexual predators traveling abroad. This is also important to help our efforts to end sexual exploitation and other forms of modern slavery.

We will consider several nominations today, including the undersecretary of State of Political Affairs and many important ambassadors. I want to thank my colleagues for helping the committee work through the nominees in an appropriate fashion.

Lastly, we will consider eight tax treaties. These conventions and protocols include bilateral treaties with Switzerland, Hungary, Luxembourg, Chile, Poland, Spain, and multilateral OECD mutual assistance protocols. Switzerland, Hungary, and Luxembourg have been approved twice by this committee, first in the 112th Congress and again last April when this committee approved three treaties by voice along with the Chile and the OECD treaties.

This committee approved the Spain and Poland treaties last July, also by voice vote. The protocol with Japan was received earlier this year. These treaties will eliminate the uncertainty of double taxation for U.S. companies doing business in these countries.

They also facilitate trade and investment and provide U.S. investors with greater certainty about their tax burden abroad.

With that, I would like to recognize the distinguished ranking member for any comments. Senator Cardin?

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

Senator CARDIN. Well, Mr. Chairman, first thank you for scheduling this business meeting and for including so many important issues, both laws, resolutions and nominees that we will act on. I want to thank you for allowing the Foreign Aid Transparency Act that has been sponsored by Senator Rubio and I to be on today's agenda. I think this is a win for the development community and a win for American taxpayers.

When the U.S. signed up for the International Aid Transparency initiative in 2011, we committed to make U.S. aid transparent by December 2015. The U.S. is not close to meeting its commitments by that deadline, but I think this bill will help us advance America's strong policy towards transparency globally by taking care of business at home first on U.S. foreign assistance.

I also want to thank you for adding to today's agenda the Blumenthal-Ayotte Stand with Israel resolution. This resolution reaffirms our commitment to stand with Israel and support Israel's right to self-defense. Over the past month we have seen a new wave of violence, including stabbings, car rammings, and shootings targeted at Israeli citizens. Critically, this resolution rejects any moral equivalence between Israeli security personnel taking action to protect its citizens and the senseless violence targeted against Israeli citizens. We applaud Prime Minister Netanyahu and Jordanian King Abdullah for their commitment to maintaining the status quo on the Temple Mount and for embracing Secretary of State Kerry's proposal to install surveillance cameras at the Temple Mount.

The resolution urges the Israelis and Palestinians to return to the negotiating table immediately. We all know what the two-state solution looks like. Now more than ever we need leadership and political will to get there, so I am proud to co-sponsor that resolution, and I am glad to see that we will be acting on that.

I also want to join you in supporting the Megan's Law that would make this global. I think that the chairman's mark adds some important protections, and I know Senator Markey had an amendment that was added to it. And I thank all those who have worked to make this law one that will clearly establish U.S. international leadership on sexual predators. I also thank you for including Senator Johnson's resolution dealing with atrocities committed by ISIL.

As you pointed out, there are eight tax treaties that are on today's markup. All of these advance the U.S. commitment against double taxation, and the right of privacy, and confidentiality of taxpayer information with the compliance with our tax laws.

And then lastly, thank you for including a lot of our critical nominees. Eleven were included. Thank you for including Tom Shannon, a very important obviously position within the State Department. I do want to mention specifically Roberta Jacobson as



the ambassador to Mexico. Her significant policy management and interagency expertise both domestically and overseas makes Mrs. Jacobson uniquely qualified to serve as our ambassador. My understanding is that the government of Mexico is highly complimentary of Mrs. Jacobson's nomination, is eager to get her into place, and I agree with that. This is our closest neighbor to the south, Mexico, and it is important that we have a confirmed ambassador.

So we have a robust agenda, and I think we might have a quorum.

The CHAIRMAN. We do.

Senator CARDIN. Then I will end my comments.

The CHAIRMAN. Well, thank you for those outstanding comments. First, I would like to consider the eight tax treaties on the agenda.

Since 1973, the Senate has moved 109 tax treaties and tax treaty protocols. Until the 112th Congress, no tax treaty has required a cloture vote. Every tax treaty since 1991, for a total of 53, have moved by UC on the Senate floor. The treaties we are considering today continue the longstanding provision and practice of those previous treaties. It is time to move these treaties forward to the full Senate for a vote where I expect they will receive broad bipartisan support. Do you have any additional comments?

Senator CARDIN. I concur.

The CHAIRMAN. Is there any member that would like to recognize to speak on the treaties? [No response.]

The CHAIRMAN. No further discussion, I would entertain a motion to approve them by voice vote en bloc.

Senator JOHNSON. So moved.

The CHAIRMAN. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve eight tax treaties.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. The ayes have it. The treaties are agreed to.

And now, I would like to ask the committee to proceed en bloc to a voice vote on consideration of the 11 nominations before the committee.

Senator MENENDEZ. Mr. Chairman?

The CHAIRMAN. Yes, sir?

Senator MENENDEZ. Mr. Chairman, I would have to object to that. I would like the nomination of Roberta Jacobson to be excluded from the en bloc, and when it is appropriate I want to speak to the nomination.

The CHAIRMAN. Okay. Very good.

Senator ISAKSON. Mr. Chairman?

The CHAIRMAN. We will do that. Yes, sir?

Senator ISAKSON. I would also like to vote separately on Ms. Jacobson as well.

The CHAIRMAN. Okay. All right.

Senator ISAKSON. I will speak to that at the appropriate time.

The CHAIRMAN. Ron the same and——

Senator SHAHEEN. Mr. Chairman?

The CHAIRMAN. Senator Shaheen?

Senator SHAHEEN. I do not know if this comment is appropriate now or after we do the vote, but I just have to again raise the concern that Gayle Smith, who has been nominated to head USAID, even though she has moved through this committee, she is still being held up on the floor. And I appreciate the chair and ranking member's efforts to move this nomination.

But the fact is we have got a refugee crisis in the world, and the lead agency responsible to try and help those refugees does not have the leadership it needs at this time of crisis. And I think it is—it is just unacceptable that we have got one person, not even related to the issue of Gayle Smith and USAID, who is holding this up because he has a problem with the Obama administration.

Again, I think that is not the way we can reassure people in this country that we should run the government. And I would hope that everybody on this committee would do everything possible to try and get that hold lifted so we can move this nomination.

Senator CARDIN. Mr. Chairman?

The CHAIRMAN. Yes, sir? Senator Cardin?

Senator CARDIN. Mr. Chairman, let me just underscore Senator Shaheen's point. There are now 18 Senate Foreign Relations Committee nominations pending on the Senate floor that have received unanimous support in this committee. And I want to compliment the chairman. The chairman has moved these nominations properly, given fair hearings and consideration by the full committee, and cannot obviously control the Senate floor.

It is difficult to predict how we can move issues on the Senate floor, and I understand that. But I do think the point that Senator McConnell, who does control how we consider nominations on the Senate floor, that we do have 18 nominations, including Gayle Smith, which is critically important for the Syrian refugee issue as well as many other issues that we are confronting on the global side. I do—I think, though, that we should move forward now, and I would ask that we take the 10 nominations en bloc and then get to the Roberta Jacobson nomination.

The CHAIRMAN. That is what we will do. I think that is what the committee consensus is. I do want to just briefly say on Gayle Smith, we have attempted multiple solutions—

Senator SHAHEEN. Yes. No, and I appreciate it.

The Chairman:—and it is has been sort of a moving target. But we are continuing to work on that and hope that very soon we will come to some kind of resolve. But believe me, it is a—it is a multiple days each week effort, and hopefully we will get there at some point soon. So I am sympathetic to your comment.

So what I would like to do is move the other nominations en bloc. That would be Linda Etim, assistant administrator of USAID; Mr. Mark Sievers, ambassador to Oman; Ms. Elisabeth Millard, ambassador to Tajikistan; Mr. Kenneth Ward to the U.S. Representative of the Organization for the Prohibition of Chemical Weapons; the Honorable Deborah R. Malac to be ambassador to Uganda; Ms. Lisa Peterson to be ambassador to Swaziland; Mr. Dean Pittman to be ambassador to Mozambique; Mr. Peter Bodde to be ambassador to Libya; Mr. Don Morton to be executive vice president of the Overseas Private Investment Corporation; and the Honorable Thomas Shannon to be undersecretary of State for Political Affairs.

And I want to thank everybody for cooperating and adding him to the agenda.

If we could—with all these—these are—I would love to have a motion to vote on those 10 en bloc.

Senator CARDIN. I so move.

The CHAIRMAN. A second?

Senator JOHNSON. Second.

The CHAIRMAN. All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. The ayes have it, and now we will move to the nomination of Roberta Jacobson to be ambassador to Mexico. And I know that there are some people that want to make comments, and with that, I will move quickly to Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman. Mr. Chairman, for the 10 years that I have served on the Senate Foreign Relations Committee, I have taken the role of advise and consent of State Department nominees very seriously, whether it was a nominee for Secretary of State or a nominee to represent the United States at one of the most distant outposts. From one end of the spectrum to the other, I have delved into the individual's views, experience, as well as their willingness to be open, direct, truthful, and consultative as critical elements of whether they would earn my support and my vote for confirmation.

I carried the same standard whether I was simply a member of the committee or its past chairman. And even where I disagree with a nominee's views, especially if they were just espousing the views of the administration, I would often support them if the other elements I considered important were present. In the case of Ms. Jacobson, I cannot in good conscience support her nomination to such a critical post, and let me state why for the record.

When I met Ms. Jacobson for her present position of assistant secretary of State, I stressed the importance to me of consultation and openness to questions and requests for information. She acknowledged the importance of such and committed to doing so. At her nomination hearing for assistant secretary of State for the Western Hemisphere, which I chaired, I raised the question of underfunding of the Western Hemisphere accounts as well as the IDB, the only regional bank that did not get an increase at the time, and of authoritarian trends in the Western Hemisphere, and asked what she would do to reverse those trends as the assistant secretary. I did so recognize that as the deputy assistant secretary for the Western Hemisphere, she would have had a role in these issues, but obviously not with the same authority. And while I was not convinced by her answers, both in terms of openness or in terms of substance, I was willing to give her the benefit of the doubt.

As the assistant secretary of State for the Western Hemisphere, I found her not to be the advocate she promised to be for the region and against the authoritarianism that has only grown in the hemisphere. And I found her, even more importantly, not to be all that consultative or forthcoming as to informational requests. Information coming from her came only after constant questioning and repeated information requests. In essence, she was not the open, direct, and consultative leader I had expected.

By way of example of these concerns are her responses in a hearing I held as chairman on human rights in Venezuela on May 8th of 2014. In a question I posed, which I am going to read from the record, I asked, “Madam Secretary, President Obama has determined that Venezuela has failed to meet its obligation under international narcotics agreements. The Treasury Department has designated members of the Venezuelan government and military as kingpins. And the drugs flowing out of Venezuela have debilitating effects on levels of violence, governance, and the rule of law in Central America and the Caribbean. Given the widespread signs of collusion between drug trafficking and the Venezuelan government, does the situation in Venezuela constitute a national security threat to the United States?”

Her answers all hedged and were only basic. It took a series of follow-up questions to pierce through her answers and finally get to the conclusion that, yes, it was a national security threat, something, by the way, the President had made a determination on.

Furthermore, I specifically asked whether she had been asked by the Venezuelan civil society not to have us pursue sanctions for human rights abuses in Venezuela as we were contemplating pursuing sanctions legislatively, and her answer was yes. And I pursued her on this because she had said so in answer to the questions of other members, and I knew that was not the case, and I wanted to give her the opportunity to clarify the record.

She doubled down on her answer, and soon after the hearing closed, social media exploded in Venezuela by civil society groups condemning the statement and vehemently saying it was not true. She subsequently asked me to change her answer, which I allowed her to do for the record, but the damage had been done.

Subsequently, at her July 15th, 2015 nomination hearing for U.S. ambassador to Mexico, I pursued a line of questioning as to why the United States did not request extradition of Joachim Gomez, known as El Chapo, until two years after he was captured in February of 2013. She evasively said that I had to go to the Justice Department to get an answer, but upon further questioning acknowledged that the State Department and its lawyers are involved in the extradition process. This from the person who is in charge of the Western Hemisphere and the nominee to be the ambassador to Mexico.

I also revisited the question of whether we considered Venezuela a national security threat, especially in light of new information we had. And she said it was not a national security threat, totally opposite of what she—what she had told me a year before.

I further pursued the issue of human rights sanctions in Venezuela, and I want to read from the transcript. “You know, when I have individuals who are brought before the committee for the advise and consent of the Senate, I take it very seriously.” This is me speaking at the hearing. “And one of the elements I take very seriously is I am going to get fair, honest, transparent answers to my questions so that I can make judgments on the issues I am called upon as a U.S. Senator and as a senior member of this committee to make judgments on.

In the hearing on Venezuela, I asked you whether or not the opposition of Venezuela, as you had stated, was actually opposed to

us pursuing sanctions. And I would parenthetically note for the committee this was particularly important because at the time the committee was considering sanctions legislation on Venezuela. Your answer to me at that time was the opposition elements engaged in the current dialogue had suggested we refrain from sanctions against individuals guilty of human rights violations.

Now, that was not the case, and you ultimately made it very difficult for me at a moment when I was trying to understand what would be the consequences. I thought that the sanctions that ultimately the President signed were the right ones, but you created a doubt, a doubt that should not have been there because then I heard a chorus of voices from the opposition in Venezuela who said, no, we never said that.

So if I am going to look to advise of consent and vote affirmatively for someone, I need honest, open, and transparent answers, and I do not feel that I got that from you at the time.”

Finally, Mr. Chairman, I also have serious concerns that the nominee, who has admitted that she weighed in on the Trafficking in Persons Report, was influential in having Cuba removed from its Tier 3 designation without any appropriate justification. I think the members of this committee know how passionate I am about the integrity of the TIP Report, and the general sentiment that exists on the committee among all members that this year’s TIP Report was politicized.

So, Mr. Chairman, Mexico is one of the most important bilateral relationships we have, not only in the Western Hemisphere, but in the world. The U.S. ambassador to Mexico plays an instrumental role in helping to forge any stronger partnership between our two nations, and the decision we make on this nomination is consequently one of the most important we face.

From expansive trade and economic issues, to amnesty issues, to immigration, drug trafficking, and human rights, we need someone who will be open, honest, transparent, and consultative with us as we in the Senate continue to formulate policies and views to our neighbor in the south. I do not have that experience with this nominee, nor the belief that having given her previous opportunities to assuage my concerns, that she will do so.

For these reason and other examples which I will not belabor the committee with, I will be voting no.

The CHAIRMAN. Well, thank you for those comments, well thought out. And I do want to say I thank the entire committee for everyone’s concern about the TIP Report that has been expressed, and I think there will be certainly changes in the State Department in the future regarding that. Senator Boxer?

Senator BOXER. Thank you so much, Mr. Chairman. Roberta Jacobson is a well-respected career civil servant. She is the current assistant secretary for Western Hemisphere Affairs. And at a time when there is so much criticism that ambassadors are selected because of their political connections, I think we should support her.

If you go back to her career, it actually started with Ronald Reagan. She worked at the State Department as a younger woman. She worked for George Herbert Walker Bush, President Clinton, George W. Bush, and now President Obama. It seems to me this is someone that we ought to look toward with favor.

In her three-decade career she was worked tirelessly, and has extensive experience working in the Western Hemisphere, five years as the director of Mexican Affairs. That was during the George W. Bush time. And I want to point out this, just is I think it would make us proud to see the first woman to serve as ambassador to Mexico. I think that would show Mexico the way on equality.

And I think that her nomination, and I listened to my colleague, friend. You know, it is tied up over personal differences, and I do not think—what we want here is someone, whoever they work for, whichever administration it is, if they are a diplomat to carry out the views of whether it is the Reagan administration, Bush, Clinton, here. That is what they are supposed to do.

I also want to point out that coming from California, where we are 40 million strong almost, our ties to Mexico are so important. And the economic ties, and the problems we have with drug trafficking, all of this needs a strong person who has credibility because she is not political.

I hope—I do not know what the votes are. I have not done my own count, but I sure hope we can get her moving forward today. Thank you.

The CHAIRMAN. Are there any comments?

Senator ISAKSON. Yes.

The CHAIRMAN. Yes, Senator Isakson?

Senator ISAKSON. Mr. Chairman, I will brief because I respect the committee's time. I informed the administration on three separate occasions in the last month that I would be reluctant to let Ms. Jacobson to move forward. And I have not gotten an answer one way or another out of the Justice Department as to why they have not spent the money necessary to compensate the Iran hostages from 1979.

Senator Cardin, Senator Menendez, Senator Corker, and others know how hard we have worked on that legislation. It is my understanding with their effort and money already deposited and being held by the Justice Department, that compensation could be made to those 43 surviving hostages that are American.

Last week was the 36th anniversary of them being captured and held for 444 brutal days in Tehran, Iran. We are this close to seeing to it they are compensated, and I am going to follow through on my—I do not like to call it a threat—my objection to the administration until they can get on board and help us to see to it the compensation takes place.

The CHAIRMAN. I appreciate Senator Isakson saying that. I do not know of anybody who has worked harder to bring justice to these people. And I think we are very close—

Senator ISAKSON. Thank you.

The CHAIRMAN. But, you know, obviously we have got House and Senate issues. We have had some blue slip issues. But hopefully in light of all that has happened with the Iran agreement and where we are today, we are going to get this resolved soon. And, again, nobody has been more diligent, more thoughtful, and more persistent, and I thank you for those efforts. And I understand why you are voting the way you are today.

I do strongly support Roberta. I realize the vote may be close today, but I believe she is highly qualified, and do appreciate the

fact that a career officer is being nominated for this position. Senator Flake?

Senator FLAKE. I just want to say from an Arizonan, I think we need an ambassador to Mexico. We have waited long enough. We have tremendous, you know, ties to the country, trade, and commerce, and we need what she will bring to bear. And I have dealt with her over the years, and I have found her to be nothing but professional. And she is a top notch Foreign Service officer, so I am very pleased to support her nomination.

The CHAIRMAN. Very good. Senator Cardin?

Senator CARDIN. First, I deeply respect Senator Menendez. I do not think there is a member of the United States Senate who is more knowledgeable on our hemisphere than Senator Menendez, so I deeply respect his views. I know his passion on these issues. He and I share a common objective in regard to human rights advancements, so I do not want anything I say to compromise my deep respect and admiration for Senator Menendez's leadership on these issues. We do differ on certain policies in our hemisphere, Cuba being one in particular where we have just a different view on the issues.

In regards to Roberta Jacobson, I would just give you my observations of a person who has devoted her career to public service. As a member of the United States Senate and as a member of this committee, now as ranking Democrat on this committee, I have found her to be always open, always straightforward, and I have had no problems in consultation in getting the information that I need. So I just really want to put that on the record because I do believe she is a career diplomat who takes her responsibilities very seriously.

I do not know of a person who is more qualified to be ambassador to Mexico. She knows this hemisphere. She knows the party—the countries that surround. She served in Peru. She served in Mexico. She served as assistant secretary for this hemisphere. She is a person imminently qualified. She is a person who is deeply respected by the people of Mexico. I mean, if we are talking about who is going to be our representative down there, it is good to have a person who has the credibility of the host country.

So I would just urge the members of this committee to allow us to have a confirmed ambassador. I think Senator Flake's point is very well taken. This is our neighbor, Mexico. We need to have a confirmed ambassador of Mexico. She is knowledgeable on the trade issues. She is knowledgeable on the human rights issues. She is knowledgeable on the economic issues. She is knowledgeable on the drug trafficking issues. And we need a confirmed ambassador in this position to represent U.S. interests.

The CHAIRMAN. Are we ready to vote? The nomination before us is that of Roberta Jacobson to be ambassador to Mexico. Is there a motion to approve her?

Senator BOXER. So moved.

The CHAIRMAN. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. Moved and seconded. I know it is a roll call vote, so if the clerk will call the roll, I would appreciate it.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Flake?

Senator FLAKE. Yes.

The CLERK. Mr. Gardner?

Senator GARDNER. Yes.

The CLERK. Mr. Perdue?

Senator PERDUE. No.

The CLERK. Mr. Isakson?

Senator ISAKSON. No.

The CLERK. Mr. Paul?

The CHAIRMAN. Yes by proxy.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Boxer?

Senator BOXER. Yes.

The CLERK. Mr. Menendez?

Senator MENENDEZ. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Udall?

Senator CARDIN. Aye by proxy.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The CLERK. Mr. Chairman, the yeas are 12, the noes are seven.

The CHAIRMAN. So she will be recommended to the Senate—the full Senate along with the other 10 nominees. I want to thank everybody for their thoughtful comments in moving these along.

Senator CARDIN. Mr. Chairman, if I might, I just want to underscore the point you made with Senator Isakson. There has been no stronger member for the justice in regards to compensation for the Iran hostages. And I just join you in looking for a way that we can get this to the finish line. We strongly support this. There are a couple of opportunities we think are coming up, and I am strongly supportive of any effort we can to get Senator Isakson's bill to the finish line.

Senator ISAKSON. Thank you very much.

The CHAIRMAN. Very good. Next we will consider two resolutions en bloc by voice vote. The first resolution is S. Res. 310, and calls upon the President to condemn the ongoing sexual violence against women and children, Yazidi, Christian, and Shabak, Turkmen, and



other religious communities by the Islamic State of Iraq and Syria militants, and to urge the prosecution and perpetrators of these complicit—those complicit in these crimes. I want to thank Senator Johnson for bringing this resolution to the committee.

The second resolution expresses the sense of the Senate in support Israel and condemnation of Palestinian terror attacks. This resolution has 46 co-sponsors. I want to thank Senator Ayotte and Senator Blumenthal for working on this. Senator Cardin, I know you made some comments earlier. Do you want to make additional comments?

Senator CARDIN. I would just urge the members to support the resolutions.

The CHAIRMAN. Does anyone want to speak—

Senator JOHNSON. Mr. Chairman, I want to thank you for including the resolution in the markup. I want to thank my co-sponsors, Senator Murphy, Senator Rubio, Senator Ayotte, and Senator Kirk. You have already described the resolution adequately.

I do want to point out, I am not sure whether anybody else on this committee met with Bazi, the young Yazidi woman who came here to describe her horrors. Probably the thing that made the greatest impression on me is she described the hope she felt when she was first captured, knowing the U.S. was going to come to save her, then as the days and weeks went by, less and less hope. Finally she began, you know, some suicide attempts. So this is—you know, what is happening in the Islamic State is beyond brutal, and this is a small measure. This is the least we can do, so I certainly urge support.

And then a little off subject, but I was just in Guatemala and Honduras, and I am so supportive of what, you know, some of your efforts and this committee's efforts in terms of combating and battling against human trafficking. We visited a shelter for victims of sexual abuse and sex trafficking, and, you know, we talk about them as victims. In my mind, I think of young women like Bazi, like, I believe, was in her early 20s.

In Honduras it was not—it was not—or in Guatemala it was not young women. They were little girls.

The CHAIRMAN. Yes.

Senator JOHNSON. This was a—this was a shelter for little girls. The youngest was 11. The oldest was probably 16. The average age may be around 14. There were cribs. So this is—this is beyond brutal. This is beyond barbaric.

And so, again, this is what we—this is what we are battling. This is the evil we are battling in this world. This is the least we can do. And so, I certainly urge support for this resolution, but I also urge support for, you know, the type of actions we need to support President Obama's stated goal of defeating—degrading and ultimately defeating ISIS. The sooner the better to purge this world of that—of that barbarity. Thank you.

The CHAIRMAN. Well, thank you for those heartfelt comments. Senator Kaine?

The CHAIRMAN. And let me, if could, and for your leadership on this with Senator Murphy and others. And I just—27 million people today as we are sitting here enslaved, more than any time in the history of the world. So this committee I think has a tremen-

dous opportunity as we move forward over the next six weeks to ensure that the bill we pass out of here has funding. I think that is going to be the case, but I cannot thank everyone on this committee enough for caring as compassionately as Senator Johnson just laid out in their concerns about people who are enslaved and dealing with these types of issues.

Senator Kaine?

Senator KAINE. Thank you. Mr. Chair, I am going to support both of these resolutions, in fact, all four that are before us today. This is productive committee: four resolutions, eight treaties, 11 nominations. It was productive under the previous chair.

Since one of these resolutions does deal with the Islamic State, and I know we are going to move into a separate session about it later, I just want to put sort of on the table it is the Marine Corps birthday. Veterans Day is tomorrow.

Senator Flake and I have a bipartisan resolution dealing with an authorization for military action against the Islamic State, the perpetrator of these horrible sex crimes, covered by the S. Res. that Senator Johnson has introduced. We have had it on the table for five months now. The war is now 15 months old. The President sent us an authorization nine months ago.

It is my sincere hope that the hearing that we are about to go into where we will in a classified setting get into the legal authority question, might give us some insight or, you know, creative thinking about the way we can move forward and do what I think we might do and what I know what would be appreciated. Whether folks, you know, believe it is constitutionally required or not, I know it would be appreciated by our troops, our allies, and it would be understood by our adversaries as a strong statement of congressional opposition. So many of these atrocities are just so beyond the pale. You know, in a world that produces one atrocity after the next, they are just beyond the pale, and I worry about our silence on that score.

I would just like to—I will hand out to colleagues a group of 35 House members, bipartisan, has recently written a letter to the Speaker saying it is really time with the mutating nature of this threat, the number of countries involved, the U.S. taxpayer expenditure that is now including of people serving in combat, it is time for us to kind of grapple with it. And I just would like to distribute that to colleagues.

The CHAIRMAN. Sure.

Senator KAINE. And I will look forward to further discussion at the next hearing that we will have.

Senator CARDIN. Mr. Chairman?

The CHAIRMAN. Thank you for your consistency and Senator Flake's. And I assure you since sometimes I do not ask questions at these. I let others go first. The first question I am going to ask is, you know, do we have the legal authorities necessary to move ahead, and I am sure that will be a theme this morning. So thank you for bringing that up. Senator Cardin?

Senator CARDIN. Mr. Chairman, I just want to thank Senator Johnson for this resolution. I think it is a very important resolution for us to act on. What ISIS is doing is crimes against. We have talked about this several times in our committee about holding ac-

countable those who commit these atrocities. These are atrocities that demand international action, and I am proud to see that this committee is going to on record with this resolution.

The CHAIRMAN. Senator Murphy?

Senator MURPHY. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator MURPHY. I just want to add my thanks for bringing the Johnson resolution before us today. Happy to work with him. I am sorry I did not catch the ranking member's opening comments that may have been relevant to the second resolution that we are considering.

I would just note that my understanding is that this was added at about 7:00 last night so that when a lot of us reviewed the business we were going to take up yesterday at the end of the day, we did not get to take a look at this resolution. And, you know, the words that we use when we are talking about violence in the Middle East is as important as it gets here.

And so, you have been imminently fair and accommodating of minority and the rank and file members, and so this is anomaly, but my hope is that we would in the future get a little bit more time because I frankly think this resolution can be better. I am going to support it today.

I will give you a for instance that it is incredibly important that we state in this resolution that we are rejecting the moral equivalency of terrorist attacks versus Israeli security personnel, just sticking up and standing up against that violence. But it probably would not hurt for this committee to be on record as condemning the taking of innocent life, whether it be Israeli or Palestinian. I think there is some—there are some additions to this resolution that had we had some more time, we could have made it better.

I am happy to support it and move it to the floor, but I just wanted to ask for your accommodation in the future of giving us a little bit more time to talk about these things.

The CHAIRMAN. I appreciate you bringing that up, and, you know, in a way this was an accommodation of sorts. I know they were trying to pass this on the floor today, and this was Senator Blumenthal and Ayotte jointly pushing this. And I just felt like it was much better for it come to our committee and for us to continue to have our jurisdiction on these matters.

And I agree with you, by the way, there is some language in here that could be better, and I might add it is possible that—I know close of business comes at the end of the day today, but it is possible that some of those changes might even be agreed to. We want to try to work with Kelly and Blumenthal before it goes to the floor, so I think they would open to that.

Senator MURPHY. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much. Okay. Gosh, I appreciate the interest and seriousness with which we are conducting our business.

I would like to have a motion to approve both of these resolutions en bloc if one exists.

Senator CARDIN. So moved.

The CHAIRMAN. Second?

Senator JOHNSON. Second.

The CHAIRMAN. All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. The ayes have it.

So I think that is it. So those passed will move to the floor.

Next we will consider S. 2184, Foreign Aid Transparency and Accountability Act of 2015. I want to thank the original creators of this bill, Senator Rubio and Cardin, along with Congressman Ted Poe and the House Foreign Affairs Committee. This bill establishes in law regulations from State and USAID and applies them to 22 agencies that administer U.S. foreign development and economic assistance programs.

I am recommending some technical changes along with a sense of the Senate section which is intended to maximize efficiency between State and USAID. Senator Cardin, do you have any additional comments?

Senator CARDIN. I commented on the bill in the opening statement. Thank you for advancing this bill.

The CHAIRMAN. Anyone else like to speak to this legislation? Senator Coons?

Senator COONS. I will just briefly as a co-sponsor thank you for moving this on today's agenda, and just say I appreciate the work of the co-sponsors to make sure that we continue to emphasize to the American people that we are insisting on measurable outcomes, transparency, and impacts in our foreign aid investments.

Senator MARKEY. Mr. Chairman?

The CHAIRMAN. Yes, sir.

Senator MARKEY. If I may, I would also say that while this has been non-security, I think we should also think about talking about more transparency in our security spending as well so that everyone in the country, including this committee, can understand better what is going on. And I think the more that we focus on that, we might get at really the heart of what is in the soul of people all across America right now. So more transparency in that I think it would be a good discussion for this committee to be taken at some point. But with that, I support the resolution.

The CHAIRMAN. Thank you so much. I would entertain a motion that we consider the substitute amendment by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Second?

Senator JOHNSON. Second.

The CHAIRMAN. It has been moved and seconded.

The question is the motion to approve the substitute amendment. All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. With that, the ayes have it, and the substitute amendment is agreed to.

Are there any further amendments? [No response.]

The CHAIRMAN. Hearing none, is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Second?

Senator JOHNSON. Second.

The CHAIRMAN. So moved and seconded.

The question is to approve S. 2184, the Foreign Aid and Transparency—Foreign Aid Transparency and Accountability Act of 2015, as amended.

All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. With that, the ayes have it, and the legislation is amended and agreed to.

Lastly, we will consider H.R. 515, International Megan's Law to Prevent Demand for Child Sex Trafficking.

We want to thank the co-sponsors of this legislation, Representative Chris Smith, Senator Shelby, Senator Mikulski, for bringing this bill before the committee. I also want to thank Senator Cardin, Senator Johnson, Senator Markey, Senator Barrasso, and their staff for working with us on this bill. The substitute amendment before the committee was produced through extensive consultations with the interested executive departments, the bill sponsors, the Judiciary, and Homeland Security Committee staff.

Senator Cardin, do you have any comments on this legislation?

Senator CARDIN. Again, I commented about this on our—in my opening comments, and I urge colleagues to support the bill.

The CHAIRMAN. Anyone else want to speak to it? [No response.]

The CHAIRMAN. Okay. I am going to ask unanimous consent to take up the revised manager's amendment to the substitute circulated just before this meeting, which ensures the improvements from Senator Markey are directly included.

All right. Without objection, then that is what we are taking up. Is there a motion to approve?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator JOHNSON. Second.

The CHAIRMAN. So moved and seconded.

All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. And with that, the ayes—all opposed. [No response.]

The CHAIRMAN. The ayes have it. The amendment is—the bill is agreed to.

Okay. I think—are we good? I know that was somewhat confusing. We have a title amendment—

Senator BARRASSO. Mr. Chairman, that includes my amendment with your secondary.

The CHAIRMAN. That is right. That is right.

Senator BARRASSO. Okay.

The CHAIRMAN. Thank you so much for working with us on that. Okay. I need my staff's assistance here as we move to the—

Senator CARDIN. I just want to acknowledge Senator Barrasso's work. I thought your addition was a very important one on accountability, so thank you.

Senator BARRASSO. And I appreciate it, Mr. Chairman. You know, when Congress creates new programs, I think it is important that we provide the safeguards to protect innocent individuals who are mistakenly targeted. We have seen it with no fly lists where people mistakenly are included.

And I would go as far as to say not just file a complaint, but also be compensated for expenses. I know there are some issues with

the Justice Department with compensation, but I think this amendment actually strengthens what we are trying to do here and helps protect innocent individuals wrongfully listed by somebody checking the wrong box or making a mistake along the process. So thank you.

The CHAIRMAN. I think there are numbers of us that had concerns about that. I think you all did a great job in addressing that. And, you know, while we want to combat this in every way that we can, we also do not want to citizens unfortunately put on a list they are not supposed to be on, and having difficulty getting off. That is correct. So, look, I am sorry we had to walk through this, but—

If there is no further discussion, I would like to entertain a motion to consider the title change amendment by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator BOXER. Second.

The CHAIRMAN. So moved and seconded. The question is to approve the title amendment.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. The ayes have it, and the amendment is agreed to.

Next, I would like to entertain a motion to consider the manager's amendment by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator JOHNSON. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve the manager's amendment.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. The ayes have it, and the manager's amendment is agreed to.

Now, I would entertain a motion that we consider the substitute amendment, as amended by the manager's amendment. [Laughter.]

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator JOHNSON. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve the substitute amendment, as amended.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. The ayes have it. The substitute amendment is agreed to.

Are there any further amendments? [No response.]

The CHAIRMAN. Hearing none, is there a motion to approve the legislation, as amended?

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator BOXER. Second.

Senator JOHNSON. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve H.R. 515, as amended.

All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amendment—as amended is agreed to.

And that completes the committee’s business. I ask unanimous consent—and this is important—that the record be held open for five business days so that staff be authorized to make technical and conforming changes and member statements. Without objection, so ordered.

Senator BOXER. Well, reserving the right to object, and I will not, would you repeat everything you just said? [Laughter.]

The CHAIRMAN. I would be more than happy to. And with that, without objection, the committee stands adjourned.

[Whereupon, at 10:31 p.m., the hearing was adjourned.]

#### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

##### STATEMENT FOR RECORD FROM SENATOR MARCO RUBIO REFERRING TO THE NOMINATION OF ROBERTA JACOBSON AS U.S. AMBASSADOR TO MEXICO

I have always taken seriously my “advice and consent” role in the Senate on nominations made by the President. I believe that America must be represented around the world by the very best ambassadors and that is especially true for the next U.S. ambassador to Mexico, our second-largest trading partner.

In evaluating nominees to such important positions, I examine several key factors, including: the nominees’ qualifications for their anticipated roles; the nominees’ track records; and their honesty and candor in answering questions posed to them during the confirmation process.

During her confirmation process to be U.S. ambassador to Mexico, Roberta Jacobson, the current Assistant Secretary of State for Western Hemisphere Affairs, refused to provide several documents I requested, and failed to provide clear answers to questions I asked about specific decisions she was involved in—or major events that occurred in the Western Hemisphere—during her tenure.

It took three attempts for Jacobson to answer a straightforward question regarding her role in the extradition process for the most notorious drug lord in the Western Hemisphere. Ultimately, she admitted that the Obama administration did not formally request the extradition of “El Chapo” Guzman until June 2015—one year and four months after he had been arrested and just a month before he escaped from a Mexican prison.

On Jacobson’s watch, at her bureau’s request, the State Department manipulated Cuba’s ranking in its annual “trafficking in persons report”—sending a chilling signal about the integrity of U.S. human trafficking assessments of a country that investigations have shown to be one of the top destinations in the Americas for sex tourism.

Jacobson misrepresented the views of Venezuela’s pro-democracy movement on human rights sanctions, demonstrated a lack of interest in seeing the sanctions law fully implemented, and was slow to respond to abuses committed by the Maduro regime.

Since President Obama announced his new Cuba policy on December 17, 2014, Jacobson has testified before Congress on various occasions that the U.S. would continue to prioritize human rights as part of the reestablishment of diplomatic relations with Cuba. However, this has not been the case. In the last eleven months, thousands of Cubans have been arrested, beaten and jailed for peacefully advocating for democracy. The number of monthly political arrests has increased by nearly five-fold between January and October 2015.

The Ladies in White, a civil society group that advocates for the release of political prisoners by attending Sunday Mass and then peacefully walking through the streets dressed in white clothing, have seen their members arrested every single week. The Cuban government has even engaged in violence against American citizens and Cuban civil society groups outside of the island, as was witnessed during the attacks at the Summit of the Americas in Panama.

There has been absolutely no improvement in human rights in Cuba since President Obama's Cuba policy change was announced. To the contrary, repression has dramatically increased and has now been dangerously buoyed by a senior State Department official, who conceded during a recent interview that "Washington would not first demand human rights progress from Havana" in exchange for a relaxation of the embargo. This clearly contradicts Jacobson's previous testimony about the priority that would be given to human rights in the new Cuba policy.

It is clear that the Obama administration's foreign policy around the world, and specifically in the Western Hemisphere has been short-sighted and counter-productive. Our allies have been left to question the commitments we have made to them, while our adversaries have been emboldened to challenge the U.S. at every step. As the United States' lead diplomat for the Western Hemisphere, Roberta Jacobson has played a central role in that failure.

In sum, Ms. Jacobson has refused to be forthcoming with Congress and has proven to be unprepared to handle significant policy decisions, which have transpired on her watch. We need an ambassador in Mexico City that has the trust of Congress for this important post. I do not believe that Ms. Jacobson is that person and will oppose her confirmation.

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STATEMENT FOR THE RECORD SUBMITTED BY SENATOR RAND PAUL—  
REFERRING TO THE TREATIES CURRENTLY BEFORE THE COMMITTEE

Chairman Corker and Ranking Member Cardin, thank you for the opportunity to discuss the multiple tax treaties that are being considered by the committee.

As you know, I have been a critic of these treaties. Last year when the committee considered these tax treaties I voiced my objection to them because of the invasion of privacy these treaties represent. I do not disagree with many of the beneficial taxation opportunities afforded therein, but these treaties are an encroachment upon our constitutional rights to privacy.

The American right to privacy is perpetually being diminished. Our government is monitoring your email or cell phone, and they're



increasingly monitoring your bank account records—among the most private of an individual’s possessions. Your bank account is the epitome of who you are as a private citizen; a bank account tells me where you’re shopping, what foods you like, the medicines you’re taking, the doctors you’re visiting, and the places you’re traveling. This warrantless compiling of financial data is akin to NSA’s bulk collection of personal information. Tax treaty bulk collection is just as egregious.

At the very least, every American—whether at home or abroad—deserve the right to the Fourth amendment protections guaranteed by the Constitution.

Many of the previous tax treaties were more focused on information specific to suspicions of tax fraud while providing that serious allegations of tax wrongdoing were grounded in evidence. However, the new treaties demand information under a vague new standard that allows the government to access personal financial information that “may be relevant.” Government access to an US citizens bank records, under a much lower and ambiguous threshold, put innocent Americans at risk of having private information exploited.

Of equal concern, it appears that these treaties may end up being the tool that implements a domestic law known as the Foreign Accounts Tax Compliance Act, or FATCA. In short, this bill punishes every single overseas financial institution with a 30 percent withholding tax unless they send the IRS the private records of overseas American bank holders—no questions asked, and no reasonable suspicion or due diligence required.

The Democrats passed this egregious law under the false narrative of catching tax cheats. However, it has led the international community to simply shut its doors and deny banking services to the 7 million law-abiding, innocent Americans citizens with bank accounts who work overseas. Marylouise Serrate, executive director of American Citizens Aboard, noted recently in the *International Business Times*, “many (foreign) banks, regardless of inter-government agreements, seem to be taking a decision that it’s just easier not to provide service to American clients.”

The economic consequences to the US may be even greater. Foreign financial institutions are pushing back and have a message to their domestic customers: divest in US interests. According to American Citizens Abroad, nearly \$21 trillion of direct foreign investments that have flowed into the US are at risk.

The one great flaw in the FATCA legislation is that it is a domestic law seeking to impose rules upon foreign countries. For the IRS, the obvious remedy to entice countries to go along with our domestic laws has been to offer up reciprocal exchanges of private citizen’s information.

In other words, to make FATCA function, the US will require US banks to report on their customers and in return, information retrieved through bulk collection will be transmitted to foreign governments. Someday your government may be sending your private bank account information to a foreign country like Russia. For the American taxpayer, worrying about the tax bulk collection of financial records is probably more than enough.

I want to make the record clear: I certainly do not condone those Americans who have not followed the letter of the law. But I can’t

support a law that endangers regular foreign investment and rounds up US citizen's financial records in pursuit of a few tax cheats. While I want the important benefits included in the tax treaties to be ratified, I have great concerns with allowing these treaties to advance if they will embolden FATCA or fail to provide constitutional privacy protections.

I cannot support a treaty that could pave the way for a law that will permit the IRS to share the information of customers at US banks with foreign governments; nor can I support a treaty that may facilitate the bulk collection of private financial information of all US citizens living abroad.

But most importantly, I cannot support a treaty that has complete disregard for the important protections provided by the Fourth Amendment.

As these treaties advance in the Senate, I will continue to examine ways to protect the Fourth Amendment rights of all Americans, to limit the reach of the "exchange of information" language, and to prevent these treaties from being utilized as the legal mechanism to implement FATCA.

I look forward to continuing to work on this important issue and fight tax bulk collection.

## BUSINESS MEETING

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Tuesday, December 8, 2015

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

The committee met, pursuant to notice, at 10:03 a.m., in Room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Johnson, Flake, Gardner, Perdue, Cardin, Menendez, Shaheen, Coons, Murphy, and Kaine.

### OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. I am going to go ahead and call the business meeting to order and thank all those for being here. And what I thought we might do is go through our opening comments and have them out of the way so when we have a quorum we can move quickly through the—through the calendar if that is all right, Ranking Member.

Senator CARDIN. Absolutely.

The CHAIRMAN. Okay. The business meeting of the Foreign Relations Committee will come to order. We have a number of items on the agenda today, including three pieces of legislation, 10 nominations, and five Foreign Service lists.

The first resolution, S. Res. 189, expresses the sense of the Senate regarding the 25th anniversary of democracy in Mongolia. We want to thank Senators Whitehouse and McCain for their work on this, and congratulate the people of Mongolia on this significant milestone in their country's enduring commitment to democracy.

We have S. Res. 326, which celebrates the 135th anniversary of the U.S. and Romania diplomatic relations. Given the serious challenges that currently face Europe, the U.S., and the world, it is important to show friends like Romania that we support them. I want to thank Senator Johnson and Senator Shaheen for your work on this particular resolution.

We also are going to consider S. Res 320 congratulating the people of Burma on their commitment to peaceful elections. I would like to thank Senators McCain, McConnell, and Durbin for introducing this important and timely resolution. As most of my colleagues know, the Republican leader has played an invaluable role in U.S. policy towards Burma over the years. I also want to thank Senator Cardin, Senator Gardner and their staff for working with on a substitute amendment, one to correct a technical piece in the

preamble, and others to signify the importance of working with Congress on future issues relative to Burma.

Lastly, we are going to consider 10 nominations and five Foreign Service lists today. I realize there are three potential nominees not included on the agenda: Amos Hochstein to be assistant secretary for Energy Resources, Scott Marciel to be ambassador to Burma, and Laura Holgate to be U.S. representative to the IAEA and to the Vienna Office of the UN. We hope to work through some issues we found with these nominees and put them on the agenda as soon as we get back.

And with that, I want to thank Senator Cardin and everybody on this committee for working with us the way they have, and certainly would like to hear his comments.

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

Senator CARDIN. Thank you, Mr. Chairman. I am just looking around to see how many people are here.

The CHAIRMAN. Nine.

Senator CARDIN. I think we are one short, so I will—

The CHAIRMAN. Okay.

Senator CARDIN [continuing.] give a longer opening statement. [Laughter.]

Senator CARDIN. Let me—let me thank you for the way that you have accommodated the nominations, the 10 nominees that we will be taking up, and your explanation. I understand there is still some additional information to the remaining three, and that is certainly very much understandable. And I hope we can work through them quickly and also take action perhaps somehow before the end of this session and still get them through the Congress before the end of the year—Senate before the end of the year.

But I really thank you for your cooperation. I hope that we can accommodate these nominees on the floor of the United States Senate. And with that, let me thank on all three of the resolutions that we have before us. They are very important, ones I fully support, and I congratulate the members who are involved.

And I see we have 10 members.

The CHAIRMAN. Thank you for those brief comments that were made even more brief by Senator Gardner showing up.

First, I would like to consider the two resolutions, S. Res. 189 and S. Res. 326, en bloc by voice vote. Do you have any comments you would like to make on these resolutions?

Senator CARDIN. Well, they are both very important, key progress and key allies that we have, and I urge our colleagues to support them.

The CHAIRMAN. Any other comments by others? [No response.]

The CHAIRMAN. Thank all. If there is no further discussion, I would entertain a motion to approve by voice vote en bloc.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator SHAHEEN. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve S. Res. 189 and S. Res. 326.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. The ayes have it, and the resolutions are approved.

Next, we will consider S. Res. 320. Anyone like to speak to this resolution? Senator Gardner?

Senator GARDNER. Mr. Chairman, this is the Burma resolution?

The CHAIRMAN. Yes.

Senator GARDNER. Mr. Chairman, again, I think what we have watched and seen in Burma over the last several months has been exciting as the election results, I think, overwhelmed even the most studied scholar in Burma. And people are watching the elections, the results I think with great anticipation of what it means over the transition and the seating of the government by April.

Obviously we want to make sure that the tools and the leverage that the United States has is not given away in effect, and it leaves us with no ways to make sure that the transition occurs properly and to make sure that it is put in place by April. And so, I would just express my gratitude to the committee for including language in the resolution that makes sure that consultation and advise and consent of the Senate and Congress is adhered to as we move through this transition period of the election.

The CHAIRMAN. Well, I want to thank you for that very constructive input. And I do not know if anyone else would wish to speak to this?

Senator CARDIN. Mr. Chairman, let me just say as I wear two hats here also as the ranking on the Pacific Southeast Asia Subcommittee. And Burma has made tremendous progress, there is no question about it. And this resolution recognizes that, and I applaud the sponsors of this resolution and for the manner of bringing it forward.

They still have many hurdles ahead of us, as we pointed out during the hearing. And I think the modifications we made in the resolution is a balanced resolution, and I strongly support it.

The CHAIRMAN. If there is no further discussion, I would ask unanimous consent to consider the substitute amendment that includes edits from the chair and the East Asia Subcommittee.

Senator GARDNER. So moved.

The CHAIRMAN. So moved. I would entertain a motion to consider the substitute amendment by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator GARDNER. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the substitute amendment.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. With that, the ayes have it. The substitute amendment is agreed to.

Next, I will entertain a motion to consider the preamble amendment by voice vote. I am sorry, this is just the way we do things.

Senator GARDNER. So moved.

The CHAIRMAN. So moved. Is there a second?

Senator JOHNSON. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve the preamble amendment.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. All opposed? [No response.]

The CHAIRMAN. With that, the ayes have it, and the amendment is agreed to.

Are there further amendments? [No response.]

The CHAIRMAN. Hearing none, is there a motion to approve the resolution, as amended?

Senator GARDNER. So moved.

The CHAIRMAN. Is there a second?

Senator JOHNSON. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve S. Res. 320, as amended.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. With that, the ayes have it. The legislation, as amended, is agreed to.

I will now ask the committee to proceed to an en bloc voice vote in consideration of 10 nominations before the committee: Ebert-Gray to Papua New Guinea, et al., Feeley to Panama; Tagliatela, ambassador to Barbados, et al.; Todd Chapman to be ambassador to Ecuador; Jean Manes to be ambassador El Salvador; Kathleen Hill to be ambassador to Malta; Rubin to be ambassador to Bulgaria; Scott to be ambassador to Serbia; McKean to be ambassador to Luxembourg; and Torres to be deputy director of the Peace Corps.

I want to thank all these nominees for being willing to come into these positions for their—many of them for years and years of public service to our Nation. And, Senator Cardin, I am sure you have some comments.

Senator CARDIN. Well, again, I appreciate the quick manner in which these nominees were not only brought to a hearing, but also action in the committee. And I strongly support all the nominees.

The CHAIRMAN. Anyone else want to speak to these?

Senator COONS. Mr. Chairman, if I could just briefly thank you for working in a bipartisan, collaborative way to move forward these nominees. I was just over at one of our missions in Europe and was reminded again of what the impact is when they do not have a confirmed ambassador. I heard a story of someone from Cameroon was unable to have any productive meetings for a year because we did not have a confirmed ambassador. So thank you for continuing to work on these.

The CHAIRMAN. Well, I want to thank the committee for continuing to work in such a bipartisan manner. And if there are no further discussion on these nominations, I would entertain a voice vote to pass them en bloc.

Senator CARDIN. So moved.

The CHAIRMAN. Is there a second?

Senator JOHNSON. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve the nominations.

All in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. With that, the ayes have it. The nominations are recommended to the full Senate.

And lastly, we will consider five Foreign Service officer lists. I support these appointments and promotions, and would like to thank all these officers for their fine service. Senator Cardin, do you have any comments?

Senator CARDIN. No.

The CHAIRMAN. Any comments by others on the Foreign Service lists? [No response.]

The CHAIRMAN. I would entertain a motion that we consider the list en bloc, as modified by voice vote.

Senator CARDIN. So moved.

The CHAIRMAN. Would someone like to make that?

Senator CARDIN. So moved.

The CHAIRMAN. Thank you. Is there a second?

Senator JOHNSON. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to approve five Foreign Service officer lists en bloc, as modified.

All those in favor, say aye. [A chorus of ayes.]

The CHAIRMAN. Opposed? [No response.]

The CHAIRMAN. With that, the ayes have it, and the appointments and promotions are agreed to. And that completes the committee's business.

I would ask unanimous consent that the staff be authorized to make technical and conforming changes, and member statements. Without objection, so ordered.

The CHAIRMAN. And with that, without objection, the committee will stand adjourned as far as the business segment. And I want to thank you all again for being here and causing this to work so well for all involved. It is much appreciated.

That part is adjourned.

[Whereupon, at 10:13 a.m., the hearing was adjourned.]